

**ADVISORY COMMITTEE ON EQUAL OPPORTUNITIES FOR WOMEN AND MEN**

**Opinion on an EU Strategy on Violence Against Women and Girls**

**7 December 2010**

The opinion provides a definition and a set of recommendations intended to inform the EU Strategy on Violence against Women and Girls. The explanatory note to this opinion provides a background of the opinion and of violence against women and girls in Europe. It also expands on the recommendations providing more details of the context and means of implementation.

**Definition:**

It is recommended that the strategy adopts the following definition of violence against women and girls:

**Violence against women is to be understood as any act of gender-based violence, which results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or private life. This includes, but is not limited to, the following:**

- a. violence occurring in the family or domestic unit, including, inter alia, physical and mental aggression, emotional and psychological abuse, rape and sexual abuse, incest, rape between spouses, regular or occasional partners, crimes committed in the name of honour, female genital and sexual mutilation and other traditional practices harmful to women, such as forced marriages;**
- b. violence occurring within the general community, including, inter alia, rape, sexual abuse, sexual harassment and intimidation at work, in institutions or elsewhere trafficking in women for the purposes of sexual exploitation and economic exploitation and sex tourism;**
- c. violence perpetrated or condoned by the state or its officials;**
- d. violation of the human rights of women in situations of armed conflict, in particular the taking of hostages, forced displacement, systematic rape, sexual slavery, forced pregnancy, and trafficking for the purposes of sexual exploitation and economic exploitation.**

*(CoE Recommendation Rec (2002)5 of the Committee of Ministers to all member states on the protection of women against violence.)*

References to women in this definition are to be understood as equally references to girls and young women. References to women should also be understood as referring to all women, who have a diversity of personal characteristics and needs.

The list of forms of violence above is not exhaustive, and references to violence against

women and girls are to be understood as also including, inter alia, financial and economic abuse, battering, abuse or neglect of girls, violence in post-conflict or humanitarian emergencies, dowry-related violence, non-spousal violence, domestic violence between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim, violence between cohabitants, violence related to exploitation, gender-related harassment, and exploitation of the prostitution of others.

This definition should be interpreted in a way which is consistent with the forthcoming *Council of Europe Convention on preventing and combating violence against women and domestic violence*. As of October 1<sup>st</sup> the definition used in the draft Convention is as follows:

“violence against women” is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological, or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life”.

In order to ensure consistency with EU and EU Member States’ international obligations we recommend that reference is also made to definitions of violence against women contained in key international human rights instruments such as CEDAW and Beijing Platform for Action.

The *Beijing Platform for Action (1995)*, which has been endorsed by all EU Member States, states that “violence against women is a manifestation of the historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of women's full advancement”.

Gender based violence against women shall be defined as follows: “Gender-based violence against women is violence that is directed against a woman because she is a woman or that affects women disproportionately”. (*General Recommendation 19 of the Convention on the Elimination of all forms of Discrimination Against Women*)

### Recommendations for the EU strategy

The opinion identifies eight areas of action the strategy should cover: **perspective, prevention, protection, prosecution, provision, action planning, infrastructure, monitoring and evaluation**. The strategy should prioritise investment in the actions set out in this opinion. Where resources are limited prevention, protection, prosecution and provision should be equally prioritised.

#### **Vision and objectives of the strategy:**

- i. The vision behind the EU strategy should be the eradication of all forms of violence against women and girls within the European Union.
- ii. The objectives of the Strategy should be to secure timely and measurable progress against targets on prevention, protection, prosecution and provision

#### **Perspective:**

- i. *Principles:* The EU strategy should be based firmly on an **equality and human rights framework** and should call on all member states to adopt this framework to

consistently inform their decisions and behaviours.

