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Combating violence against women

Stocktaking study on the measures and actions taken in Council of Europe member States

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CDEG (2006) 3

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Stocktaking study on the measures and actions taken in Council of Europe member States

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Directorate General of Human Rights
Strasbourg, 2006

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Printed at the Council of Europe

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Part 1. The challenge of violence against women

It is internationally recognised that the use of violence against women is a violation of basic human rights. This global problem has been addressed at international conferences (United Nations Conference on Human Rights, Vienna, 1993) and the Fourth World Conference on Women (Beijing, 1995) and has also been discussed within the Council of Europe in different ways for many years. On 30 April 2002, the Committee of Ministers adopted Recommendation Rec (2002) 5 on the protection of women against violence, setting a framework for a comprehensive approach.

The Group of Specialists on implementation of and follow-up to Recommendation Rec (2002) 5 sent out a questionnaire to member states in January 2003 to assess implementation at that time, and thereafter developed a monitoring framework based on indicators and explanatory notes for the purpose of follow-up. In June 2005 the CDEG sent this monitoring instrument to all member states with reply requested by 15 November 2005. The present stocktaking study makes use of the work of EG-S-MV and of the results from its questionnaire in 2003 and the monitoring by the CDEG in 2005. It further draws upon multi-country research assessments of the effective functioning of different measures compiled within a broad-based European research network[1] as well as in-depth studies from numerous single countries.

1. Coordination Action on Human Rights Violations (CAHRV), an interdisciplinary network funded 2004-2007 within the 6th Framework program of the EU, comprising 22 institutional partners and 50 additional individual researchers from a total of 23 European countries, including Austria, Belgium, Bulgaria, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Israel, Italy, Latvia, Lithuania, Netherlands, Norway, Poland. Romania, Spain, Sweden, Switzerland, United Kingdom, FR Yugoslavia.

1.1. Extent of the problem

Despite the increased attention to violence against women throughout the world, and many positive developments in policy and practices, campaigns and activities to combat violence against women and services to support and protect the victims, violence against women in its various forms is still widespread in all European countries.

Since 1995, member states have increasingly commissioned large-scale surveys to measure the extent of violence against women; at least sixteen such studies are currently available.[2] In addition to these national household surveys, the extent of victimisation has also been studied within the health-care system, where the percentage of women with a background of violence is usually higher than in the general population, regardless of the reason for seeking health care. The figures for prevalence, that is the proportion of women in the general population who have experienced acts of violence, vary by methodology, but an overview suggests that across countries, one-fifth to one-quarter of all women have experienced physical violence at least once during their adult lives, and more than one-tenth have suffered sexual violence[3] involving the use of force. Figures for all forms of violence, including stalking, are as high as 45%. More significantly, for women – unlike men, who also encounter a great deal of physical violence – the majority of such violent acts are carried out by men in

2. National representative surveys have been completed and published in Belgium, Denmark, Estonia, Finland, France, Germany, Ireland, Lithuania, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, United Kingdom (England and Wales, Scotland). Data have also been collected on a national level in Bosnia and Herzegovina, Croatia, Czech Republic, Iceland, Slovakia and Turkey, but publications do not exist or are not available in a widely-read language. For an overview see Martinez, M., Schröttle, M. et al., *Report on the state of European research on the prevalence of interpersonal violence and its impact on health and human rights*, 2005, http://www.cahrv.uni-osnabrueck.de/.

3. Definitions of sexual violence vary more widely; the narrowest definitions restricted to rape or forced sexual acts only (excluding attempted rape) tend to identify about 4% to 5% prevalence.

their immediate social environment, most often by partners and ex-partners. Significant numbers of women suffer domestic abuse, defined as a pattern of repeated physical, emotional and sexual abuse that risks or causes fear, distress, and very often health damage. Secondary data analyses now under way in several countries support an estimate that about 12% to 15% of all women have been in a relationship of domestic abuse after the age of 16. Rates of physical and sexual violence by former partners after separation are substantially higher, indicating that the protection of women is not secured when they end an abusive relationship.

The health consequences of violence are serious and reach far beyond the immediate injuries, such as bruises and welts, fractures, lacerations and abrasions, and reduced physical functioning. Common health consequences include: psychosomatic problems such as chronic pain syndromes, eating disorders, post-traumatic stress disorder, phobias and panic disorders, depression and anxiety. Women who have been physically, sexually or emotionally abused are at significantly higher risk for the excessive use of nicotine, alcohol, and psychopharmacological medication. They also need psychiatric care four to five times more often than others, and have attempted suicide five times more often, etc. Their sexual and reproductive health is affected as well: women suffer an increased risk of unwanted pregnancy, foetal injuries, and complications during pregnancy and miscarriage, a higher risk of sexually transmitted infections, and other gynaecological disorders, infertility, and sexual dysfunction.[4]

Research has indicated that witnessing domestic violence and growing up in an environment where violence takes place has a harmful effect on the child's emotional, behavioural and mental health, and increases the risk for children to suffer traumatic stress symptoms, psychosomatic illnesses, deficit attention disorder, and low educational achievement.[5] Further, boys who witness violence against their mother are more likely to become violent against their partner themselves in adult life; girls with this background are more than twice as likely as others to be victims of domestic violence, and four times as likely to encounter sexual violence in their adult lives. Thus, when the society fails to protect women effectively from violence, children will not thrive and the next generation is likely to continue the pattern of gender-based violence.

4. For overviews of the health impact on women see Plichta, S.B., "Intimate partner violence and physical health consequences", *J Interp Viol* 19 (2004) 11, 1296-1323; Campbell, J.C., "Health consequences of intimate partner violence", *Lancet* 359 (2002), 1331-6; Heise, L.L., Ellsberg, M. and Gottemoeller, M., *Ending violence against women*, Baltimore, MD, 1999 (Population Reports, Series L., No. 11); Krug, E.G. et al., (2002), *World report on violence and health*, World Health Organisation, Geneva.

5. See for example Hester, M., Pearson, C. and Harwin, N., *Making an Impact: Children and Domestic Violence: A Reader*, London 2000; Graham-Berman, S. and Levendosky, A.A., "Traumatic stress symptoms in children of battered women", *Journal of Interpersonal Violence*, 13 (1998), 111-128; or Tunstill, J. and Aldgate, J., *Services for Children in Need, Studies in Evaluating the Children Act 1989*, London 2000.

1.2. **The cost of violence**

Gender-based violence has consequences for both the wider society and the individual victim. It causes pain, fear and distress, reduces the capacity of victimised women to contribute productively to the family, the economy and public life, and drains the resources of social services, the justice system, health care agencies and of employers – costs that must be seen both in terms of human suffering and of economic loss. In a broader view, it lowers the overall educational attainment, mobility and innovative potential of a significant proportion of the population: the women who are victimised, the children growing up witnessing the violence, and even the perpetrators who resort to destructive acts are restricted in their potential. A society that tolerates seemingly private violence will be a crippled competitor in the knowledge- and creativity-based economy of the future. Analyses of the costs of violence thus highlight the gains which could result from its reduction and elimination. The high costs of violence underline that gender-based violence is a social, a public and no longer a private problem, and that it urgently needs to be addressed, as society as a whole, governments, individuals, organisations and businesses pay for it.

Methodology of studies conducted in Europe

There are still relatively few European studies on the costs of violence, because they need a foundation in data that describe both prevalence – the number of women affected – and incidence – the number of violent incidents that occur per year and thus call for agency responses; these data are only beginning to be available. Estimates have been calculated for the United Kingdom, Finland, Spain, Switzerland and the Netherlands. Most studies focus on domestic violence against women, defined as the physical, psychological and sexual violence to women by men. While methodological approaches vary, in general three different kinds of information are used: incidence or prevalence rates of violence, rates of how many women sought help at particular services as a consequence of domestic violence, and the costs of these particular services and activities. Based on these figures – the incidence of violence, the frequency of service use, legal and police activities, and the costs of services and activities – estimates of the total cost of violence for a city, region or country are calculated.

Costs of violence occur in a very broad range of areas and sectors: health care, social services, economic output, police, criminal justice and civil legal sector and housing. These categories of costs can be grouped into the two broad types of indirect and direct costs. Indirect (or intangi-

ble) costs and benefits refer to the human suffering, pain and fear incurred by victims of domestic violence, sexual violence, or stalking, as well as the disruption of their lives, e.g. having to abandon their personal effects and social networks while seeking safety, being forced to change jobs or move. Included are long-term effects of acts of violence on victims and perpetrators, such as psychological and psychosomatic illnesses, but also in some studies lost wages and forgone benefits. Indirect costs are very difficult to assess, as the physical and psychological suffering of women, their friends and close relatives and children does not have an objective monetary value in itself. Direct (or tangible) costs and benefits are used to refer to costs which are associated with the provision of a range of facilities, resources and services to a women as a result of her being subject to violence. Hence, a tangible cost results directly from acts of violence or from the necessary responses of social agents who are charged with preventing such acts or mitigating their effects.

Key findings

Yodanis/Godenzi (1999)[6] counted the annual costs of domestic violence against women in **Switzerland** (with a population of about 7.5 million) based on a national survey and official statistical data from various sources. Using a 12-month prevalence rate of 11.3 per cent to approximate the number of incidents each year, they estimated that domestic violence costs the Swiss government 260 million euros[7] (or almost €35 per capita). The most expensive categories were the criminal justice sector (including police, prison and courts) with almost €122 million and the health sector (including hospital care, physician care and medication) with €52 million. The social sector included telephone help lines, counselling and shelters and amounted to costs of €5.8 million. Looking at more detailed categories of cost, highest estimations were police (€56 million), physician care (€52 million), courts and public assistance (around €47 million each). The lowest costs were victim assistance, shelters, crisis support and research. Thus, direct support for victims is the most economical kind of intervention, and if effective, carries a high potential for reducing the social costs in the more expensive areas.

In **Finland**, two studies have demonstrated the very high costs of all forms of violence against women for the state, local authorities as well as the individual victim. One study[8] assesses the monthly direct costs of violence against women (which was found to be predominantly partner violence) in a middle-sized city (pop. ca. 46 000) in November 2001 as observed in the different administrative sectors of the municipality (agencies recorded client contacts that involved violence on data collections sheets). The unit of data collection and analysis was the client contact; thus one and the same client might have more than one contact in the course of one month. The study estimated annual costs of €1.2 million for the city (or €27 per capita), with the social sector (including shelters, home service, services of child welfare, school authority, crisis aid, social work of church, family counselling clinic) producing the highest costs of almost €660 000 compared to the health-care sector (€240 000) (including hospital and ambulance, patient transport and psychiatric and psychological treatment in health-care centres) and the criminal justice sector (€340 000) (with police, trial, prison, prosecution, legal aid office, mediation).[9] Unlike the study in Switzerland, the Finnish does not break down the social sector between services for the victim and the more general work of youth welfare agencies. The projected annual estimate at national level was €91 million.

A second study at the national level[10] estimated direct total costs of around €50 million[11] for the health (€7 million), social (€15 million) and criminal justice sector (€27 million) for the year 1998, based on statistical material related to the activity of the institutions dealing with violence against women, interviews with experts and the national victimisation survey. Indirect costs were estimated at a minimum of €56 million. This translates into €9.60 direct and another €10.70 indirect costs per capita of the entire population.

Walby (2004)[12] calculated the annual national costs of domestic violence against women and men for the year 2001 for **England and Wales**. The analysis combines data on the extent and nature of domestic violence, information about how often do how many women access which services as a consequence of domestic violence, and information about the cost of the provision of such services. All three types of data were derived from various sources such as the British Crime Survey, the service providers, and from previous studies. The total annual costs of domestic violence are estimated at €34 billion,[13] or about €555 annually per capita, of which the costs to the state amount to €4.3 billion and to employers to €2 billion. The human pain and suffering is estimated at €25 billion; another €2.5 billion is borne by the individual victims in terms of lost wages, housing and refuges and cost for civil legal actions. The most expensive direct cost categories are the loss of economic output with an overall of €3.9 billion (women €3.1 billion; men €8

6. Yodanis, C.L. and Godenzi, A., *Report of the Economic Costs of Violence Against Women*, Fribourg 1999.
7. For better comparison, the costs (given in Swiss francs in the study) were converted to euros (1 SFR = 0.648 EUR); all estimates are rounded numbers.
8. Heiskanen, M. and Piispa, M., *The Costs of violence in a municipality*, Helsinki 2002.
9. The low level of costs identified in health care and police is an effect of the method of data collections, since only those client contacts were included where violence was recognised. Unless specific training is instituted, the social sector, addressing the social context of problems, is more likely to identify violence-related cases.
10. Piispa, M. and Heiskanen, M., *The price of violence. The costs of men's violence against women in Finland*, Helsinki 2001.
11. For better comparison, the costs (given in Finnmarks in the studies) were converted to euros (1 FIM = €0.168).
12. Walby, S., *The cost of domestic violence*, London 2004; for the United Kingdom see also Brand, S. and Price, R., *The economic and social costs of crime*, Home Office Research Study 217, London 2000.
13. Here as well the costs were converted to euros: 1 GBP = €1.4657.

million), and the costs of the health-care sector focusing solely on physical health, including GP services, hospitals and ambulance, which are estimated at almost €1.8 billion. The costs of the criminal justice sector including police, prosecution, prison, courts and probation, amount to almost €1.5 billion, of which €718 million are caused by police activities, the largest single component. Almost €460 million accrues to domestic violence cases in the civil legal sector (legal actions such as injunctions to expel or restrain a violent partner, and injunctions in relation to divorce and child custody), and social services dealing with the needs of children amount to €334 million.

Stanko et al. (1998)[14] calculated the costs of domestic violence against women for public services (civil justice, police, medical care, refuge, housing, social services) spent in a regional area (Hackney) in the **United Kingdom** in 1996, using information about help-seeking behaviour of victims of domestic violence and the costs of services provided by the varied agencies, and about incidents and help-seeking for women reporting domestic violence as derived in a survey of women in a GP's surgery's waiting room. Costs amounted to €7.5 million for the borough, the possible cost to each household in this regional area is roughly €235 per year. The most expensive categories were found to be the social services (almost €3.5 million) and the civil justice sector (almost €1.5 million), followed by the health-care sector (excluding hospitalisation and medicine) (€850 000) and the police (almost €800 000).

Korf et al. (1997)[15] estimated the annual costs of intimate partner violence for the **Netherlands** (population about 16.4 million) based on 1996-97 data from different agencies and service providers. Cost categories were police, criminal justice sector, medical and psychosocial care, labour (sick leave) and social security (rent rebates and benefit payments). In total, costs amounted to €151 million, or about €9.2 per capita, with social security expenditures of €62 million and the costs of psychosocial care at €35.6 million yielding the highest cost categories. The cost to the criminal justice sector was estimated at €31; €13 million are due to sick leave from paid and unpaid employment, €7 million can be attribute to the medical care sector, and another €2 million accrue to police activities. The estimates are very likely underestimates, as only women who suffered domestic violence as reported by shelters and registered institutions were included in the database.

The Institute for Women of Andalusia (2003)[16] calculated the annual national costs caused by domestic violence against women in **Spain** for the year 2002 using a 12-month prevalence rate of 13.6% as surveyed in a national representative study and information about service use as derived in a study with 300 victims of violence. In total, the annual costs of domestic violence against women amounted to almost €2.4 billion for the state, the individual victims and employers, or a financial burden of almost €60 per capita of the population. Looking at the different sectors for which costs were estimated, the highest costs were calculated for the loss of economic output caused by absenteeism, reduced productivity, accidents at work, which amounted to €707 million; human and emotional costs amounted to €628 million; and €590 million are spent within the social sector for children. Estimated costs for the judicial sector were €61 million per year, and for the health sector €371 million.