The strategy should be: **broad, integrated, human rights based, informed by gender equality, addressing the specific needs of different groups of women, comprehensive, cross sectoral, adequately funded, coherent with the broader EU policy framework, and mainstreamed into EU and national policy.**

- ii. *Legislation:* The strategy should include a stocktaking of all relevant legal instruments at European level. It should consider the benefits of creating new legal instruments addressing all forms of violence against women; and mainstreaming violence against women and girls in the operation of existing instruments.
- iii. *Research and Development:* The strategy should include a programme of R&D that provides for the development of a basic set of commonly accepted indicators and measures to ensure comparability of data; and provide for appropriate population-based surveys.
- iv. *External relations:* The EU Strategy should include consideration of EU external action and relations. The EU should ensure consistency between internal and external policies in the area of fundamental rights, including violence against women and girls.

#### **1. Prevention:**

- i. Prevention should be an integral part of the EU strategy, and in turn has to inform national strategies of member states.
- ii. *Education:* The strategy should encourage member states to take steps, subject to and in line with national mechanisms for delivering education, to promote targeted education and lifelong learning measures on violence against women and girls. This should take into account existing EU education programmes where violence against women could be mainstreamed.<sup>1</sup>
- iii. *Services:* The strategy should encourage member states to ensure that relevant professionals and public service or administration workers in a range of sectors receive training on violence against women and gender equality.
- iv. *Men and boys:* The EU strategy should encourage member states to develop prevention programmes aimed at men and boys as important targets.
- v. *Campaigns:* The EU strategy should provide for the development of campaigns.

The strategy should take stock and evaluate the impact of existing campaigns in Europe and elsewhere.

The strategy should include provisions for two types of campaigns: campaigns that raise awareness on all forms of violence against women and are targeted to society as a whole and specific issue based campaigns targeting specific audiences.

The EU strategy should ensure a long term approach to public awareness campaigns to

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<sup>1</sup> Education programmes need not exclusively be delivered through schools, where the education system is the competence of regional/municipal authorities.

keep violence against women on the agenda.

**2. Protection:**

- i. The EU strategy should include measures to encourage member states to ensure appropriate protection for all victims of all forms of violence against women, and their children.
- ii. The EU strategy should consider setting up a system of protection and/or barring orders in all member states, along with a solution for dealing with civil and administrative implications as well as criminal matters.

**3. Prosecution:**

- i. The EU strategy should direct member states' attention towards holding perpetrators accountable for all forms of violence through the introduction and enforcement of legal sanctions for all forms of violence against women.

**4. Provision:**

- i. The EU strategy should provide a framework for member states to provide sufficient, accessible and high quality services to support victims of violence against women and girls; and their children as witnesses of violence (including: sufficient legal information and advisory services, temporary reception centres, health services including mental health care, sexual and reproductive health care, housing advice and support, and employment or training services).
- ii. Member states should be encouraged to set up and strengthen their network of national and local help lines.
- iii. The EU strategy should call on member states to establish services and early interventions working with perpetrators. Services designed to help perpetrators should in no way undermine the availability and support to victim support services.

**5. Infrastructure**

- i. The EU Commissioner for Justice should be the key coordinator for the strategy and should be accountable for the coherence and success of EU action on violence against women.
- ii. A network of national contact points to work with the European Commission should be established in all member states to work on the issue of violence against women.
- iii. All male Commissioners could be asked to express their commitment to end violence against women by requesting an invitation to join the UN network of men leaders to combat violence against women.
- iv. The EU strategy should take the first steps towards establishing a European Observatory on Violence against Women, building on existing institutional structures, such as the FRA and EIGE.
- v. The Observatory should offer a mechanism to help relevant authorities and bodies to

cooperate with each other, share information and be involved in the development of the strategy.

- vi. Continuing support to the DAPHNE programme should be a priority of the strategy.
- vii. The strategy should recognise and support the role of NGOs in combating violence against women and aim at promoting cooperation between member states, EU institutions and national and international NGOs engaged in this field.
- viii. European institutions and member states should co-operate closely with other international organisations, in particular the Council of Europe (COE), the Organisation for Security in Europe (OSCE) and the United Nations.

## **6. Action Planning**

- i. The EU strategy should include a European Action Plan with objectives and timetables for the eradication of all forms of violence against women.
- ii. The strategy should call on member states to compose national action plans and ensure consistency and coordination between existing action plans and the EU Action Plan.

## **7. Monitoring and Evaluation**

- i. The impact of the strategy should be monitored and evaluated regularly through robust evidence gathering and analysis, and amended or extended as necessary.
- ii. A set of indicators should be developed to assess progress against the principles and objectives of the strategy
- iii. The European Commission should be the main monitoring body of the strategy.
- iv. The European Commission should require a regular progress report from all member states, including in relation to the fulfilment of agreed targets.
- v. The strategy should also mandate a regular European Commission progress report on the implementation of the strategy by all relevant EU bodies.
- vi. The European Parliament should be invited to hold a regular debate and deliver a regular report on the implementation of the strategy.
- vii. FRA, EIGE and Eurostat should be required to produce research and analysis to evaluate the impact of the strategy
- viii. A strategy review should be carried out at the midpoint and at the end to assess strategic progress.

## **Draft Opinion – Explanatory Notes:**

### **Background to this Opinion**

There have been a range of measures initiated in recent years at EU level to tackle violence against women, including legislation, reports, conferences and resolutions. However there is currently no clearly defined guiding strategy for the EU, and there is no full legal framework providing minimum standards of protection of women's rights across the EU. An EU Barometer on 'Gender equality in the EU in 2009' shows that 62% of Europeans think that action should be taken as a matter of priority with regards to acts of violence against women. The EU Barometer on Domestic Violence against Women published in September 2010 reported that 87% of Europeans support EU involvement in eradicating domestic violence against women<sup>2</sup>.

In its Resolution of 26 November 2009 on the elimination of violence against women, the European Parliament called on the Commission to submit to the Parliament and the Council a targeted and a more coherent EU policy plan to combat all forms of violence against women. Furthermore, the Council Conclusions on the eradication of violence against women in the EU, adopted by the EPSCO Council on 8 March 2010, call on the Commission to devise a European Strategy for preventing and combating violence against women by establishing a general framework of common principles and appropriate instruments.

The Commission has resolved to produce a comprehensive EU strategy and Action Plan to combat violence against women, domestic violence and female genital mutilation in the Action Plan implementing the Stockholm Programme adopted on 20 April 2010<sup>3</sup>. The development of an EU strategy would ensure that efforts are more comprehensive and coherent; and would demonstrate a clear political will for action. The strategy would bring added value to existing initiatives by positioning the fight against all forms of violence against women and girls as a priority in all member states and securing the necessary resources to have an impact. It would enhance the efforts of individual member states, encourage cross-European work, and provide a vehicle for the implementation of the planned Council of Europe Convention on preventing and combating violence against women and domestic violence.

The European Union has made significant political commitments to eradicating violence against women and girls over a number of years. In practical terms, the DAPHNE programme has been the main instrument to deliver results in this complex and challenging area. It is intended that with a comprehensive EU strategy, the EU will step up its engagement to take concrete action to combat violence against women. In order to show ambition and deliver results, the strategy will need to be supported by strong political commitment and adequate resources. In the current climate of economic recession, and in light of variation in awareness

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<sup>2</sup> Eurobarometer *Domestic Violence against Women Report*  
[http://ec.europa.eu/public\\_opinion/archives/ebs/ebs\\_344\\_en.pdf](http://ec.europa.eu/public_opinion/archives/ebs/ebs_344_en.pdf)

<sup>3</sup> European Commission *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions, delivering an area of freedom, security and justice for Europe's citizens - Action Plan Implementing the Stockholm Programme*,  
[http://ec.europa.eu/justice\\_home/news/intro/doc/com\\_2010\\_171\\_en.pdf](http://ec.europa.eu/justice_home/news/intro/doc/com_2010_171_en.pdf)

and capability among member states, the EU will need to support countries to develop and implement their national strategies.

The Advisory Committee on Equal Opportunities for Women and Men decided at its meeting on 19 November 2009 to set up a working group to prepare an Opinion on gender-based violence. The purpose of this Opinion is to inform the development of an EU strategy, including recommendations for the content of the strategy.