Overall the most commonly cited cost categories were the health-care sector, including hospital and ambulance costs, visits to physicians and medication, and the criminal legal and civil legal sector including aspects such as police, prison, court, prosecution. Further, most studies estimated the costs of (public and/or private) social services, usually including shelters; the scope of this category varied widely between the studies: some included those services activities linked to the needs of children in relation to domestic violence, others specifically estimated the costs of psychosocial care, or of victim services, and some studies included therapy, crisis service, housing services, special social services of child welfare. Further cost categories estimated in the studies were assistance payments to victims and costs for research, and housing and refuges.

Generalising across these studies is difficult given the considerable differences in methodology and scope. Most are, in any case, restricted to domestic violence and do not take account of the later impact of violence experienced in childhood or that of sexual violence outside the intimate partnership. For consideration at the Council of Europe level it seemed advisable to re-calculate the estimated annual costs relative to the population, since this best describes the burden on present and future taxpayers, and also allows for a preliminary transfer of the results to other countries. In the studies located for this analysis, the estimated national total costs of violence against women in relation to the total population ranged from 9.2 to 555 euros per capita every year. As the lowest figure was based only on women who had actually sought out victim support services, it can be seen as an "outlier". The estimate for the United Kingdom is unusually high, due to the inclusion of intangible costs such as pain and suffering, and including services for children and housing. This high estimate may, in fact, be closer to reality in terms of the real and long-term burdens to society, especially for countries in which social services are provided on a broad basis. However, it is notable that when the extremes on the scale are disregarded, the different studies arrive at cost estimates that lie in a range of about 20 to 60 euros for every person in the population per year. Taking a middle value as the best conservative estimate available at this time, a country with a population of 10 million would be facing a financial burden of intervention, policing, health care and services of some 400

14. Stanko, E.A., Crisp, D., Hale, C. and Lucraft, H., *Counting the costs: estimating the impact of domestic violence in the London Borough of Hackney*, London, 1998.
15. Korf, D.J.H., Meulenbeek, E. Mot, and van den Brandt, T., *Economic Costs of Domestic Violence Against Women*, Utrecht 1997.
16. Institute for Women of Andalusia, *The economic and social costs of domestic violence in Andalusia*, Andalusia 2003.

million euros each year from violence against women in the home. For the entire Council of Europe area, the cost of domestic violence alone could thus be reckoned at an annual total of at least 33 billion euros.

However, it must also be said that the human and emotional costs, that is the suffering, pain and fear incurred by women, feed into a wider range of less easily measured costs for society and the victim. Employers and the business sector also have to bear substantial losses caused by the psychological and ill-health consequences of violence against women, such as unpredictable absenteeism from work, reduced productivity, poor concentration, accidents. These affect other aspects of the organisation and business, such as distribution and production, which can result in late delivery, customer dissatisfaction and lower profits. There are considerable costs resulting from long-term diminishment of health status, since women with a history of suffering violence not only require on average more health care, they are more likely to need, for example, the support of their adult children later in life. Not at all included in the calculations are the costs caused by the traumatic long-term-effects of violence to the women, the perpetrator and the children of victims of violence. Unbridled violence against women in the home breaks up the family as a unit, first destroying it within and in time breaking it apart, and as a by-product destabilises or dissolves all of the functions and tasks that families perform for the society as a whole. These functions may or may not be replaced by statutory agencies or charities, depending on the resources of the member state and its economy, as when children are taken into care or older people into residential units. Where these facilities do not exist, children whose families have broken apart may live on the streets instead, or survive by crime or prostitution. The cost to society is just as great as the monetary value of services that can substitute for families destroyed by violence.

While studies have demonstrated the very high cost of violence against women for society, the individual victim and employers, these calculations must still be considered underestimates due to several aspects. Firstly, many victimised women do not seek help, especially during the course of domestic violence. Thus both the indirect and the direct costs are underestimated when calculated on the basis of data concerning help-seeking and intervention. Secondly, violence against women is often concealed behind other social problems and not recognised by the various service organisations; hence there is no secure assessment of the proportion of the activities of an institution that relate to violence. Thirdly, cost estimates focus on particular sectors of institutions that respond to violence or deal with its consequences, but do not cover all components on which there is an impact, such as employers or schools. Therefore, the calculations presented by the research cannot describe the full scope of problem.

Table 1: Cost of violence estimates

Author/Country	Types of violence included	Types of cost/ cost categories	Total costs	Total costs per capita of population
Heiskanen/Piispa (2002), Finland	Violence against women, predominantly partner violence	• Health care sector • Social sector • Criminal justice system	• €1.2 million (for the city) • €91 million (national level)	• €26.9 (for the city) • €17.4 (national level)
Institution for Women of Andalusia (2003), Spain	Domestic violence against women	• Health sector • Social sector • Judicial sector and police • Employment/economic output • Human and emotional costs • Children??	• €2.4 billion	• €58.4
Korf et al. (1997), Netherlands	Domestic violence (threatened or actual use of physical (and psychological) violence at home by a man against his female partner or ex-partner)	• Medical care (GP and hospitals) • Psychosocial care • Law enforcement (criminal justice sector and police) • Employment (sick leave) • Social security (benefit payments/ rent rebate)	• €151 million	• €9.2

Table 1: Cost of violence estimates (continued)

Author/Country	Types of violence included	Types of cost/ cost categories	Total costs	Total costs per capita of population
Piispa/Heiskanen (2001), Finland	Violence against women, predominantly partner violence	• Health care sector • Social sector • Criminal justice system • Human and emotional costs	• €101 million	• €19.3
Walby (2004), United Kingdom	Domestic violence (physical, psychological and sexual violence between current or former partners in an intimate relationship)	• Health costs • Mental health • Social services (children focused) • Civil legal costs • Criminal justice sector • Employment • Housing • Human and emotional costs	• €34 billion	• €555
Yodanis/Godenzi (1999), Switzerland	Domestic violence (physical, psychological and sexual violence by a man against his female partner)	• Medical care • Support and counselling • Victim-orientated financial support • Criminal justice sector • Research	• €260 million	• €35
Stanko et al. (1998), United Kingdom	Domestic violence: abusive and assaultive behaviour between intimates among members of a household and/or between former partners.	• Health sector • Social service • Civil justice and police • Housing and refuge	• €7.5 million	

1.3. **Sources for assessing progress in the member states**

Material for **assessing** the state of measures and 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 published in March 2004. The information from each member state was updated in the first half of 2003; it was provided from different sources such as ministries, institutes or specific committees. Some member states were in the process of legislation or were about to start a process of adopting a new law at that time.
2. Data and material from 38 member states in response to a questionnaire sent in January 2003 by the Group of Specialists (EG-S-MV) on implementation of and follow-up to Recommendation Rec (2002) 5, analysis completed in December 2003.
3. A research-based in-depth analysis of the legal situation and of the effectiveness of legislation in eight European Countries[17] 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[18] by the European Research Network "Co-ordination Action on Human Rights Violation (CAHRV)".
5. Relevant research and documentation published in a variety of European countries.

There is a great variety of legislation on violence against women covering different forms of violence, from psychological or physical assault to trafficking, female genital mutilation, and pornography. Different categories are used, e.g. domestic violence, violence in the family,

17. 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, http://www.cahrv.uni-osnabrueck.de/.

18. Hanmer, J. and Gloor, D., *Good practices and innovative measures within statutory agency and civil society organisation responses to victims of violence across eleven countries*, 2006, forthcoming.

sexual violence, gender violence, and these have different meanings from country to country. Divisions between civil, criminal, public/police and procedural law, legal terms such as "rape", levels of responsibility (national, state/ district, municipal) and jurisdictions differ among the member states. The relative roles of the state and statutory agencies on the one side, the voluntary sector and/or publicly funded non-governmental organisations on the other differ considerably as well. Finally, legislation in Europe is undergoing a very dynamic process of reform and elaboration to address violence, so that any overview will fail to capture some recent changes. Thus, good practice must be seen in context, and the potential transfer be considered carefully. The aim of this study is to assess progress across the Council of Europe as a whole and to point out measures and approaches that seem to be effective and worth consideration in other member states. The focus is on domestic violence, harassment, sexual assault and rape, and on the protection of women and their children.

cases of domestic violence. In Austria, the national Protection against Domestic Violence Act in 1996 included provision for authorizing and funding intervention centres; in Germany and Switzerland the establishment of such centres devolves onto the *Länder* or Cantons. The centre proactively contacts the victims and offers them support (information, help with an immediate crisis plan, safety planning, legal advice).

Evaluation research in Austria and in Germany has shown that many women find the barring order helpful, both in enabling them to separate from a violent partner, and in making it clear even to less severely violent perpetrators that their actions were wrong and will not be tolerated. Furthermore, in the Austrian follow-up study, even women who had initially opposed the barring order said in retrospect that the measure had been helpful. However, it has been found in both countries that the police are less likely to impose a barring order when called to a family the second time, although this is actually an indicator of a more significant level of violence. Furthermore, there is a small group of extremely violent men who disregard such orders and pose a considerable danger both to the woman and her children and to the community. In consequence, risk assessment methods are being developed.

Among the member states innovative practices differ in the following areas:

- length of exclusion,
- the extent to which the state allows victims to influence the interventions which occur
- variations in implementation of legislation
- the intersection of police, civil and criminal justice
- the provision of counselling through police law.

Orders imposing a physical distance to the victim have also been introduced into criminal law. In a few member states (e.g. Portugal, Norway) prosecution authorities can prohibit a person from entering a specific area including ban from staying in his house, "if there is specific reason to believe that the person will commit a criminal act against another person, pursue another person in any other way or disturb a person's peace." (Norway). As yet, such bans have been rarely imposed, as they presuppose evidence sufficient for a prosecutor to act.

Protection orders

There have been developments in civil protection order legislation in the member states, e.g. Switzerland, United Kingdom, Northern Ireland, Germany, Austria, Slovak Republic, France, Luxembourg, Belgium. In the main, there are two types of orders available: occupation orders, which regulate the occupation of the family home, and non-molestation orders for protection against all forms of violence and abuse. Legal requirements and consequences differ in the member states.

Non-molestation orders can be issued by the courts (mainly civil courts) on application, and can prohibit a person from making contact or coming close to another person and/or any relevant child; they frequently, though not always, also bar contact within specified areas. In Ireland the District Court has the power to issue such orders (safety order as a form of a non-molestation order) for up to five years. The evidence at least for temporary injunctions usually refers to the balance of probabilities that violence has occurred, and thus requires a lower level of proof than in the criminal justice system. Theoretically, these measures need not be restricted to domestic violence; a woman who feels threatened by any type of violence (including, for example, stalking) might ask the court to order that person not to molest her; this seems to be the case in Norway. The Netherlands permit a non-molestation order at the preliminary hearing in rape and assault cases, so as to protect the victim until the trial. However, in most countries a close or domestic relationship is prerequisite for such orders. Civil court protection outside intimate relationships is most likely to be introduced when there has been specific legislation against stalking.

An **occupation order** regulates the parties' occupation of their common home. An occupation order can be issued in various forms, for example enforcing the applicant's right to remain in the house or restricting the respondent's right to occupy and/or re-enter the house. Requirement is often to show that cohabitation is intolerable due to bodily or mental violence or threat of such violence against a spouse; this is frequently, but not always, extended to protect any close person sharing a common household.

In France the family court may order any emergency measures which it deems necessary, if "one of the spouses seriously neglects his or her duties in such way as to threaten the interests of the family." Sometimes the civil court can authorise the couple living separately only in the context of divorce proceedings (e.g. Slovenia, Cyprus.)

In Ireland health boards are also empowered to apply for both types of orders when a person could apply in their own right, but is deterred through fear or trauma from doing so. The consent of the person is not necessary, although consultation is required.

Some member states presented a draft law on civil protection orders at the time the questionnaire was sent (e.g. Croatia, Bulgaria). In the Italian draft law, the woman can also demand that the police arrest her partner if she initiates criminal proceedings, while if she starts a civil action she can ask for precautionary measures and for a restraining order for a husband or partner, preventing him from visiting the family house as well as any other place she frequents regularly in everyday life.

Research on protection orders indicate that in many countries, they are in fact difficult to obtain. In the United Kingdom, for example, the cost of gaining a protective order is prohibitively high (more than 2000 euros through a solicitor), and legal aid is largely not available to women in employment. Swedish evaluation

indicates that only half of the applications by women seeking protection from a violent husband were granted; in Austria, it has been shown that the success rate is higher when victims are supported by advocacy services or by a lawyer.

Recent evaluative research on the national level in Germany showed that many protection order cases are closed with a settlement or withdrawal of the victim's application, and only a minority with a decision of the court. By contrast, a case analysis in a German *Land* with a developed structure of inter-agency co-operation found that only very few cases were dismissed and most went to court. Applications for the quicker judicial procedure of an interim injunction were also much more successful than in the national average, and it took the court an average of two days to make its decision. Current research thus indicates that women not supported by advocacy services or by a lawyer are less able to make actual use of their legal right to protection. Established inter-agency cooperation structures can offer support to victims and at the same time make the judicial system significantly more effective.

Research in different countries indicates that many police authorities have no procedures established in case protection orders are breached, or that penalties are so low as to have no deterrent effect. Thus, although protection orders meet the standard set by Recommendation Rec (2002) 5 that all policies be based on empowerment of victimised women, effective implementation is often lacking.

In sum, civil protection orders show a range of variation across member states. These include issues such as:

- The level of evidence required to gain an order
- Extension of the relationship criteria for access to an order
- The length of time for which orders can be issued
- The existence of emergency orders
- The period of time within emergency orders have to be issued
- The level of evidence and presence of parties required to gain an emergency order
- The relationship of civil orders to criminal prosecution
- The punishment for breaches of the order.

2.2. **Safety measures, services and support**

Police eviction or arrest of perpetrators and court protection orders are temporary measures only, and they do not deter the most seriously violent men from life-threatening attacks. Women have been killed by men who were enjoined by the court or the police not to come near them. Legal protection measures are furthermore not available to all victims, especially when the violence is psychological or sexual, or in the face of frightening threats. In any country or region where the police are understaffed, undertrained or insensitive to gender violence, these legal measures will have only limited usefulness. Criminal prosecution takes some time and often places the victims in jeopardy while the case is being prepared for trial. Even where evidence has been collected, prosecution is still likely to fail if the victim is prevented from testifying by continuing violence or threats, or by social pressure. In some cases of sexual assault, it can be difficult to identify the perpetrator or prove the violence. Thus, improved police service and criminal justice involvement, although vital to basic human security, are not sufficient to secure the protection of women against violence; services ensuring the safety and support of the victims are essential.

Representative national surveys across countries show that both sexual assault and physical or emotional violence occur most often within the home and thus frequently escalate at night or on the weekend. Thus, a prime requirement for safety is ensuring the immediate access (24/7) to accommodation for women with their children when they are no longer safe in their home. Temporary housing alone, without qualified support, will not empower the victim of violence to claim her basic rights. Women who have been victimised face multiple and interlocking problems related to their health, financial survival, safety outside the home and well-being of their children. In countries around the world, the most effective and cost-efficient form of service provision for immediate needs is ensured by having specifically trained professionals (or trained volunteers) work within accommodations that are designed to meet the safety needs of victimised women. Even when temporary housing is not needed, as often the case with sexual assault and rape outside of domestic abuse, medical examinations and care as well as psychological support should be available.

For all forms of violence, further services are necessary beyond the immediate crisis. Safety planning is needed if the perpetrator is (or will be) able to pose a threat; advocacy is needed when the perpetrator is to be prosecuted or the woman needs support to claim her legal and social rights; health consequences of violence have an impact far beyond the immediate injury and require knowledgeable care; the needs of the children who witnessed or suffered violence need to be met and their safety ensured. All studies confirm that rape, in particular, has a long-term impact, and victims often seek specialised counselling several years after the event.

Responding to these needs and offering the necessary support to victims can be the task of specialised services or that of general policing, social and health care, when professionals have been educated to recognise violence and its effects. In either case, the services must be distinctive and recognisable to victims. Where proactive intervention has been introduced to offer women information and counselling after police intervention in the home, these centres often function as advocacy services for other women as well. In many countries, the refuges for battered women also offer not only follow-up support but also early response to women, who may thus avoid a crisis. Sweden has established

a national centre for battered and raped women in the women's hospital in Uppsala, which offers both safety and crisis intervention as well as follow-up and outreach, and is also very active in educating professionals in the fields of health and social work.

The first monitoring of Recommendation Rec (2002) 5 by the CDEG in 2005 shows that most countries recognise the need for shelters for abused women, although the number of places varies greatly and the geographical distribution within the country is often inadequate, so that many women do not, in fact, have access to them when in need. There are still member states that provide only space within housing for the homeless or other general emergency accommodations. While many western and northern European countries now have wide coverage with specialised services that may be run by an NGO or charity but are partly or wholly funded by the state, in eastern and south-eastern Europe shelters and services are sometimes funded solely by international donors. Such funding is typically time-limited, leaving the continued existence of the shelter or service uncertain.

Fewer than half of the member states replying to the monitoring framework have specialised services for victims of sexual assault that ensure either documentation and medical care, and even fewer confirm that such immediate assistance is available in sufficiently wide geographical distribution. In some countries rape crisis centres are organised by NGOs that make an effort to ensure that victims receive good care. Funding for a national telephone helpline is provided in Austria, France and Ireland. Overall the data point to an alarming deficit in appropriate services for victims of rape in most European countries.

2.3. **Perpetrator resocialisation**

While treatment programmes for sexually violent men in and after prison have a longer history, programmes for men who are violent in close adult relationships are a recent development and still quite scarce in Europe. Unlike repeated sex offenders, these men were not seen as a threat to public safety. Only recently has the high cost to society of the failure to intervene and to change the behaviour of perpetrators begun to be recognised. Addressing perpetrators is an important measure towards the safety of victims and prevention of further victimisation.

Programmes for perpetrators of violence within the family have developed slowly, and they often work in relative isolation. There is a national network of programs in the United Kingdom and Ireland, but no network on a European level. At the CDEG seminar in November 2004, specialists from nine countries agreed on a prime need to establish such a network to improve the quality and effectiveness of their work.

In a few countries (e.g. Ireland, the United Kingdom/Scotland, Norway, Germany) perpetrator programs have existed for more than 15 years. In most other countries, this work began after 2000, and only 17 of 29 countries indicate that such programmes exist at all.

In November 2005 the French Minister for Social Cohesion and Parity nominated a psychiatric doctor to head a working group on taking care of perpetrators of violence within the couple; on the basis of the report submitted in March 2006, the minister decided to set up an "evaluation group on the follow-up to men perpetrators of violence" within the National Commission against Violence against Women, and to launch experiments on how to take care of these men.

There has been controversy about whether perpetrator treatment should be framed as resocialisation (cognitive behavioural modification) or therapy (addressing deeper psychological problems), and whether participation should be court-mandated or voluntary. Programmes differ in how they define their work, but the reality shows considerable overlap both in their methods and the referrals.

It has been established by evaluation research that court-mandated participation with a possible sanction for non-attendance reduces the typically high drop-out level and achieves some positive changes in attitudes and behaviour. Most experts agree that men who are violent to intimates have, at first contact, little or no sense of wrongdoing and low intrinsic motivation to change. Self-referral to programs against domestic violence usually occurs under threat of sanctions, for example by the partner, youth agencies or even employers. On the other hand, men who enter a programme under pressure from the court or prosecutor can develop a motivation to change during the program, and may in time become "voluntary" participants. There is wide agreement among experts that both mandated participation and self-referral should be provided.

The purpose of perpetrator programmes is preventive, and they should be seen as services towards protecting women from violence. The risks to women must be addressed, and an authorised perpetrator programme should always include careful monitoring of this risk. For the work with perpetrators to be successful, it is essential that refuge accommodation and support services be available to the victims, and that cooperation with women's services and other agencies is ensured.

In general, programmes are more successful in stopping physical violence than in stopping other forms. Different programmes also seem to reach different target groups in terms of social class, personality profile and other characteristics. Very little evaluation has taken place, and what there is records, at best, (modest) progress during the course of the program, but has not yet addressed medium-term outcomes, for example after 12 months.

In the United Kingdom, as part of the National Plan of Action, the National Probation Directorate has adopted a standardised domestic abuse programme to be run throughout England and Wales. Although

experts have voiced doubts about accrediting a unified approach without prior evaluation, with this measure the government does take explicit responsibility for changing the behaviour of violent men as a priority. Probation will, however, only apply to the small segment of men actually convicted.

2.4. **Intersections with child protection**

Awareness that violence against women also harms children is of recent date. The threat to child welfare is threefold:

- Where there is violence towards the mother, children are more likely to suffer direct violence, and mothers coping with abuse are less able to protect their children. Correlations have been confirmed in several countries between abuse of women and all kinds of child maltreatment, physical, emotional, sexual, and by neglect.
- A child who witnesses violence towards the mother, whether directly (as an eyewitness) or indirectly (as in hearing violence from the next room or observing the mother's fear and distress) is emotionally burdened and sometimes traumatized.
- Boys who witness male violence towards the mother are more likely to be perpetrators later in life, girls witnessing such violence are more likely to become victims.

Refuges for women established by NGOs recognised the need for specific services for the children at least 25 years ago, but the provision was often seen only as temporary supervision until the woman could be rehoused. Studies in the United Kingdom, in Sweden and in Germany have found that, until awareness-raising was implemented, child protection agencies – in both the statutory and the voluntary sector – predominantly failed to identify domestic abuse in child welfare cases even when such information was present in their files. Social workers may even believe that the violence of a father against a mother is not relevant to the welfare of the child.[2] Yet a consistent research finding shows that violence often increases when a woman seeks separation or divorce. Thus, there is need for training in risk assessment.

Almost all member states claim to offer protection and assistance to children witnessing violence against their mothers. This contrasts sharply with research results in selected countries; possibly the question was understood to refer to child protection services in general. Within refuges, support for the child depends on the mother's seeking help and the duration of her stay. Outside refuges, specifically trained services supporting children who witness domestic violence are rare.

To reconcile the right of every individual to safety with the child's right to contact with the father, supervised contact after separation or divorce has been introduced in some countries, and guidelines are being developed. It must be noted, however, that this requires the presence of qualified professionals, and courts have been reluctant to order it even when violence against the mother is documented.

2. See Mullender, A., *Reducing domestic violence: what works? Meeting the needs of children*, Home Office Crime Reduction Research Series Briefing Note, London 2000; Eriksson, M., et al., *Tackling men's violence in families*, Bristol 2005.

Part 3. Measures to deter and punish violence against women

3.1. **Penalisation and prosecution**

Domestic violence

Most member states do not have specific legislation on domestic violence or violence against women. It is covered by general provisions of the criminal law (e.g. Armenia, Malta, Germany, United Kingdom, Czech Republic, Croatia, Greece, Latvia) and mainly punished under the section of violence against a person (e.g. Malta, Romania, Estonia, Hungary), penalising injury to a person's life, health, and physical integrity, freedom and dignity. Where provisions have been added, the intent was to ensure that violence will be considered *equally* serious within the family as it is outside.

In some countries, penal legislation provides for punishment of domestic violence under family-related offences, e.g. "Law on Counteracting Family Violence" (Poland), "Crimes against the family and children" (Lithuania), "Offences against family relationships" (Denmark). An example is the provision "Anyone who inflicts ill-treatment of a physical or physiological nature on a member of his/her family, a person permanently or temporarily in his/her care or a minor … is liable to imprisonment from between three months and five years." (Article 207 of the Polish Criminal Law). A few member states have passed specific legislation on violence against a spouse, a cohabiting partner, or a "close person" (Slovak Republic). Some laws punish the physical or psychological ill-treatment of a spouse, minor or disabled person (e.g. Portugal), or punish minor bodily harm and grievous bodily injury (e.g. Bosnia and Herzegovina). Many of these laws also follow the pattern of ensuring that abuse shall not be ignored or excused because it happens in the family context.

Other legislative changes, by contrast, aim to punish violence *more* severely when it occurs within the family or against an intimate partner or spouse. In some member states the law foresees a higher sentence when an offence has been committed against a spouse or partner (e.g. Luxembourg, France). The Polish Criminal Code specifically addresses domestic violence cases. Article 207, point 1 of the criminal code states that perpetrators of domestic violence may be imprisoned for between three months and five years. This may be raised to up to ten years if particular cruelty is used, or up to twelve years if the victim attempts suicide (Article 207, point 2).

The "Violence in the Family" law in Cyprus explicitly states that violence within the family is an aggravating factor leading to a more severe penalty than for other forms of violence punishable under the common Criminal Code. It further states that any act of either physical or psychological violence committed in the presence of a child of the family is considered as violence against that child, likely to cause psychological injury, and is a serious offence in itself. All government employees such as police, social workers, teachers, even doctors, psychologists and psychiatrists have an obligation, when domestic violence comes to their attention, to submit a report within seven days to the Attorney General, who may initiate prosecution. When violence is exercised in the presence of the children, the wife is required to give evidence under the threat of being prosecuted herself.

A third legislative approach has been to adopt specific legislation on violence against women, thus shifting the focus from the family to the *gender* base of violence. In Sweden the law defines "Gross violation of a woman's integrity" as repeated punishable acts directed by men against women with whom they have, or have had a close relationship. If a man commits certain criminal acts, such as assault, threats, or coercion, as part of a series or a course of conduct, he can be sentenced for gross violation rather than for the single offences. It must have been done repeatedly and intended to damage seriously her self-confidence.

A new law in Spain came into force in 2004 (Organic Act 1/2004 of 28 December on "Integrated Protection Measures against Gender Violence"). This amendment of criminal law is the widest regarding violence against women in Europe. It covers and highlights typical forms of domestic violence, it regulates the dangerous aspect of carrying weapons in the domestic area and it deals with the treatment of perpetrators. Specified injuries incur a prison term of two to five years if the victim was or had been the wife of the aggressor or shared an analogous intimate relationship, with or without cohabitation. A custodial sentence may be replaced only by community service, and this is to be accompanied by attendance at specific re-education and psychological therapy courses. Furthermore, a perpetrator who receives a custodial sentence or community service will be deprived of the right to have or carry any weapons for one to three years.

In Turkey the Law for the Protection of the Family aims at eliminating violence against women and especially preventing violence within the family. The law entered into force in 1998. It introduced some protection orders that will be determined by the family courts upon complaint by abused women and children or upon an application by the public prosecutor. Victims of violence or third parties can apply to the public prosecutor to take necessary measures. In order to protect the victims and other members of the family, the law also states that a party perpetrating domestic violence must stay away from home or the workplace for a defined period of time. This protection order aims to keep parties out of each other's sight and hearing. If the security forces find that a perpetrator fails to comply with protection order rulings, the court may impose a prison sentence of between three and six months.

Generally, it can be said that there is an overall trend towards legislation that punishes domestic violence more strongly than in the past, and expects the public prosecutor to initiate proceedings *ex officio*. There is, however, little monitoring of the actual proportion of cases thus prosecuted, and there is only very little mention of protective measures for the victim whose testimony is needed as evidence. Raising the penalty on crimes that are widely perceived as a part of everyday life may mean that only the most extreme cases are prosecuted, especially when there is no corresponding effort to empower the victim and ensure her safety during extended judicial proceedings. The links to protective measures must be articulated if criminalisation is to be effective.

Sexual violence

Legislation in the member states differs widely on the definitions both of rape and of sexual assault, and on the conditions under which it is prosecuted. The traditional definition of rape still obtains in much of Europe:

- In some countries the crime is completed only at the time of vaginal sexual intercourse (e.g. Latvia) or as sexual intercourse with a person of female gender (Romania, Turkey) which specifies the gender and excludes other forms of sexual abuse.
- In some countries rape has to be compelled by force or threat to have sexual intercourse, which exclude rape of a person who is not in the position to offer resistance (e.g. Armenia, Slovenia)

Legal reforms have broadened the *definition* of what is punishable in various states. Rape is now defined in Luxembourg, for example, as any act of sexual penetration, of whatever kind and by whatever means, committed against another person by the use of violence and threats or by trickery or artifice or by taking advantage of a person who is not in a position to give free consent or to offer resistance. In the Netherlands the old term "sexual intercourse" was replaced by the phrase "sexual penetration of the body".

There are also wider definitions to punish many possible forms of sexual abuse. Polish law does not specify the gender of rapist or victim and covers rape in marriage, homosexual rape and rape of prostitutes. Other wide definitions include

- Both sexes as victims and offenders, e.g. "anyone who forces … another person", or: "any person who compels a person of the same or opposite sex" (Slovenia)
- Penalisation of any form of penetration of the body, including the use of objects, as in the 1997 German law, where it is also an aggravating factor when the rape is "committed jointly by several persons"
- Different forms of "forcing" a victim, e.g. Luxembourg: "by the use of violence and threats or by trickery or artifice or by taking advantage of a person who is not in a position to give free consent or to offer resistance", or Portugal: "by means of violence, serious threats or having rendered a person unconscious for his purpose or having made it impossible for that person to resist"
- The same aspects for acts of sexual abuse taking place without penetration.

Another approach to reform is to focus on lack of *consent* rather than on use of force. This can potentially shift the burden of proof to the person who acted recklessly without regard to consent or used other forms of pressure than physical force.

In some countries the definition of rape requires that the victim has not consented to the sexual act (e.g. United Kingdom).

Under the Sexual Offences Act, 2003 (SOA) in the United Kingdom it is still the case that the prosecution must prove the absence of consent. However, this Act does differentiate six categories where consent is presumed to be absent, unless there is sufficient evidence that the defendant reasonably believed that the victim consented, and two categories where consent is conclusively presumed to be absent.

The United Kingdom Government is considering a range of measures to try to improve conviction rates in rape cases, and will be launching a consultation exercise in the near future. One of the areas to be looked at is whether there is a need for fur-

ther clarification of the law in relation to capacity to consent. At present there is no statutory definition of what constitutes capacity.

In the Netherlands there have been similar developments around consent and the need for a perpetrator's "reasonable belief" of victim consent.

Although research has shown that a major proportion of rape or sexual assault is committed by a husband or partner (the 2001 British Crime Survey found 45%) rape within marriage is not a crime in every member state.[1] It has been recognised in law in Austria 1989; United Kingdom 1991; Switzerland 1991, though not until 2003 did it become a state offence; Netherlands, 1992; Germany, 1997; France, 2006. Twelve countries in Europe have now removed the rape in marriage exemption.[2]

There are still hindrances in effect. In France – until the entry into force of the 2006 Act on strengthening the prevention and the punishment of violence between couples or against children – the traditional presumption that any sexual act within a marriage is lawful was only partially lifted in case-law, deciding that the presumption can be refuted by proof to the contrary by any means whatever. In some countries the victim's consent is required to open the prosecution (e.g. Czech Republic), or she may actually have to instigate prosecution (Romania).