The working group welcomes the Commission's commitment to tackling violence against women and girls. The working group notes that a truly comprehensive strategy based on a gendered analysis of violence shall include consideration of girls and young women; and therefore any reference to women in this Opinion should be read as also a reference to girls and young women.

The working group also notes that men and boys may also be victims of some forms of violence and the importance of this is not diminished by the development of the strategy on violence against women. However the prevalence and the particular dynamics of violence against women distinguish it from gendered (or other) violence against men. Violence against women therefore requires a distinctive response. The majority of victims of crimes such as rape or domestic violence are women and the overwhelming majority of perpetrators are men. This cannot be separated from social power relations between men and women.

#### *Policy context*

The recent 15-year review of the Beijing Platform for Action and of the implementation of commitments made by all EU Member States to eliminate all forms of violence against women, identified the need for much stronger action in this area.

The European Commission's commitment to combat violence against women was confirmed in its 2006-2010 Roadmap for equality between women and men, which outlines as a priority the eradication of all forms of gender-based violence and of the trafficking in human beings. The fight against gender-based violence is one of the key themes included also in the follow-up strategy to the Roadmap, the Strategy for equality between women and men 2010-2015, which includes as one of its key actions the adoption of a strategy on combating violence against women. Consistency will be needed between the EU strategy on violence against women and the new EU strategy for equality between women and men.

Adding to the European Parliament resolutions and the Council Conclusions on violence against women, the Women's Charter adopted by the Commission on 5 March 2010 states that: a comprehensive and effective framework to combat gender-based violence will be put in place and that action to eradicate female genital mutilation and other acts of violence will be strengthened.

These commitments are also reflected in the communication on the "Stockholm Programme – An open and secure Europe serving and protecting the citizens", which inter alia puts emphasis on the protection of victims of crime, including women victims of violence and genital mutilation. On 20 April 2010, the Commission approved a communication presenting an Action Plan implementing the "Stockholm Programme". The Action Plan sets out precise actions to be taken and aims at delivering the political mandates of the Stockholm

Programme. The Action Plan envisages the preparation of a strategy to combat violence against women, domestic violence and female genital mutilation to be launched in 2011.

The suggested timeframe for the EU strategy on violence against women is 2011-2015. Within the framework of the strategy, the Commission is also planning to launch an awareness-raising campaign.

*Main ongoing initiatives/actions*

Member states vary in their approaches to provision of support services or information, protection orders, prevention measures and awareness raising, prosecution, the definition of forms of violence as criminal or civil offences, the adoption of human rights and gender equality definitions of violence against women in national policy, remedies available to victims, the availability of specialised courts or training for criminal justice professionals. There is a wide variation in reporting and conviction rates for criminal violence against women, between and within member states. Some but not all member states have developed broad National Action Plans tackling all forms of violence against women. Women's NGOs in most Member States play a vital role in providing support services to victims of violence against women and in awareness raising activities.

At EU level, several actions and programmes are being implemented that aim to combat different forms of violence against women in various policy areas where it has competence both within the EU and in its external relations. This includes various justice and security areas (trafficking in women and children, sexual exploitation, civil and criminal judicial and police cooperation, protection of the rights of victims of crime, immigration and asylum), gender equality and non-discrimination, fundamental/human rights, development cooperation and public health. All of these areas cover aspects relevant to preventing and combating violence against women and supporting victims of violence either directly or indirectly.

The most concrete action taken so far by the Commission to combat violence against women is through the Daphne Programme which is aimed at preventing and combating violence against children, young people and women and to protect victims and groups at risk. Daphne started in 1997. It finances targeted actions by NGOs, local public authorities and universities/research institutes to fight all forms of violence against women. Daphne has funded more than 500 projects, half of which are in support of women who are victims of violence or are working on the prevention of violence.

The Daphne Programme recognises the significance of NGOs in driving forward this agenda, and collaboration with NGOs will be a prerequisite of an effective EU strategy. The number of applications to the Daphne Programme overwhelmingly exceeded the capacity of the programme, showing the extent of the need for support in this area.