Overall, considerable progress has been made in Europe from the traditional view that condoned any kind of sexual use or abuse of a wife by her husband as his "conjugal right". While women rarely lodge a complaint against a husband or current partner with whom they are cohabiting, penalising rape in marriage is of particular importance in the context of separation and divorce. It can also play an important part when prosecuting an overall pattern of abusive behaviour in court. Thus, penalising rape in marriage remains a key element of the protection of women from violence.

1. Almost all states replying to the monitoring framework said that sexual assault in marriage is penalised, but in some states, this is true only with considerable restrictions, and the assault is not punishable as rape.

2. Regan, L. and Kelly, L., *Rape: still a forgotten issue. Briefing document for strengthening the linkages*, London 2003.

3.2. **Attrition and diversion**

The criminal justice system can only function to deter and punish violence against women if all cases are recorded and investigated and a significant proportion of cases are actually prosecuted. The statistics in this area are generally poor, and to the extent that data exist through research, they show that, for both sexual violence and rape and for domestic violence, there is substantial under-reporting, and only a very small proportion of the recorded cases ever go to court, of which, again, only a minority are actually punished. This is true in countries that have mandatory prosecution *ex officio* as well as in others.

Attrition is perhaps the key concern when exploring the efficacy of a legal framework in addressing violence against women, including rape and sexual assault. Throughout Europe, high levels of attrition are found across all forms of violence against women. In Germany, a study of preliminary proceedings in two different prosecution authorities found that the majority of domestic violence cases were dismissed. In 95% and 81% of cases no court action was initiated. A case dismissed in this way has no legal consequences for the accused. There was a significant connection between the decision of the victim to be involved in the criminal proceedings and the outcome of the case.[3] A standard procedure in the public prosecution services has been to refer cases of domestic violence to private prosecution, thus sending a message that prosecution is not a public concern.

Similarly, with rape and sexual assault, it is the implementation of the law which throws into stark relief the innumerable ways in which women's rights to protection and support in the aftermath of violence and abuse are violated. Comparative data on reporting, prosecution and convictions for rape from Justice Ministries in all European Union member states as well as Norway and Switzerland show that the conviction rate has fallen in most countries since the 1970s. England and Wales, Finland, Ireland, Scotland and Sweden show increasing attrition with increased reporting. Only Germany documents both an increase of reporting and a corresponding increase in prosecutions and convictions over time. Perhaps more significantly, the majority of countries have incomplete data and thus cannot monitor the justice system responses to reported rape even on a basic level.[4]

Finally, recent laws with the intent to combat violence against women sometimes combine a broad and comprehensive definition of violence with strong penalties appropriate for severe physical abuse. The probable result of such a combination will be non-application in all cases that do not fit traditional perceptions of "appropriate" punishment relative to the visible harm done. The Polish Criminal Code specifically addresses domestic violence cases. Article 207, point 1 states that perpetrators of domestic violence may be imprisoned for between three months and five years. This may be raised to up to ten years if particular cruelty is used, or up to twelve years if the victim attempts suicide (Article 207, point 2). While the definition of domestic violence is broad, in practice, the Law on Counteracting Family Violence (2005) is used only where there is serious physical injury. This may change over time, but there is also a risk of laws existing only on paper.

While it is important to remember that the criminal justice system is only one of the options to which women need access, it is nonetheless

3. Hagemann-White, C. et al., *Staatliche Intervention bei häuslicher Gewalt*, http://www.wibig.uni-osnabrueck.de/.

4. See note 1, p. 21.

useful to focus on potential solutions such as acknowledging the seriousness of such abuse through the use of aggravated offences, specific criminal provision, more effective links between the civil and criminal legal structures, focused provision such as specialised courts and more effective support in navigating the complex legal systems.

3.3. **Sexual harassment and stalking**

A few member states now have specific legislation on sexual harassment (e.g. Luxembourg, Germany, United Kingdom); some define harassment broadly, as in the "Protection from Harassment Act" in the United Kingdom. In general, however, the point of reference is the workplace. In some countries such as Austria, the Czech Republic, France, Norway and Slovenia, provisions against harassment are included in the laws on conditions of employment and workers' rights. In other countries, there is a section on sexual harassment in gender equality law (Belgium, Denmark, Iceland, Ireland, Sweden, Switzerland). Combining both approaches is rare. It is the case in Lithuanian law, where provisions against sexual harassment and harassment on the grounds of sex appear both in employment legislation, including the Labour Code, and in gender equality legislation. The Law on Equal Opportunities for Women and Men introduces provisions against harassment and sexual harassment as a horizontal provision and covers much more than equality in employment. Furthermore, both the Administrative Code and the Criminal Code include sanctions for sexual harassment.

Criminalising harassment at work is only effective if an employee who speaks out is safe from reprisals. Only some of the laws spell out the employers' responsibility to create an environment free from harassment and forbid sanctions against an employee who complains (e.g. Luxembourg). Some progress can be observed. The early (1992) French law punished only the abuse of employers' authority to obtain sexual favours; since 2003 harassment by co-workers is also covered, the burden of proof has been shifted to the employer, and mediation has been abolished; the most recent developments are that action against sexual harassment now covers candidates for a job or a training course, as well as trainees, and that sexual harassment can come from anyone within the company, including colleagues and subordinates.

In Ireland, the Employment Equality Act prohibits all discrimination, and provides for statutory codes of practice admissible in evidence, with guidelines for employers, trade unions and employees, and a complaint procedure to the Equality Tribunal, while the Equal Status law covers harassment in other areas such as education.

A few member states have adopted a specific law against stalking (e.g. Netherlands, United Kingdom, Sweden, and Belgium) or integrated provisions within more general laws on violence (Germany). It can be subsumed under harassment where the concept is more broadly defined, as in Ireland.

Studies have shown that stalking is frequently perpetrated against a current or former intimate partner. To address it under criminal law, the offence must be defined as a course of conduct or series of actions that may differ in kind. The infringements on a woman's personal integrity, taken as individual incidents, may seem no more than a nuisance, but as a series, they constitute systematic intimidation and often the constant presence of threat and the danger of escalation into life-threatening attacks. Developing laws that penalise such course of conduct is an innovative process, and further exchange of the experience with such laws as well as monitoring of their implementation is needed.

3.4. **Role of advocacy**

Advocacy for victims was historically the first step to recognition of violence against women as a problem for society, and has been the source of much of the knowledge now available for policy, intervention and education. Services that advise and support victims today may be located within social, psychological, or health care agencies, but women's NGOs still play a major role. Advocacy services are usually not formally linked to the criminal justice system, but have proven highly relevant to justice. Although there is room for improvement in the collection of other evidence by the police, prosecution is frequently difficult and sometimes impossible if the victim is unwilling or unable to testify. Obstacles to this can lie within the procedural rules of the courts: many victims of rape choose not to testify out of fear of public humiliation during court proceedings. They can also arise from fears for personal safety, as is often the case with domestic violence, or scruples about bringing criminal law to bear on family relationships.

Recent research in the United Kingdom and the Netherlands demonstrates that advocacy is an essential and effective means of supporting women experiencing domestic violence throughout the criminal justice system and helping to prevent attrition. Women who receive support from specialised advocacy services are more likely to give evidence and more satisfied with the legal proceedings.[5] This is true of other institutional procedures as well: the ability of agencies to respond to women who have suffered violence is enhanced by the specialised knowledge and skills of advocacy services.

5. See note 17, p. 12.

Part 4. Approaches to linking different legal frameworks

4.1. **Linking criminal law and protective measures**

In member states where both protective and the punitive legal measures addressing domestic violence are available for women, they are often not linked with each other. Recent developments have tried to develop such links. For example, in the United Kingdom the Domestic Violence, Crime and Victims Act, 2004 makes the breach of a protection order a criminal offence and not the civil offence of "contempt of court" (enacted 31 March 2005). This Act also extends the availability of restraining orders under the Protection from Harassment Act (1997). This will allow a court to place a restraining order on a defendant even when they are acquitted of a criminal offence, in order to protect their victim. This innovative order aims to protect victims by allowing the use of evidence before the criminal court that would normally only be admissible in civil courts. The maximum penalty for breaking such orders is five years' imprisonment.

In Germany the Protection against Violence Act (2002) also made the breach of a non-molestation order a criminal offence. The maximum penalty is one year imprisonment. A further measure linking prosecution and protection is the establishment of specialised domestic violence courts. In some legal systems, such as that of Cyprus, the same court can decide both civil and criminal measures.

In many countries, however, criminal and civil law are still perceived as not only distinct, but also mutually exclusive. Objections to introducing a barring order have often been raised on the grounds that it would only operate where a criminal offence has *not* been committed, since otherwise the police would protect the woman by arresting the perpetrator. This fails to consider both the limited duration of arrest or detainment in custody for low-level crimes such as assault, and the different levels of evidence needed for protective action against probable danger vs. solid proof in criminal court.

However, the separation of the civil and criminal legal systems is enduring and complex. The steps taken to improve cohesion and communication across the two areas are an important beginning, but the current lack of holistic thinking across several areas of law including immigration and child protection remains an area of significant concern.

4.2. **Linking penalisation of domestic violence and child contact regulation**

In many countries, there is no link between measures taken against a man who is violent in the home and the procedures and standards applied in deciding on child residence and contact arrangements. Especially in member states that have moved towards a normative standard of joint custody after divorce, the issue of domestic violence has not been addressed in a systematic way. Thus, a barring order evicting a violent man from the home, or a non-molestation order, or even criminal proceedings against the perpetrator of violence, are not regularly and automatically considered when youth welfare authorities or family courts decide on child contact. The results can be diametrically opposed, as when the man is prohibited from taking up contact with the abused wife, while she, as a mother, is required to contact him directly and arrange for him to have (unsupervised) time with the children. In such cases, the child contact requirements directly contravene the barring or non-molestation order. In a study of the Swedish Children's Ombudsman, courts were *more* likely to order joint custody in cases where violence was mentioned as in cases when it was not.

This is both an institutional problem, since youth and family welfare agencies have not been responsible for the protection of women against violence, and a tension within the effort to achieve more gender equality, since measures to involve fathers in active parental care are difficult to reconcile with the protection of

women from violence by the father of their children. But it is also a contradiction within children's rights: The UN Convention on the Rights of the Child guarantees both the child's right to freedom from violence (including, if properly understood, freedom from being forced to witness violence in the home) and the child's right to maintain contact to both parents. Furthermore, the child's right to contact, which implies the right to non-contact if the parent in question causes fear and distress, is often interpreted in practice as a right of the parent to see the child. Thus, fundamental issues are raised at this intersection, and innovative policies are needed to address them.

A High Court decision in Germany has underlined the priority of child welfare over contact with a (violent) father. The Spanish law on "Integrated Protection Measures against Gender Violence" takes account of to the connection between domestic violence and child protection in providing that a violent parent, "when the Judge or Court deems it to be in the interest of the minor or incapacitated person, (can be) disqualified from the exercise of parental authority, guardianship, custody or foster care for a period of six months to three years". Both courts and child welfare agencies should be required to weigh the risk of further violence when ordering unsupervised child contact with a father who has exercised violence against the mother; guidelines and training are needed to enable them to assess the risks. No child should be compelled to have contact with a parent who has behaved violently.

4.3. **Linking domestic violence measures with immigration law**

In most European countries, women who have entered the country by way of marriage cannot leave an abusive partner within the first two years without losing their residence permits and/or their rights to any social or welfare benefits. In some locations, even emergency shelter and counselling are denied to women without independent residency status or to women seeking asylum. This is in clear conflict to Recommendation Rec (2002) 5, where it is stated that all women should have access to protection and support.

Some countries have taken steps to reconcile every woman's basic human right to protection from violence with the restrictions of immigration law by introducing exceptions or concessions for victims of domestic violence (France, Germany, Sweden, United Kingdom). Research indicates that these rules have not yet been developed to cover the variety of situations in which they are needed. For example, in the United Kingdom women who have entered the country to join a resident partner still require that partner's support to apply for permanent residency. If, because of this difficulty, they overstay their two-year probationary period without securing permanent residency, the domestic violence rule no longer applies and they risk deportation. Exceptions in cases of domestic violence in Germany and in Sweden are granted on a case-by-case basis, and reviews of practice suggest that grants of an extended permit depend on the woman having strong evidence of physical violence. Thus, although Sweden has introduced the more holistic concept of "gross violation of a woman's integrity" into criminal law, it is not applied when women seek exceptions to spouse dependency under immigration law.

4.4. **Systematic inter-agency co-operation to ensure effective and rapid intervention**

Single-agency responses to protect women against violence have encountered numerous limitations. Since the early 1990s, co-operative multi-agency approaches have been developed in a number of countries. These may be defined as targeted joint ventures which include all relevant statutory and voluntary agencies from which women seek help and support. Their aim is to develop co-ordinated policy and practice, and thus to move from protecting the individual victim to addressing the problem of violence overall. To do so, key players must participate and their work organised so as to be able to improve the practices of each agency.

Initiatives and multi-agency approaches have spread across a number of European countries. Today approximately 200 multi-agency forums are at work in the United Kingdom, over 30 intervention projects have been created in a multi-agency context in Germany, intervention centres with a multi-agency approach exist in each federal district of Austria, local and regional multi-agency forums have been launched in Switzerland and multi-agency models are also to be found in the Scandinavian countries. The models have been evaluated extensively by research in the United Kingdom, Switzerland and Germany. The multi-agency approach is not yet a generally established practice in Europe, and the conditions for its effective functioning not widely known.

Part 5. Holistic approaches and awareness-raising

5.1. **Specific comprehensive laws**

There is some recent legislation which takes a multidimensional approach to violence against women, regulating criminal, civil, family and procedural law aspects as well as service provision in one "package". This may include

- Provision for awareness-raising and intervention measures
- Provision for protective, preventive and punitive measures
- Provision for women's safety by separating the offender from the victim
- Taking the safety of children into account
- Provision for rapid-process protection measures
- Provision of a variety of legal measures against violence
- Intersection of different legal areas
- Counselling and advocacy resources as part of the legislation

An example of a European law which covers some of the aspects listed above and which is addressed to and obliges, apart from the judicial sphere, other public sectors (health sector, educational sector …) is the Spanish Organic Act 1/2004 of 28 December 2004 on "Integrated Protection Measures against Gender Violence".

One section of the law guarantees the victim's right to information and integrated social assistance through permanent emergency care services that offer specialised help delivered by multidisciplinary professional teams. To set up these services a Fund will be established. Victims have the right to free legal assistance. The right is extended to those suffering damage through the victim's death.

Protection measures are also developed in the employment area, which for example authorise the absence from work of gender violence victims, while facilitating their geographical mobility, temporary suspension of employment with reserve of post, and the termination of employment contracts. Special assistance is established for victims lacking economic means, when their age or lack of skills is a handicap to employability. They are offered targeted action programmes for labour market re-entry.

In the health sphere new measures regarding early detection and assistance to victims are to be established. Specific protocols will be applied in the case of violence to speed up legal proceedings. A special Commission is created under the Council of the National Health Care Service to co-ordinate and evaluate the measures.

Following the Spanish judicial tradition, the legal focus is on criminal law. Specialised investigating Judges and specific Violence against Women Courts are established to rule on criminal cases as well as any related civil causes, so that both are dealt with in first instance before the same bench. A specific public prosecutor for cases of gender violence will be created, entrusted with supervising and co-ordinating the actions in this field.

For drafting the government policies and co-ordinating and promoting all actions a "Special Government Delegation on Violence Against Women" is established within the Ministry of Employment and Social Affairs. Furthermore another institutional body will be founded, attached to the same Ministry as a collegiate body; it will function in co-operation with the Government Delegation as a centre of analysis on the status and evolution of violence against women. (Preamble of the Organic Act 1/2004 of 28 December on Integrated Protection Measures against Gender Violence).