Following an initiative of the European Parliament, the Commission is currently financing a feasibility study that will assess the possibilities, opportunities and needs to standardise national legislation on gender violence and violence against children. A study on harmful traditional practices has also been initiated in the framework of the Daphne Programme. The purpose of this study is to break new ground for the EU and provide a concrete way forward in relation to both harmonisation of legislation and policy and action at grassroots and governmental levels. The results of both studies will be presented at a conference on combating violence against women on 25 November 2010.



The Fundamental Rights Agency and the European Institute for Gender Equality are also foreseeing activities on violence against women. The FRA is currently scoping a pilot prevalence study, which would be the first EU study of its kind. This survey will yield important data on the prevalence of violence against women and first results are expected for 2012.

The proposal for a Directive on preventing and combating trafficking in human beings and protecting victims, repealing Framework Decision 2002/629/JHA, is in the final stages of adoption by the Council and the European Parliament.

A Directive to introduce a European Protection Order is also being considered. The aim of this Directive is to ensure consistency in the protection granted to victims of crime, or possible victims of crimes, when they move between EU member states. Among other things this is intended to help prevent the repeat victimisation of women who are subjected to violence by the same perpetrator. The Directive will allow European protection orders to be issued and executed in all member states, in accordance with their national law.

The European Union Handbook of best police practices on tackling violence against women was agreed on 6-7 April 2010.

In the external policy context, the Council adopted in December 2008 the "EU Human Rights Guidelines on violence against women and girls and combating all forms of discrimination against them", which underline the commitment of the EU to prioritise actions to promote and protect women's rights in third countries. The Commission manages various budget lines to fund projects in third countries to combat violence against women.

At international level, the Commission is taking an active role in the negotiations of the Council of Europe's future Convention to prevent and combat violence against women, for which formal negotiations started on 1 December 2009 with the intention to finalise them by the end of 2010.

## **Background to violence against women in Europe**

### *Definition*

It is recommended that the strategy adopts the following definition of violence against women and girls:

**Violence against women is to be understood as any act of gender-based violence, which results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or private life. This includes, but is not limited to, the following:**

**a. violence occurring in the family or domestic unit, including, inter alia, physical and mental aggression, emotional and psychological abuse, rape and sexual abuse, incest, rape between spouses, regular or occasional partners, crimes committed in the**

**name of honour, female genital and sexual mutilation and other traditional practices harmful to women, such as forced marriages;**

**b. violence occurring within the general community, including, inter alia, rape, sexual abuse, sexual harassment and intimidation at work, in institutions or elsewhere trafficking in women for the purposes of sexual exploitation and economic exploitation and sex tourism;**

**c. violence perpetrated or condoned by the state or its officials;**

**d. violation of the human rights of women in situations of armed conflict, in particular the taking of hostages, forced displacement, systematic rape, sexual slavery, forced pregnancy, and trafficking for the purposes of sexual exploitation and economic exploitation.**

*(CoE Recommendation Rec (2002)5 of the Committee of Ministers to all member states on the protection of women against violence.)*

References to women in this definition are to be understood as equally references to girls and young women. References to women should also be understood as referring to all women, who have a diversity of personal characteristics and needs.

The list of forms of violence above is not exhaustive, and references to violence against women and girls are to be understood as also including, inter alia, financial and economic abuse, battering, abuse or neglect of girls, violence in post-conflict or humanitarian emergencies, dowry-related violence, non-spousal violence, domestic violence between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim, violence between cohabitants, violence related to exploitation, gender-related harassment, and exploitation of the prostitution of others.

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Gender based violence against women shall be defined as follows: Gender-based violence against women is violence that is directed against a woman because she is a woman or that

affects women disproportionately. (from *General Recommendation 19 of the Convention on the Elimination of all forms of Discrimination Against Women*)

The definition of violence against women and girls emphasises that it is a gender-specific issue as well as a critical human rights issue. It is differentiated by its prevalence, its manifestation as a pattern of behaviour and victimisation, and its role as both a cause and consequence of women's inequality in wider society relative to men. As such, violence against women requires a distinctive response which explicitly acknowledges and tackles its structural role in social power relations between men and women.