Other holistic approaches are primarily based in civil law. The approaches in the German-speaking countries linking police-imposed eviction and barring orders, civil injunctions, criminal penalty for their breach and advocacy services (see pp. 14 and 23 above) did not require any change in the criminal law definition of offences. In Switzerland, the 1993 "Assistance to Victims of Offences Act" provides for advice, protection and the defence of the victim's rights in criminal proceedings as well as compensation and damages. It protects victim's privacy, par-

ticularly when sexual offences are prosecuted, permits them to submit civil claims in criminal cases and to be represented by a lawyer, and establishes and funds advice centres, a number of which are specifically for women who have suffered sexual assault; others are shelters for victims of domestic violence. This legal measure is notable in addressing both domestic violence and rape and sexual assault.

The Cyprus "Violence in the Family" law (revised 2000) includes measures for mandatory reporting, ex officio criminal prosecution, restraining orders, child protection and witness protection (including both temporary shelter and procedural protection) as well as police training. "Family counsellors" are entrusted both with advice and counselling for the victim and investigation of complaints; they also have police powers to prepare for criminal proceedings.

In Poland the new Law on Counteracting Domestic Violence 2005 states that victims of domestic violence have to be supported through medical, psychological, legal, and counselling intervention. The law indicates local governments and county administrations are responsible for organising crisis interventions and support centres for victims, though practice is yet to be developed and evaluated.

5.2. **Dissemination of Recommendation Rec (2002) 5 and cross-sectoral awareness-raising**

Dissemination of Council of Europe Recommendation Rec (2002) 5 is vital to its implementation. Governments have made quite different choices how they should distribute it, but already by the end of 2002 the great majority of member states had sent the document to various ministries and state authorities, and dissemination to women's and other NGOs was frequently reported (see Appendix I, p. 41). Clearly, the mere fact of having forwarded a copy to a department or agency says little about the level of attention given it there, but it does define a responsibility. However, few countries reported active efforts to profile or call attention to the recommendations. Such activities convey the expectation that implementation be a priority. Andorra, for example, presented the recommendations with a press conference and an exposition; Spain produced 1500 paper copies in translation for wider distribution.

Translation into the language(s) of the country gives access to a wider audience in civil society even where English (or French) is widely used. Awareness is raised when an explicit government commitment can be read and cited in the usual language, for example in debating resource priorities in the municipality, in police training or school teaching. This seems to be widely recognised; translation into 17 languages was reported in 2002.

Public awareness-raising campaigns are a widespread approach to addressing violence against women. Asked to note recent developments, early in 2003 such activities were noted in 14 out of 38 member states; others had done this in the past. The current monitoring framework moves beyond one-time campaigns and asks specifically about disseminating information to women on their rights and on the protection against violence, and about targeted education and training for professionals; it is evident from the replies that the majority of member states are making efforts in both directions.

5.3. **National Action Plans**

The recommendation underscores in its explanatory memorandum the "particular importance" of National Action Plans and of the strategy for putting these into practice (§55). Developing and publishing a national action plan, and instituting a co-ordinating body, are not only useful in their own right, but also serve as significant indicators for the existence of a national policy and the will to implement it. A published plan of action also provides a starting point for democratic debate on the adequacy and appropriateness of policies.

Most member states have adopted the general notion of a Plan of Action, that is, they recognise the need for a coherent inter-sectoral policy to address violence against women broadly and with a specific focus. At the time of the first survey by the Group of Experts, only five member states out of 38 responding had a fully developed Plan of Action that follows a well-defined format throughout, thus creating pre-conditions for monitoring. Not all of these were comprehensive in the sense of addressing all areas of the Recommendation. Most emerging Plans and drafts were internally quite uneven as to the degree of specification and explicit action planning included; often, there was a mix of explicit measures and vague general statements of intent. Some member states were in the process of developing a Plan; others had issued a policy statement on the need to overcome violence against women, without specifying activities or responsibilities. Others named the problem of violence within a general plan for gender equality, or had set goals and allotted some responsibilities, but remained unspecific about implementation.

A fully developed Plan of Action will spell out the measures, name priorities and set a baseline for monitoring. It is also useful when the current situation is described towards which measures are directed. Examples are: giving the number of refuges existing before stating that their number will be increased; outlining the deficits in the current laws or their application as the point of departure for specific legal amendments or reforms. This allows monitoring whether the changes do remedy the deficits.

It should be noted that some member states have undertaken significant activities without a Plan of Action. Italy has collected considera-

ble data and built networks under the pilot project "urban city network against violence". Furthermore, some states have taken an approach that begins with inter-sectoral cooperation to develop a "Protocol of Action" in cases of domestic violence. This involves detailed examination of existing regulations and procedures and possibilities for improvement, and lays the foundations for a more comprehensive plan.

With the present monitoring framework, 19 out of 29 member states reported having an action plan as defined in the explanatory note. This is a clear sign of progress towards active and coherent strategies towards the protection of women against violence, but also points to the need for further work. Internet publication of existing Action Plans in English or French would be very helpful to member states that are looking for models.

5.4. **Education and professional training**

Given the prevalence of violence against women in its many forms and the need for multi-agency and cross-sectoral approaches, it is of the highest importance that all relevant professions receive basic knowledge about the nature of the problem during primary vocational or professional training. Experience has shown that further training is then needed to build the sensitivity and the skills needed to respond appropriately and effectively on the job. Evaluation of further training in several countries shows that it is most effective when specific typical situations are presented for practical application.[1]

There are many good examples of training in different countries. Denmark has integrated the subject of violence against women as an obligatory part of the curriculum for medical doctors, public health authorities, decision makers, psychologists and nurses and at the police academy, as well as the post graduate training for medical specialisation in gynaecology and general medicine. In Germany, many schools of social work teach the subject in depth, and a number of *Länder* are requiring the police to attend in-service training as well as installing trained multipliers within the police units; the government has also produced and disseminated interactive training CDs for the police and for hospitals. In Slovenia, nurses in hospitals throughout the country have received training to enable them to recognise and respond to domestic violence. Finland is implementing multi-professional training with success.

The need to train the police is widely recognised and is meeting with active response in most countries.[2] To judge by the responses to the monitoring framework as well as reports from research and practice in different countries, it seems particularly difficult to convey training on violence against women to physicians, lawyers and judges. These highly educated groups tend to accept further training only from within their own profession. On the other hand, some other professions, such as school and pre-school teachers, who have an important role in addressing the problem, seem not to come to the attention of the training programmes and activities until now. There is room for improvement, and more use should be made of the transfer potential of toolkits, curricula and training methods and media from other countries.

1. See note note 18, p. 12.

2. Kelly, L., *VIP Guide, Vision, implementation and professionalism in policing violence against women and children*, produced for the Council of Europe Police and Human Rights 1997-2000 Programme, Strasbourg.

Part 6. Monitoring progress in the member states

6.1. **Responses to the survey of the CDEG**

Monitoring framework responses were received from 31 out of a possible 46 Council of Europe countries between October 2005 and March 2006. Some also sent additional information describing measures that have been taken. Systematic information and closer study of the activities would be needed to assess how far the replies reflect implementation of the standards formulated in the explanatory notes.

I. General indicators (action plan, funds, co-ordinating body for implementation)

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?

An action plan is a policy document on combating violence against women that specifies both concrete goals and the steps or actions by which they will be achieved. It names agencies that have the responsibility and the competence to take these steps and indicates the respective roles of state and non-government organisations and their co-operation. It includes a timetable and monitoring mechanisms. 21 countries[1] report to have established a national plan of action which has in most cases (14) been published.

Action plans address on average four out of the nine forms of violence mentioned in Recommendation Rec (2002) 5; violence within the family is addressed in all action plans; rape and sexual violence by 14 plans and sexual harassment at work by 12 out of 21 plans.

1. Croatia and Spain indicated not to have established a national plan of action and included additional information: in Spain, at present, the specific legislation on the matter is the "Organic Act 1/2004, on Comprehensive Protection Measures against Gender-Based Violence". During the period 2001-2004, there was the "II Plan Integral contra la Violencia Doméstica" ("Second Plan against Domestic Violence). The gender violence to which this "Organic Act 1/2004, on Comprehensive Protection Measures against Gender-Based Violence" refers encompasses all acts of physical and psychological violence, including offences against sexual liberty, threats, coercion and the arbitrary deprivation of liberty. In Croatia, a National strategy for the protection of the family violence was adopted in 2004 for the period 2005-2007 and protocol about the procedure in the case of family violence has been published. Both Spain and Croatia here are treated as if they have established a national action plan.

Figure 1: Forms of violence addressed in action plans

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

A co-ordinating body has a mandate from the government putting it in charge of implementation of a national policy against violence, and enabling it to ensure co-ordination of measures; it is further responsible for ensuring regular monitoring and evaluation.

Its working structures ensure regular consultation among the relevant state institutions and NGOs as well as experts as needed.

A specific and national level co-ordinating body for implementation was reported to exist in 21 countries; some of these were involved in the process of drafting a plan of action. The status, the composition and the mandate of these bodies can vary. They often include both government agencies or ministries and non-governmental actors – lobbying groups for women's rights and/or service providers or their umbrella organisations – but for some co-ordinating bodies all members are delegated from government offices.

3. Are specific funds allocated at national, regional and/or local level of government for activities against violence against women?

Specific funds means both budgets allotments to specialised organisations and activities and regular parts of the budget of state-funded relevant institutions earmarked for ensuring qualified work against violence. In almost all countries (27 out of 31) funds are allocated at national level, many of these countries have as well funds allocated at regional and/or local level. On average, 8 650 euros per 10 000 population are spent annually. NGOs receive financial support from public authorities for their activities in addressing violence against women in 28 countries. However, in two countries there are neither funds for activities to combat violence against women nor do NGOs receive financial support.

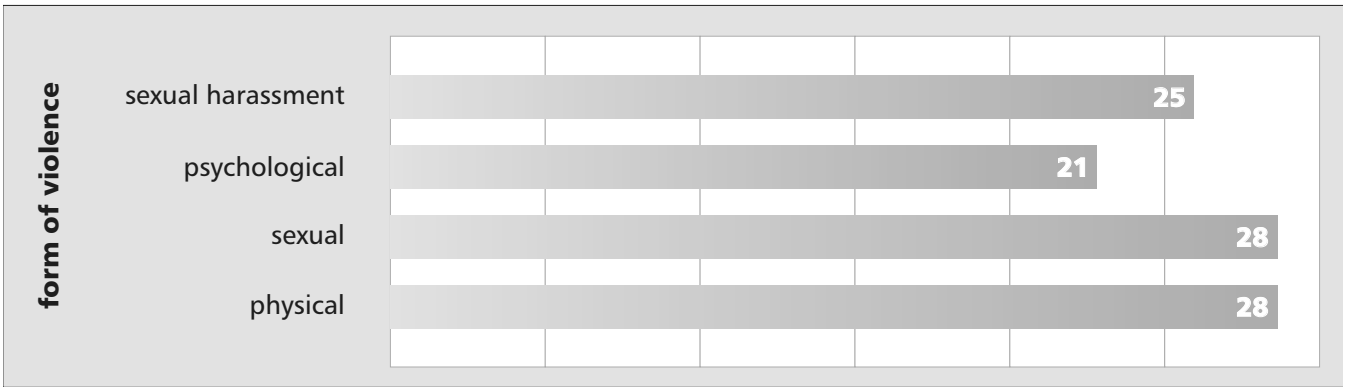
II. Legislation and judicial procedures

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, and sexual harassment at work?

23 out of 31 member states confirm that every act of violence against women is penalised (meaning that it constitutes a criminal offence). The questionnaire also asked about penalisation of specific forms of violence: all forms of physical violence as well as sexual violence to spouses, regular or occasional partners and cohabitants are penalised in 30 out 31 countries, psychological violence within the family in 23 and sexual harassment at work in 26 countries.[2]

2. Ireland notes that sexual harassment is a civil matter for which the remedies of the Employment Equality Acts 1998 and 2004 are available.

Figure 2: Forms of violence penalised



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?

The police are legally required to record all cases of violence within the family, that is officially make a note of complaints or accusations in 26 out of 31 countries. Only full police recording can ensure that prosecution will follow in all proper cases and will not be discontinued by decision of a police officer. Consistent recording is also basic to monitoring the justice system, and it raises awareness on the extent of the problem.

The investigation of all reported cases includes taking statements from the complainant, the suspect and all available witnesses as well as collecting any other relevant evidentiary material on the basis of which to submit a report to the prosecution authorities for the purpose of prosecution of the suspect and protection of the victim. It is essential to ensure effective prosecution and protection of the victim even if subsequently the victim refuses to testify in Court. In most countries (26 out of 31)[3] the police are required to investigate all reported cases.

3. Denmark did not answer this question and noted that pursuant to the Administration of Justice Act, criminal offences must be reported to the local police. The police are obliged to investigate such reports when there is a reasonable presumption that a criminal offence that is subject to public prosecution has been committed.

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?

The recommendation states that appropriate measures in national legislation should make it possible to take swift and effective action against perpetrators of violence. Public prosecutors should be encouraged to regard violence against women as an aggravating or decisive factor in deciding whether or not to prosecute. Provisions to ensure that the public prosecutor can initiate criminal proceedings in cases of violence within the family and sexual violence are important mechanisms as they guarantee that prosecution is not left to the victim who is often, because of the abuse, defenceless, vulnerable, and intimidated and without economic means to pursue a criminal prosecution. 24 out of 31 states[4] have made such provisions in cases of violence within the family, and 27 countries in case of sexual violence.

4. With regard to the possibility of initiating criminal proceedings by the public prosecutor, Spain explains that the Organic Act 1/2004 has created the position of the Public Prosecutor for Cases of Violence against Women, with the status of Chief Prosecutor. One of this Prosecutor's responsibilities will be to prepare the "Evidentiary Report," which will confirm that a woman is a victim of violence. It will be issued when there are significant but unverified signs of violence, and will be sent to the court in charge of the case.
Denmark indicates that according to the Danish Criminal Code prosecution of criminal offences concerning physical violence – including sexual violence – is an issue of public prosecution and is thereby not conditioned by a complaint or a report submitted by the victim of the crime.

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

Judicial protection orders can be an important tool for the protection of victims of violence. The term is understood differently depending on the legal system; in the monitoring framework, a judicial protection order is every order issued by a court for the protection of a victim from further violence. Such orders are available under the legal system of 28 countries. The term includes, but is not limited to, a restraining order by which the suspect or accused is ordered not to contact or meet the victim and or not to enter or go in the vicinity of the family home or workplace of the victim. The term also includes non-molestation orders by which the suspect or accused is ordered not to molest the complainant even when they are cohabiting. A protection order also includes ordering the removal of the victim, especially if it is a child, from the family home, in appropriate cases, when its protection cannot be otherwise secured.

III. Support and protection for victims

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?

Shelter (or refuge) means a temporary accommodation for both women with their children and women without children where they are safe from direct threat by the abuser and are offered qualified counselling and practical support, either in-house or by arrangement. To provide safety, a shelter either includes or is linked to crisis services responding to the immediate danger of a violent situation, accessible within a realistic travel time frame and around the clock.

Shelters or safe houses enable women to leave a dangerous situation in the home and have been fundamental to confronting violence within the family; victims of sexual violence may also need safety from further threats. As violence often occurs during nights and weekends, access to safe accommodation must be available on short notice day and night. It is well documented that measures expelling the perpetrator from the residence do not reduce the need for refuges. The existence of shelters, the number of places, their accessibility and establishing standards are key indicators of a member state's will to protect women against violence on an immediate practical level. To ensure that services are available to all women without discrimination and in particular to immigrant women, the services should be culturally sensitive and translator services should be available on call.