### *Prevalence and impact*

Violence against women represents a major challenge for modern societies, it is ubiquitous and pervasive. Violence affects women and girls in all European countries, across all ages, class, cultures, ethnicities, nationalities, socio-economic status, marital status, sexual orientation, transgender status, disability, religion or belief, or migration status.

The Council of Europe estimates that 45% of all women in Europe have been subjected to and suffered from gendered violence.<sup>4</sup> Between 40 and 50 per cent of women in the European Union report some form of sexual harassment in the workplace.<sup>5</sup> It is estimated that every fifth woman in Europe has been subjected to domestic violence, which remains a major cause of death amongst women.<sup>6</sup>

As well as the many women who experience and survive violence each year, there are many more living with the legacies of violence in their past, including survivors of rape or childhood abuse. Violence causes physical damage including incapacity, miscarriages, broken limbs, and cuts and bruises. Thousands of women in Europe are killed every year by partners or ex-partners. Sexual offences bring the risk of HIV, sexually transmitted diseases and forced/unwanted pregnancies.

Violence has serious immediate and long-term implications for health and psychological and social development for women and children<sup>7</sup>. Violence can give rise to drug or alcohol dependency as a means of coping. Sexual harassment often results in women leaving their job, weakened career opportunities, health problems and psychological consequences. Women who experience domestic violence sometimes lose their job due to absence from work and other disruption caused by the abuse. Dating violence can affect life permanently as victims often suffer from depression, anxiety, health problems, and low self esteem. Children who witness or are subject to violence may demonstrate antisocial behaviour and there may be disruption to their education with long term impacts on their life chances. Being subjected to violence can increase women and girls' exposure to repeat victimisation, and reduce their resources for coping and challenging it.

The economic as well as human cost of violence against women is of daunting proportions. A stocktaking study of the Council of Europe estimated annual cost of violence against women

<sup>4</sup> Council of Europe, *Stocktaking study on the measures and actions taken in Council of Europe member States, 2006*

<sup>5</sup> European Commission: *Sexual harassment at the workplace in the European Union (Luxembourg, Office for Official Publications of the European Communities, 1999)*

<sup>6</sup> EWL, *Unveiling the hidden data on domestic violence in the EU, 1999*

<sup>7</sup> Forty Ninth World Health Assembly Geneva, 20-15 May 2006 *WHA49.25 Prevention of violence: a public health priority* [http://www.who.int/violence\\_injury\\_prevention/resources/publications/en/WHA4925\\_eng.pdf](http://www.who.int/violence_injury_prevention/resources/publications/en/WHA4925_eng.pdf)

in Council of Europe member states to be as high as 34 billion Euros<sup>8</sup>. It is estimated that domestic violence alone costs EU member states 16 billion Euros each year<sup>9</sup>. This estimate reflects costs in health services, including mental health and long term disability caused by injuries; policing and justice system costs; mortality; and the loss of economic productivity from victims. Many victims may lose their jobs, may become homeless, and may revert to substance abuse, all of which has a longer term impact on their productivity and their need to draw on state resources.

The €16 billion figure is based on prevalence and impact data, which presents a number of limitations. There are significant problems in gathering evidence on violence against women and girls, not least the fact that it is chronically under-reported – which points to the importance of further work to establish a secure evidence base. As with other types of cost analysis, caution should be applied to the estimate of human and emotional costs of domestic violence, as these are particularly difficult to measure. An analysis of the cost of domestic violence in France, for example suggests that human and emotional cost of domestic violence are estimated to be around 22% of the total<sup>10</sup>.

Despite the caveats around data availability and analysis, it would appear that while the cost of violence against women is of the order of billions, budgets devoted to tackling this problem are of the order of millions, i.e. a rate of 1:1000. There is strong business case for an adequately funded comprehensive strategy to fight violence against women.