Most members indicated that shelters do exist (28 member states out of 31), the highest number of shelters (400) is reported by Germany. The total available places in shelters range from 6 to 45 000.[5] The proportional number of places per 10 000 population[6] ranges from 0.01 in Greece to 5 in Germany. Conversely, the proportion of the total population per place ranges from 1.832 to 1.5 million. However, few countries report more than one place per 10 000 population. In 25 countries shelters are free of charge, 24 member states indicate that shelters are accessible around

5. Data available on numbers of places or beds vary; some countries count places for children, others do not, some do not indicate whether places for children are included in the numbers provided.
6. Population figures are based on data from 2004.

the clock (24 hours on 7 days a week), while only 15 out of 31 member states provide shelters in a sufficiently wide geographical distribution. Minimum standards, i.e. requirements as a condition of operating services based on current state of knowledge about the needs of victimised women, are established in 20 countries. Standards should refer to accessibility to all women in need, confidentiality and safety, qualifications and numbers of staff/consultants, including training of volunteers, quality of services for children and accountability to the community.

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?

Besides shelters, specific services to meet the needs of victims of rape and sexual assault are needed. Both the traumatic nature of rape and the need for immediate forensic examination to collect the evidence necessary for prosecution require a rape crisis centre with specifically trained staff on call open on a 24-hour, 7-day basis. A rape crisis centre means a specialised safe environment with specifically trained psychological and medical services accessible in a crisis following sexual assault; services should include legal and psychological information, medical examination and forensic documentation, psychological response to the trauma of assault, all necessary medical treatment, counselling and follow-up.

Rape crisis centres with specifically trained staff that ensure immediate medical care and documentation are available in 14 out of 31 countries;[7] 13 of these are free of charge and accessible to all women. However, only seven of these 14 member states do provide services in a sufficiently wide geographical situation.[8]

7. Ireland notes that there are services available but not on a 24-hour basis. Austria indicates that there are six special facilities for women who are victims of sexual assault, one of which can be reached on a 24-hour basis. And Spain adds that while there are no crisis centres, over 1000 Advice and Information Centres for Women exist throughout the country. Lithuania and Estonia indicate that there are no services that ensure immediate medical care and documentation, but services which are free of charge and accessible to all women; in Lithuania they also exist in a wide sufficient geographical distribution.
8. Iceland reports that one shelter is deemed to be a sufficient distribution, as women prefer to leave their home town and municipalities are prepared to pay for the journey.

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?

Besides the women themselves, their children suffer trauma or other emotional harm from witnessing, that is seeing, hearing or knowing about the abuse of their mothers whether or not they are present in the room at the time of the attack, and whether or not they are assaulted or threatened directly. They may need trained pedagogical or therapeutic intervention to understand, cope with, and overcome the effects of the experience of violence within the family. Therefore, it is necessary that all children who have been living in a situation characterised by violence are suitable cared for and receive the necessary psychological and moral support. Children also need to be protected, as they may themselves be specifically threatened, hurt or killed by a man trying to exert pressure on, or revenge against a woman who has left him.

25 out 31 member states report that children who witness violence against their mothers are given protection and assistance by specifically trained staff. This result is not entirely consistent with the reported extent of training of the relevant professionals (see Figure 3, p. 35). The path of children's access to help is not clear; it may be linked to help-seeking by the mother, or reflect the existence of child protection services in general. Where protection and assistance exist, they are in most cases free of charge.

11. Is information about women 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?

The first overall aim of Recommendation Rec (2002) 5 is to ensure that women are able to exercise freely and effectively their rights (paragraphs I and II). For this, information is needed particularly geared to victims, informing them in a clear and comprehensible manner of their rights, the services and 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. 27 member states indicate that information about women rights and the measures to protect them, about police and legal intervention and services for victims are disseminated, 24 use media and methods suited to reach all women throughout the country. In 19 countries information is disseminated on a regular basis and 16 report to do so in all relevant languages.

IV. Perpetrators

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

Support, protection and helping (potential) victims are not enough to stop violence and abuse; it is essential to address the violent perpetrator. This can be done through agencies, programs and activities to help men stop their violence, abuse and domination of women. The intervention or treatment programmes in question should be directed directly toward men who use violence against women, and the content or methods be specifically constructed to change the behaviour, attitudes and beliefs of such men. The methods should be based on solid knowledge about violence, its effects on women and children and its social, gender-based and individual causes. Ideally, these programmes should be offered both on a voluntary basis and after referrals from the justice system. Programmes should be conducted by staff with a professional education in social or health work as well as specific training in the field of violence against women and interventions directed toward men.

In 18 out of 31 countries specifically designed intervention programmes exist; the number of programmes per country varies between 1 and 25. There are, for example, 25 in Sweden, 24 in the Netherlands, 18 in Spain, 16 in Ireland, and 10 each in Switzerland, and Belgium. Those member states recognise the importance of perpetrator programmes as a preventive strategy against violence against women.

V. Public awareness

13. Has a code of conduct concerning violence against women been drawn up for media professionals?

A Code of Conduct is a set of principles, related to procedures ensuring transparency and inclusiveness and to style of behaviour, which are grounded in respect for differences, gender equality, openness for dialogue, and commitment to values of truthfulness, participation and justice. Such a code indicates the standards of expected behaviour of professionals.

The considerable influence of the media on public awareness and on attitudes towards violence against women makes the elaboration of codes of conduct for media professionals and in the terms of reference of media watch organisations a very important issue. Thus, a specific code of conduct with reference to violence against women and more generally to sexism is an indicator of progress towards media awareness, as it is when these issues are explicitly included in a more general code of conduct.

In only 9 out of 31 countries[9] a relevant code of conduct has been elaborated. This constitutes only a little more than one quarter of the member states who replied. However, as the Group of Experts in 2003 had identified no example of such a code in any of the member states, the results suggests that progress has been made.

9. Cyprus adds that although there is no code of conduct for the entire media, a self regulatory code for the advertising business exists.

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?

Media reporting can be very influential in the society, positively and/or negatively. The media very often perpetuate myths about violence against women and promote gender stereotypes. In European broadcasting and printed media, various mechanisms have been developed to monitor, review and regulate the operation of media. These mechanisms can be used to counter myths and stereotypes as well as the depiction of violence against women as a stimulus to attract attention.

One of these mechanisms is media watch; which is an organisation or body working to eliminate discriminatory barriers in the media that can be developed on different levels (national, regional, communal) and stages (state or communal governance, NGOs). Sexism which is negative discrimination against people based on their assumed or presumed sexual identity and the stereotyped portrayal of women meaning the representation of women in highly restricted roles and behaviour patterns associated with a low social value work as discriminatory barriers.

Regrettably, only 13 member states[10] can present a media watch working to eliminate such discriminatory barriers, indicating that the implementation of recommendations in these fields needs further progress.

10. Ireland notes that the national broadcaster has initiated a project that aims at the elimination of sexist, stereotyping and unfair portrayals of women on the air.

VI. Education and training

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

Basic education on gender equality and specific information on the rights of children as parts of school curricula are in general essential for prevention and long-term change. In particular, education on violence against women at an early stage is important to prepare young people for the possibility of encountering violence and make them aware that "no man has the right" to use violence. Early education may possibly prevent violent behaviour in the future. It is also an important aspect of prevention if pupils are aware of the forms of violence and are empowered to denounce it and/or find assistance.

Programmes or activities to educate children means special courses or lessons on issues related to violence and to gender equality aiming to raise awareness at an early stage on various forms of violence against women and their consequences. Programmes should also teach children how to react and how and where to find assistance. There have been programmes or activities in public school to educate children about violence against women in 19 countries[11] of the Council of Europe.

11. Spain adds that there is an extensive amount of information booklets, news programs and brochures on violence against women which are available to school and educational centres. Moreover, the Organic Act 1/22004 has introduced that Curricula at all educational levels are being modified to include themes relating to equality and the peaceful resolution of conflicts. Moreover, in Secondary Education, the subject of "Citizenship Education" is being incorporated. (Article 4).

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

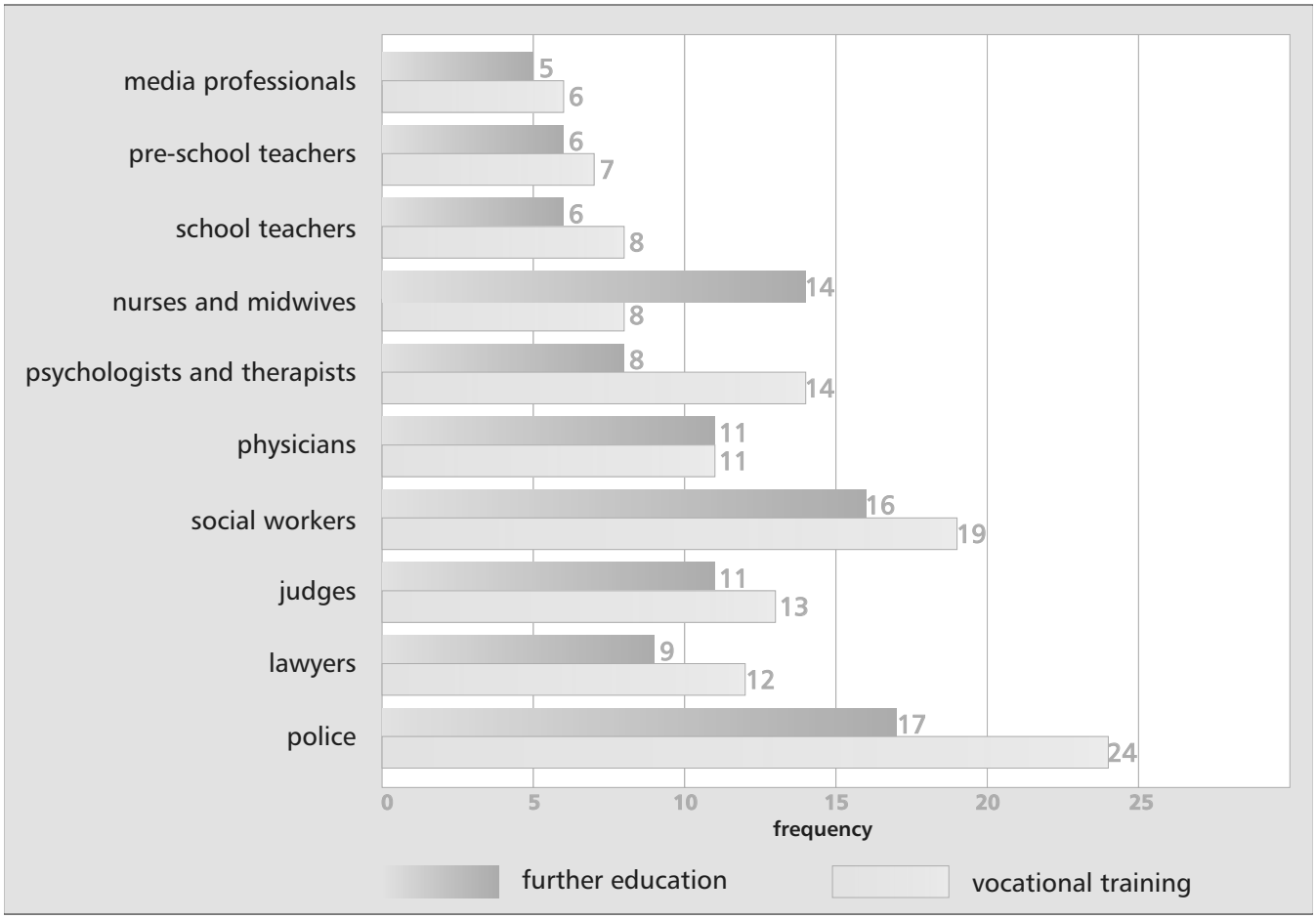
It is important to increase the level of knowledge among all relevant professional groups. Training functions as a mechanism to raise awareness and change attitudes regarding violence against women. Specific training on violence includes the concept of gender, all forms of violence, the situation of victims, their coping and their support needs, influence of violence on health, appropriate tools for identification of victims of violence, and means for securing evidence of violence. It includes, for some groups of professionals, methods of consultation, rehabilitation, and/or social reintegration.

Professionals should receive basic knowledge on violence against women during the course of the vocational education or academic course of study required to enter their profession. Further education is needed both for those whose initial training did not cover this topic, and for all practitioners at different stages of their professional lives, including more in depth education, specifically on methods of prevention and intervention.

The answers of the 31 member states show that initial vocational training is on average provided for almost four out the ten professional groups; most fre-

quently the police, social workers, psychologists/therapists and lawyers. On average four professional groups receive further education, most frequently the police, social workers, midwives and nurses and psychologists/therapists. There is great variation among countries. Some provide further education for all professional groups, while inclusion of this field into vocational training is very rare. Other states report that most professional groups are educated about violence during vocational training, while further education is not provided. Thus, no common pattern could be observed. Spain is now providing vocational training and further education on violence against women for all professional groups.

Figure 3: Training of professionals



VII. Data collection and research

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

It is usual to collect some data systematically on all criminal offences reported to the police, but traditional police statistics were not informative about domestic violence. Full statistics including the relationship between victim and offender and place of occurrence of violence will document the extent and forms of violence coming to the attention of the police, and are fundamental to monitoring the implementation of intervention. Statistical reporting also contributes to raising awareness within the police and in the public.

Police statistics are primarily based upon information about the criminal offence when it is first reported. The statistics vary very much between the different countries. Most criminal statistics routinely include data about offence by penal code and may include data about the legal decisions of the recorded cases.

The results of the monitoring framework survey indicate that the sex of the perpetrator is included in 25 out of 31 of

the police statistics; the sex of the victim is recorded in 23, and the relationship between perpetrator and victim in 20 member states. In about 50 per cent of the countries (14) where some of this information was recorded, it is made available in a national report. In five countries none of this information is recorded.

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

Systematic medical data collection means registration of contacts to hospitals, emergency departments, general practitioners or other physicians in private practice, using international classifications to identify the reason for contact to health care services (illness, accident, violence or self-inflicted harm) and the specific diagnosis (type and location of lesions). Registration may include data about place of occurrence and mechanism of injury. It is less likely to include the impact of stress and trauma. Such systematic medical data collection only takes place in 7 out of 31 countries, namely Andorra, Croatia, Denmark, Greece, Ireland, Italy and Sweden. Data collection facilitates evaluation of the medium- and long-term consequences of violence, and of the health and economic costs of violence against women. Systematic collection of medical data could be used to establish criteria for benchmarking – and to monitor trends in violence against women. Centralised collection of medical data may, however, require the consent of the patient except for certain special cases.

19. Are questions on violence against women integrated in a regular representative national survey?

Survey here means a nationally representative study on issues such as health, well-being or quality of life, either based upon face-to-face interviews, telephone interviews or self-administered questionnaires, and which includes questions on violence among other topics.
Many states conduct regular surveys of the living conditions and/or the health status of the population. 14 countries indicate that a number of standardised questions on violence are included in such surveys. Those questions for example, survey the violence experienced during the last 12 months by type of assault and relationship between victim and offender However, sexual assaults are seldom included. Some national health surveys have also included information about different types of violence

20. Has there been a representative national survey focusing on the prevalence and effects of all forms of violence against women? When?

A growing number of European countries carry out specific national surveys of the prevalence and effects of violence against women or on women's safety.[12] Such surveys illuminate current and former prevalence of gender-based violence (e.g. forms of physical violence, threats, sexual assault, restriction of freedom and other psychological violence) and the self-reported consequences, as well as help-seeking and victim's experience with the responses of agencies and institutions to violence. In 20 countries national representative surveys focusing on violence against women have been conducted; the first ones took place in 1994; some member states conduct them regularly (either annually or at wider time intervals).

12. See note 2, p. 7.

6.2. **Recommendations for future monitoring**

The monitoring framework is a useful tool for recording and observing steps towards implementation of Recommendation Rec (2002) 5. It was constructed to be simple and practical, asking for information typically available to government administrators. The framework, already offered online, could with very little effort be programmed so that the data feed into tables and diagrams that can be generated at regular intervals. Such programming could also eliminate certain ambiguities in the questions and prevent inconsistent replies. Since no pre-test of the framework was possible, some needed improvements towards more precise questions can now be identified to ensure reliable and valid data. It is recommended that this be done by a consultant and a two-year cycle of reporting be introduced.

A more ambitious and informative form of monitoring would involve agreeing on routine statistics that could be collected and compared as a meas-

ure of progress. At present, no member state has national data on the number of cases of domestic violence that come to the attention of the police, and no systematic process to track either referrals or judicial outcomes. Thus, there is no baseline from which the effectiveness of the legal reforms penalising violence against women can be measured. Whilst new legal provisions to prevent and deter violence against women are being introduced every year, it is not known what proportion of perpetrators are in fact being arrested, evicted, prosecuted, convicted or punished. It is well known in criminology that raising the penalty for acts has sometimes served only to lower the probability of conviction. To have an impact, laws must be enforceable and enforced. It is recommended that a working group be established to develop routine statistics for policing and criminal justice outcomes.

Only a few countries have statistics on cases of violence that come to the attention of medical practitioners, and these tend to include only immediate physical injuries. Thus, it is difficult either to raise awareness in the health care systems or to monitor the effectiveness of the care given. It is recommended that experts from differently organized health care systems examine the possibilities for establishing useful medical statistics in co-operation with the WHO, taking into account such issues as informational rights and insurance problems.

Recommendation Rec (2002) 5 recognises the need for a comprehensive strategy to address violence against women. Data on the functioning of the most important institutions are a key element of such a strategy.

Part 7. Summary and recommendations

Overall, the CDEG survey of legislation on domestic violence and the more recent information from the monitoring framework show that a large proportion of member states have recognised domestic violence as a grave problem which has to be dealt with on a solid legal foundation. There is an overall trend towards broadening legal protection measures and establishing both a protective and punitive path of dealing with the problem. Recent changes in legislation on domestic violence seem to focus on providing physical distance between victim and perpetrator, mainly by the legal provision of non-molestation, occupation orders and police barring orders.

Differences exist between the eastern and western part of Europe. The legislation on violence in most eastern European countries is based on the criminal system and rarely has specific provisions for domestic violence. Western European member states are more likely to focus on protection provided by police and civil law; overall, this seems to be a stronger tendency in northern Europe and the German-speaking countries.

The legal situation of migrants and children within the context of domestic violence has been given little policy attention. Working with perpetrators is insufficiently understood as a measure of victim protection. There are serious and increasing conflicts between the development of family law in Europe and the protection of women against violence. A growing number of countries have instituted a legal presumption in favour of child contact with both parents after separation or divorce, and it is proving very difficult to balance this norm with child protection when the father has been violent.

The guiding principle of empowerment of the victim seems to depend on the extent to which specialised women's advocacy services are established. Multi-agency co-operation and ex officio intervention can be important flanking measures towards empowerment, but care must be taken to reconcile them with the empowerment principle, strengthening women's ability to take charge of their own lives.

After this overview of the progress made across Europe in protecting women against violence, some recommendations can be presented on specific aspects.

7.1. Measures to protect and empower victims

Barring orders evicting a perpetrator from the home are effective in protecting women from violence if they are imposed on the spot by the police. Their effectiveness is weakened when they are not enforced ex officio. When the power to evict is reserved to prosecution authorities or the courts, the purpose of the measure – immediate temporary safety – is defeated, and barring orders are rarely issued at all. Rights of men accused of violence can be secured by requiring that police orders be routinely approved by a relevant authority within 3 days, or by rapid judicial response to any complaints.

The **effectiveness** of barring orders and the positive impact on the cost (both human and economic) of repeated or chronic victimisation is maximised when agencies of psychosocial support are entrusted with proactive contact and information, empowering the victim to change her situation.

Court-issued **protection orders** tailored to meet the needs of the victim are essential to victim protection. They should be available both as emergency measures when there has been no police intervention, and as medium- or long-term measures to safeguard the victim's right to safety from violence or the fear of violence. Court hearings can give due attention to the rights of men named as perpetrators, but such proceedings should be fast-tracked. Protection orders are vital to the safety of victims of stalking as well as of sexual assault and rape, who can be under threat while the prosecution prepares the case for trial. Victim protection is enhanced by court orders because action can be taken as soon as the order itself is breached, without waiting until there is serious harm done. There must be clear procedures for enforcing orders and criminal sanctions for the breach.

Safety, services and support are best provided by agencies with specialised training and experience in

women's advocacy and in-depth knowledge about gender-based violence. When support for assaulted women is a recent development, most social and health professionals lack relevant training; thus, it is advisable to work closely with women's NGOs that focus on this problem. For the immediate safety and care of urgent needs (social, psychological, medical, forensic, material), places of refuge and safety should provide temporary housing and be accessible to all women. Cost analyses show that refuges and rape crisis centres are less costly than the institutional interventions that result from unchecked violence.

The network Women Against Violence Europe (WAVE), launched 1995 at the UN Women's Conference in Beijing, has developed **standards** for refuges and other services; these form a valuable point of reference for establishing national service standards. Victims of domestic violence and those who have suffered sexual assault or rape have different emergency needs, and it may be effective to accommodate these separately.

There is an alarming lack of **rape crisis centres** or other appropriate services for rape victims in Europe. This corresponds to the extremely low and sinking level of prosecution and conviction, although for the majority of rapes reported to the police the perpetrator is known. Support by women's advocacy services has been shown to increase both the prosecution and the conviction level. When a law is not enforced in the vast majority of cases, the very principle of the rule of law is damaged and the human rights it is aimed to protect are denied. This situation urgently needs to be addressed.

Perpetrators of domestic violence and sexual violence should be called to account in two ways: They should face clear and unmistakeable sanctions, and they should be urged to learn non-violent relationship behaviour. Perpetrator treatment should not substitute for prosecution, but may be an alternative to punishment, for example when the level of violence that can be proven does not call for a prison sentence, and financial penalties or fines will punish the victim even more than the perpetrator. Court-mandated participation in a perpetrator programme can serve to protect the victim. Every effort should be made to encourage men's voluntary participation in such programmes as well.

7.2. **Measures to punish and deter violence**

There should be **no legal exceptions** or privileges that condone or permit any kind of violence within the family or intimate relationships. Such exceptions are incompatible with basic human rights and should be removed without delay in all member states.

There are now several good models available for **legal definitions of rape** that include all severe violations of a victim's sexual self-determination, dignity and integrity. Respect for human rights demands that a person's consent is always required for sexual intimacy. The law should penalise rape of boys and men just as it does rape of girls and women, taking leave of notions that its purpose is to protect men's ownership of women, women's purity or family honour. Rape of any person at any time is a severe human rights violation.

The **penalization of domestic violence** against women can be equally effective whether integrated into general criminal law or framed in specific laws. Major deficits are to be found in the **implementation**, both in factors that discourage reporting and in high attrition rates for reported violations. The implementation deficit can only be addressed if it is known and documented. All member states should institute systematic data collection that will permit analysis tracking outcomes of reporting, recording, investigating, prosecuting and convicting violence against women.

A second major deficit is the **failure to co-ordinate** criminal sanctions with protective measures that may be founded in civil or administrative law, police law or family law. As a result, different segments of the justice system and policing can act at cross-purposes or contravene each other in their interventions. There is an urgent need for co-ordination.

Progress in coordination can be expected from setting up **specialised units** within the police, prosecution services or courts; these can be targeted for training and also gain experience from handling similar cases regularly. Courts should further be required to consider all legal measures being implemented at each new decision.

7.3. **Cross-sectoral measures**

Children's rights to freedom from violence, both direct and indirect, including the right not to have to witness violence in the home, increasingly conflict with their right to maintain contact with both parents or other close family members. All child welfare agencies, both statutory and voluntary, need to be educated about the conflict and offered guidance for procedures that give appropriate priority to the most fundamental of human rights, that to life, dignity and personal safety. Children should have the right not to see an abusive parent if they so wish, or if, in the case of very young children, they are deeply disturbed by such visits. No member state has yet addressed this issue adequately nor produced guidelines that can be implemented and evaluated.

Multi-agency co-operation forums are a highly cost-effective measure to increase the effectiveness of protection and identify gaps and deficits locally, where these can be addressed most quickly. The purpose of such a forum is to further the flow of information among agencies and improve the quality of service provided by each. A multi-agency forum cannot, however, operate on a case-

work basis; its task is to ensure that policies and procedures are implemented regularly in ways that maximize the protection of women against violence. Agencies and organizations that work with individuals will develop with each woman an individualized safety plan and help her to find her path towards living free of violence.

The Council of Europe could contribute to the **quality** of measures by supporting European networking and exchange of methods, guidelines and experience with innovative approaches in the six major areas of services: victim protection, advice and counselling, policing, health care, housing, child protection and programmes for perpetrators. Work on methods of risk assessment should also be supported. Member states should be encouraged to commission research-based **evaluation** both of service provision and of legal reforms.

All member states should be encouraged to develop national **Plans of Action**, to review them, report on the outcomes, and draw up progressive Plans for further activities. An important element in all such Action Plans will be securing education and specialized training for professionals in all relevant fields, as well as actions to improve public awareness and media treatment of gender-based violence and all related issues. The Actions Plans should be published (if possible in English or French) and made available to the Council of Europe to further the exchange of good practice and to assist in monitoring implementation.

Appendix I: Dissemination of Recommendation Rec (2002) 5

	Government departments or ministries	Women's equality offices or commissions	State authorities (police, justice, etc.)	Women's NGOs	Non-governmental organisations	Media	Professional and general public
Albania	0	0	0	3	4	no	no
Andorra	1	0	2	3	3	yes	yes
Armenia	4	1	1	4	5	yes	yes
Austria	4	0	3	all relevant	NGO	no	no
Azerbaijan	10	1	2	3	3	yes	yes
Belgium	4	1	0	0	0	yes	no
Walloon Region	1	1	0	0	0	no	no
Flanders	0	1	1	0	2	yes	no
Bosnia and Herzegovina	2	0	1	0	3	no	yes
Bulgaria	5	0	0	0	1	no	yes
Croatia	4	1	1	0	0	no	no
Cyprus	3	0	3	0	5	no	no
Czech Republic	5	1	1	2	2	no	no
Denmark	4	1	1	3	6	no	no
Estonia	1	1	1	3	7	no	yes
Finland	3	0	1	4	5	no	no
France	4	1	1	3	3	no	yes
Georgia	6	1	1	1	1	yes	no
Germany	1	1	2	3	3	yes	yes
Greece	3	2	1	6	8	no	no
Hungary	1	1	1	0	4	yes	yes
Ireland	5	1	2	5	6	no	no
Italy	1	1	0	3	11	yes	no

	Government departments or ministries	Women's equality offices or commissions	State authorities (police, justice, etc.)	Women's NGOs	Non-governmental organisations	Media	Professional and general public
Latvia	1	1	0	1	2	no	no
Liechtenstein	2	1	2	2	2	no	no
Lithuania	8	1	0	3	4	yes	yes
Luxembourg	all	1	0	all	all	no	no
Moldova	1	1	0	all	all	no	no
Norway	3	0	2	several	several	no	no
Poland	5	1	1	3	3	yes	no
Portugal	all	all	all	all	all	all	yes
Slovakia	8	0	1	19	8	yes	no
Slovenia	1	1	0	1	2	yes	no
Spain	11	0	2	6	6	yes	yes
Sweden	0	1	0	0	0	no	no
Switzerland	1	1	0	1	1	no	no
"The former Yugoslav Republic of Macedonia"	2	1	0	2	2	yes	yes
Turkey	0	0	0	0	0	no	no
Ukraine	5	0	0	3	22	no	no
United Kingdom	all	1	1	2	2	yes	yes

Appendix II: Results of monitoring framework

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 publicised?	What is the time frame?
Andorra	yes	no	no answer
Armenia	no	/	/
Austria	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
Germany	yes	yes	completed
Greece	yes	yes	4 years
Hungary	yes	no answer	/
Iceland	no	/	/
Ireland	yes	yes	no answer
Italy	no	/	/
Liechtenstein	no	/	/
Lithuania	yes	no	2007-2009
Malta	no	/	/
Monaco	no	/	/
Netherlands	yes	yes	differs per theme 2008/2011
Norway	yes	yes	2004-2007
Portugal	yes	yes	3 years
Slovakia	yes	yes	2005-2008
Spain	yes	/	/
Sweden	yes	yes	1998-2003
Switzerland	yes	yes	no answer
Turkey	no	/	/
Frequency of yes answers	21	15	
/ = not applicable			

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

Which forms of violence against women as defined in Recommendation Rec (2002) 5 are addressed by the national action plan?										
Country	Rape and sexual violence	Violence within the family	Sexual harass-ment	Genital mutila-tion	Violence in (post)conflict sit-uation	Violence in institutional environment	Failure to respect freedom of choice with regard to repro-duction	Killings in the name of honour	Forced marriages	All
Andorra	no	yes	no	no	no	no	no	no	no	no
Armenia	/	/	/	/	/	/	/	/	/	/
Austria	/	/	/	/	/	/	/	/	/	/
Belgium	no	yes	no	no	no	no	no	no	no	no
Bosnia and Herzegovina	yes	yes	yes	no	yes	yes	yes	no	no	no
Bulgaria	/	/	/	/	/	/	/	/	/	/
Croatia	no	yes	no	no	no	no	no	no	no	no
Cyprus	yes	yes	yes	no	no	no	no	no	no	no
Czech Republic	no	yes	no	no	no	no	no	no	no	no
Denmark	no	yes	no	no	no	no	no	no	no	no
Estonia	/	/	/	/	/	/	/	/	/	/
Finland	yes	yes	yes	yes	no	yes	yes	yes	yes	no
France	no	yes	no	no	no	no	no	no	no	no
Germany	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Greece	yes	yes	no	no	no	no	no	no	yes	no
Hungary	no answer	yes	no answer	no answer	no answer	no answer	no answer	no answer	no answer	no
Iceland	/	/	/	/	/	/	/	/	/	/
Ireland	yes	yes	no answer	no answer	no answer	yes	no answer	no answer	no answer	no
Italy	/	/	/	/	/	/	/	/	/	/
Liechten-stein	/	/	/	/	/	/	/	/	/	/
Lithuania	yes	yes	yes	no	no	no	no	no	no	no
Malta	/	/	/	/	/	/	/	/	/	/
Monaco	/	/	/	/	/	/	/	/	/	/
Netherlands	Yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Norway	Yes	yes	yes	yes	no	no	no	no	yes	no
Portugal	yes	yes	yes	yes	no	yes	yes	no	no	no
Slovakia	yes	yes	yes	no	no	no	no	no	no	no
Spain	yes	yes	yes	yes	no	no	no	no	no	no
Sweden	yes	yes	yes	yes	yes	no answer	no	yes	yes	no
Switzerland	yes	yes	yes	no	yes	no	no	no	no	no
Turkey	/	/	/	/	/	/	/	/	/	/
Frequency of yes answers	14	21	12	7	5	6	5	4	6	2
/ = not applicable										

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

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

Andorra	yes	**Finland**	no	**Monaco**	no
Armenia	no answer	**France**	yes	**Netherlands**	yes
Austria	no	**Germany**	yes	**Norway**	yes
Belgium	yes	**Greece**	yes	**Portugal**	yes
Bosnia and Herzegovina	yes	**Hungary**	no	**Slovakia**	yes
Bulgaria	no	**Iceland**	no	**Spain**	yes
Croatia	yes	**Ireland**	yes	**Sweden**	yes
Cyprus	yes	**Italy**	yes	**Switzerland**	yes
Czech Republic	yes	**Liechtenstein**	yes	**Turkey**	yes
Denmark	yes	**Lithuania**	yes	**Frequency of yes answers**	22
Estonia	no	**Malta**	no		

3. *Are specific funds allocated at national, regional and/or local level of government for activities against violence against women?*

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

Country	Funds at national level	Funds at regional level	Funds at local level	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
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	no answer	yes	250 000	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
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
Liechtenstein	yes	no answer	no answer	no answer	yes
Lithuania	yes	no	yes	35 000	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
Slovakia	yes	yes	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
Turkey	no	no	no	/	no
Frequency of yes answers	27	16	20		28
/ = 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, and sexual harassment at work?*

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

Country	Every act	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
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
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
Liechtenstein	yes	yes	yes	yes	yes
Lithuania	yes	yes	yes	no	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
Slovakia	yes	yes	yes	yes	yes
Spain	yes	yes	yes	yes	no
Sweden	yes	yes	yes	yes	yes
Switzerland	no	yes	yes	no	yes
Turkey	yes	yes	yes	yes	yes
Frequency of yes answers	23	30	30	23	26

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 investigation required

Country	Record all cases of violence within the family	Investigate all cases reported
Andorra	yes	yes
Armenia	no	no
Austria	yes	yes
Belgium	yes	yes
Bosnia and Herzegovina	yes	yes
Bulgaria	yes	yes
Greece	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
Germany	yes	yes
Greece	yes	yes
Hungary	yes	yes
Iceland	yes	yes
Ireland	yes	yes
Italy	no	yes
Liechtenstein	yes	yes
Lithuania	yes	yes
Malta	yes	no answer
Monaco	yes	no
Netherlands	yes	yes
Norway	yes	yes
Portugal	yes	yes
Slovakia	yes	yes
Spain	yes	yes
Sweden	yes	yes
Switzerland	yes	yes
Turkey	yes	yes
Frequency of yes answers	27	26

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
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
Germany	yes	yes
Greece	no	yes
Hungary	yes	yes
Iceland	yes	yes
Ireland	no	no
Italy	yes	yes
Liechtenstein	yes	yes
Lithuania	no	yes
Malta	no	no
Monaco	yes	yes
Netherlands	yes	yes
Norway	yes	yes
Portugal	yes	yes
Slovakia	yes	yes
Spain	no answer	no answer
Sweden	yes	yes
Switzerland	yes	yes
Turkey	yes	yes
Frequency of yes answers	24	27

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

Andorra	yes	**Finland**	yes	**Monaco**	yes
Armenia	yes	**France**	yes	**Netherlands**	yes
Austria	yes	**Germany**	yes	**Norway**	yes
Belgium	yes	**Greece**	yes	**Portugal**	yes
Bosnia and Herzegovina	yes	**Hungary**	yes	**Slovakia**	yes
Bulgaria	yes	**Iceland**	yes	**Spain**	yes
Croatia	yes	**Ireland**	yes	**Sweden**	yes
Cyprus	yes	**Italy**	yes	**Switzerland**	yes
Czech Republic	no	**Liechtenstein**	yes	**Turkey**	yes
Denmark	yes	**Lithuania**	yes	**Frequency of yes answers**	28
Estonia	no	**Malta**	no answer		

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	/	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
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	210	no	no	no	no
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
Germany	400	45000	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
Liechtenstein	1	7	yes	yes	yes	yes
Lithuania	25	200	yes	yes	yes	no
Malta	5	76	yes	no	yes	no
Monaco	0	0	/	/	/	/
Netherlands	100	2464	no	yes	yes	yes
Norway	50	50	yes	yes	yes	no
Portugal	35	500	yes	yes	yes	yes
Slovakia	109	1047	yes	yes	yes	yes
Spain	293	4144	yes	yes	yes	yes
Sweden	160	no answer	no	no	no	yes
Switzerland	18	200	yes	yes	yes	no
Turkey	14	259	yes	no	yes	yes
Frequency of yes answers	/	/	24	15	25	20

/ = not applicable

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	no	no	no
Belgium	yes	yes	yes	yes	yes
Bosnia and Herzegovina	no	no	/	/	/
Bulgaria	no	yes	yes	yes	yes
Croatia	no	no	no	no	no
Cyprus	no	no	no	no	no answer
Czech Republic	no	no	no	no	no
Denmark	yes	yes	yes	yes	yes
Estonia	no	no	yes	no	yes
Finland	no	no	no	no	no
France	yes	yes	no	no	yes
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
Liechtenstein	no	no	no answer	no answer	no answer
Lithuania	no	yes	yes	yes	yes
Malta	no	no	no answer	no answer	no answer
Monaco	no	no	/	/	/
Netherlands	yes	yes	yes	yes	yes
Norway	yes	yes	yes	no	yes
Portugal	yes	yes	yes	yes	yes
Slovakia	yes	yes	yes	yes	yes
Spain	no	no	yes	yes	yes
Sweden	yes	yes	yes	no	no
Switzerland	yes	yes	yes	no	yes
Turkey	no	no	no	no answer	no answer
Frequency of yes answers	13	15	16	9	16
/ = not applicable					

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	Free of charge
Andorra	yes	yes
Armenia	no answer	no answer
Austria	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	yes
Germany	yes	yes
Greece	yes	no answer
Hungary	yes	yes
Iceland	no	no answer
Ireland	yes	yes
Italy	yes	yes
Liechtenstein	yes	yes
Lithuania	yes	yes
Malta	yes	yes
Monaco	no	/
Netherlands	yes	yes
Norway	no	yes
Portugal	yes	yes
Slovakia	yes	yes
Spain	yes	yes
Sweden	yes	yes
Switzerland	yes	yes
Turkey	yes	yes
Frequency of yes answers	25	26
/ = not applicable		

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	yes	no
Armenia	no	/	/	/
Austria	yes	yes	yes	yes
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	yes	no	yes	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
Liechtenstein	yes	yes	yes	yes
Lithuania	yes	no answer	yes	yes
Malta	yes	yes	yes	yes
Monaco	no	/	/	/
Netherlands	yes	no	no	no
Norway	yes	no	no	yes
Portugal	yes	no	yes	yes
Slovakia	no answer	yes	yes	no
Spain	yes	yes	yes	yes
Sweden	yes	no	yes	yes
Switzerland	yes	yes	no	yes
Turkey	yes	no	no	yes
Frequency of yes answers	28	16	19	24
/ = not applicable				

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
Belgium	yes	10
Bosnia and Herzegovina	no	/
Bulgaria	no	/
Croatia	yes	1
Cyprus	no	/
Czech Republic	no answer	/
Denmark	yes	4
Estonia	no	/
Finland	yes	3
France	yes	no answer
Germany	yes	9
Greece	yes	no answer
Hungary	yes	2
Iceland	no	/
Ireland	yes	16
Italy	no	/
Liechtenstein	no	/
Lithuania	yes	1
Malta	yes	2
Monaco	no	/
Netherlands	yes	24
Norway	yes	4
Portugal	yes	3
Slovakia	no	/
Spain	yes	18
Sweden	yes	25
Switzerland	yes	10
Turkey	no	/
Frequency of yes answers	18	
/ = not applicable		

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
Belgium	no	no
Bosnia and Herzegovina	no	no
Bulgaria	no	no
Croatia	no	yes
Cyprus	yes	yes
Czech Republic	no	no
Denmark	no	yes
Estonia	no	no
Finland	no	yes
France	yes	yes
Germany	yes	yes
Greece	no answer	yes
Hungary	no	no
Iceland	no	no
Ireland	no	no
Italy	no	no
Liechtenstein	no	no
Lithuania	no	yes
Malta	no	no
Monaco	no answer	no
Netherlands	yes	no
Norway	no	yes
Portugal	yes	yes
Slovakia	no	no
Spain	yes	yes
Sweden	no	yes
Switzerland	no	no
Turkey	yes	yes
Frequency of yes answers	9	13

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/ activities to educate children in the public schools
Andorra	yes
Armenia	no
Austria	yes
Belgium	yes
Bosnia and Herzegovina	yes
Bulgaria	yes
Croatia	no
Cyprus	no
Czech Republic	yes
Denmark	yes
Estonia	no

Country	Programmes/ activities to educate children in the public schools
Finland	yes
France	yes
Germany	no answer
Greece	yes
Hungary	yes
Iceland	no
Ireland	yes
Italy	no
Liechtenstein	no
Lithuania	yes
Malta	yes

Country	Programmes/ activities to educate children in the public schools
Monaco	no
Netherlands	yes
Norway	no
Portugal	yes
Slovakia	yes
Spain	no answer
Sweden	yes
Switzerland	yes
Turkey	no
Frequency of yes answers	19

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
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	no	no	yes	no	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
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
Liechtenstein	no	no	no	no	no	no	no	no	no	no
Lithuania	yes	yes	yes	yes	yes	yes	no	yes	yes	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
Slovakia	yes	no	no	yes	no	yes	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
Turkey	yes	yes	yes	yes	no	yes	no	no	no	no
Frequency of yes answers	26	13	12	20	10	14	9	11	8	6
/ = not applicable										

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	/	/	/	/	/	/
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	no	no	no	no	no	no	no	no	no	no
Cyprus	yes	/	/	yes	/	yes	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
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
Liechtenstein	yes	no	no	no	yes	no	yes	no	no	no
Lithuania	no	no	no	no	no	no	yes	no	no	yes
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
Slovakia	yes	no	no	yes	no	yes	no	no	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
Turkey	no	no	no	no	no	no	no	no	no	no
Frequency of yes answers	20	9	11	17	13	14	17	6	6	6

/ = not applicable

17. *Do police statistics systematically record in standardised categories according to criminal offences the sex of victim, sex of perpetrator, and the 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	Sex of victim	Sex of perpetrator	Relationship of perpetrator to victim	Availability in national report
Andorra	yes	yes	yes	no
Armenia	no	no	no	/
Austria	no	no	no	/
Belgium	yes	yes	no	no
Bosnia and Herzegovina	no	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
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
Liechtenstein	yes	yes	yes	yes
Lithuania	yes	yes	no	no
Malta	yes	yes	yes	yes
Monaco	yes	yes	yes	no
Netherlands	yes	yes	yes	yes
Norway	no	no	no	/
Portugal	yes	yes	no	yes
Slovakia	yes	yes	yes	no
Spain	yes	no	yes	yes
Sweden	yes	yes	yes	yes
Switzerland	yes	yes	yes	no
Turkey	yes	yes	yes	no
Frequency of yes answers	23	25	20	14
/ = not applicable				

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

Andorra	yes	**Finland**	no	**Monaco**	no
Armenia	no	**France**	no	**Netherlands**	no
Austria	no	**Germany**	no	**Norway**	no
Belgium	no	**Greece**	yes	**Portugal**	no
Bosnia and Herzegovina	no answer	**Hungary**	no	**Slovakia**	no
Bulgaria	no	**Iceland**	no answer	**Spain**	no
Croatia	yes	**Ireland**	yes	**Sweden**	yes
Cyprus	no	**Italy**	yes	**Switzerland**	no
Czech Republic	no	**Liechtenstein**	no	**Turkey**	no
Denmark	yes	**Lithuania**	no	**Frequency of yes answers**	7
Estonia	no	**Malta**	no		

19. *Are questions on violence against women integrated in a regular representative national survey?*

20. *Has there been a representative national survey focusing 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 representative national survey	If so, when?
Andorra	yes	no	/
Armenia	no	no	/
Austria	no	no	/
Belgium	no	yes	1998, 2006
Bosnia and Herzegovina	yes	yes	1994
Bulgaria	yes	yes	2003
Croatia	no	yes	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
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	no	/
Liechtenstein	no	yes	2003
Lithuania	yes	yes	2005
Malta	no	no	/
Monaco	no	no	/
Netherlands	no	no	1997, 2007
Norway	yes	yes	2005
Portugal	yes	yes	4 surveys
Slovakia	no	yes	2002
Spain	yes	no	/
Sweden	yes	yes	2001
Switzerland	yes	yes	2003
Turkey	no	yes	1994
Frequency of yes answers	13	21	
/ = not applicable			

Part 2. Measures to protect victims

2.1. **Legal measures**

Traditional views of violence against women as a private concern meant that the law did not protect women adequately. Thus, specific legislation has developed, especially to protect women from violence within the home or by a cohabiting partner or ex-partner. Legislation varies according to the different judicial history in each member state and the role of the police, prosecution and civil courts. This legislation and its implementation is usually (with some exceptions in relation to breaches of orders) separate from legislation aimed at criminal prosecution. It follows the idea of immediate protection from further violence by providing physical distance between victim and offender, and sometimes by requiring the perpetrator to desist from actions that cause fear and distress.

Although rape law in the past primarily criminalised acts outside the cohabiting or marriage relationship, legal protection measures for these victims are less well developed. There may be a long delay until the perpetrator is legally identified by a conviction, or there may be other threats to the victim, for example from the extended family or criminal associates. Measures to protect victims who file a complaint after rape or assault are (with a few exceptions) largely missing.

Police eviction, barring and go-orders

Some member states, e.g. Austria, Switzerland, Germany, Liechtenstein, Luxembourg, Spain, Poland, have developed legislation which, in addition to the possibility of arrest, allows the police to take positive action at the site of a domestic violence incident to exclude the perpetrator of violence from the home.

The requirements for the police to take action differ within the countries. Mostly the eviction is a preventive measure. It enables the police to ban the perpetrator from the common home and its immediate surroundings and bar him[1] from re-entering it – even if he is the owner of the house or apartment. Such an order can be imposed if it is judged probable that an attack on life, health or freedom is imminent. There may be a requirement that a court or local authority review the order within several days. The duration of the order varies, usually within a range of 10-14 days, and is sometimes flexible (set on a case-to-case basis).

The purpose of these measures is generally understood to provide a safety period for the victim, within which she can gain access to information about possible legal and practical solutions to her situation and consider her options. Some legislation further obliges the police to control that the order is not being breached, and to provide the victim with information on the possibility of applying for a civil protection order and specific counselling.

In view of the numerous difficulties facing abused women, measures to prolong this safety period by an interaction of police and civil law have been developed. For example, in Austria, the victim cannot influence the imposition of a barring order (and thus cannot be pressured by the violent partner to let him return). When a barring order has been imposed, the victim can apply for an interim injunction at the Civil Court (Family Court) within ten days. If such an application is submitted, the barring order is automatically prolonged to 20 days. The police are obligated to control the order not being breached. If the woman initiates divorce or separation proceedings within this period, the protective measure can be extended.

The barring order is legally linked with access to counselling. In Austria, in many German federal states and in Switzerland the police are authorised or obliged to notify a specific counselling centre (mostly called intervention centres) with the victim's personal data and make a referral following every barring order, or even following every police attendance in

1. Most legislation is framed in gender-neutral terms. Evaluation research found that women are evicted as perpetrators in about 5% of cases. With reference to Recommendation Rec (2002) 5 the present study discusses only protection of women from violence by men.

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