The social and economic benefits of tackling violence effectively will promptly offset the economic burden it represents to the European economy. As far as domestic violence is concerned, it is estimated that for every €1 more spent on prevention policies, €87 can be saved on the total cost of domestic violence, with €33 of that total being a saving on the direct costs<sup>11</sup>. An increase in support, justice and enforcement budgets for example, should yield short term as well as long term savings in the health costs. Through monitoring of the EU strategy, the economic benefits could be measured and evaluated.

As well as the direct impact on individuals and the aggregate costs to society, violence against women and girls shapes the structure of women's place in society; their health, economic independence, access to employment and education, integration into social and cultural activities, economic independence, participation in public and political life, and relations with men. As such, violence against women and girls is a crosscutting issue that is relevant to a range of policy fields and national or international institutions. A holistic and coordinated approach is needed in order to tackle violence effectively. Violence against women and girls in its range of forms, various settings and multiplicity of perpetrators, acts systematically to undermine women's equality and human rights by hurting, degrading, intimidating and silencing women.

This is true in times of peace but also during conflict, when the imbalance of power between men and women comes into sharp relief and violence against women and girls is particularly exacerbated. In conflict, post-conflict and crisis situations, gender identities are strained and

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<sup>8</sup> Council of Europe, *Stocktaking study on the measures and actions taken in Council of Europe member States*, 2006

<sup>9</sup> Psytel, 2006 *Daphne Project on the cost of domestic violence in Europe*

<sup>10</sup> *Idem*

<sup>11</sup> Psytel, 2009, *Estimation des Cout de Violences Conjugales en Europe, synthese du rapport scientifique, IPV – EU\_Cost Projet JLS/DAP/06-1/073/WY, Version Juin 2009*

gender specific violence can escalate, to the extent that in many documented cases, violence against women and girls has become a systematic weapon of warfare and a feature of humanitarian emergencies. In its external relations and in particular in conflict resolution and peace building activities, as well as in natural disasters and other emergencies, the EU should bear in mind the prevalence and impact of violence against women and girls in conflict; and should have regard to United Nations Security Council Resolutions 1325, 1820, 1888 and 1889.

### *Human rights*

Violence against women and girls is recognised internationally as one of the most widespread human rights violations. Violence against women and girls takes place in a wider social context of women's inequality and it is a cause and consequence of women's inequality. Violence against women and girls therefore impairs the realisation of equality between women and men as an objective of the EU Treaty (Article 3§3).

Violence against women and girls seriously violates and impairs or nullifies the enjoyment of their human rights: specifically the fundamental rights to life, security, freedom, dignity and physical and emotional integrity, the prohibition of inhuman and degrading treatment, and the right to a private life. These rights are upheld for all European citizens in the EU Charter of Fundamental Rights, which draws specific attention to the right to life (Article 2), the right to the integrity of the persons (Article 3), the prohibition of torture and inhuman or degrading treatment or punishment (Article 4), the right to liberty and security of persons (Article 6) and equality between men and women (Article 23).

In 2008 the UN special rapporteur on torture, Manfred Nowak, presented a report to the Human Rights Council outlining how violence against women and girls can be considered a violation of the Convention against Torture, particularly when states fail to act to secure the safety of victims or provide remedies.

The nature of violence, and the fear of violence, deprives women and girls of their ability to enjoy fundamental freedoms. It is a public responsibility, and a duty of member states under their international, European and domestic human rights obligations, to tackle violence in all settings including the private sphere; and to treat it as a threat to security and public health (an issue for Justice and Home Affairs) and not as a 'private' matter.

It is recommended that the EU Strategy on violence against women and girls should be grounded first and foremost in fundamental rights: the right to life, the right to the integrity of the persons, the right to equality between women and men (which is a founding value of the EU, as stated in article 2 of the Treaty on European Union,<sup>12</sup>) and the right to freedom from torture and inhuman or degrading treatment.

### *Equality*

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<sup>12</sup> "The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail." (Art 2 TEU)

Different groups of women, depending on their status, background or identity, experience different rates of victimisation. There are also differences in the response they receive from authorities and in the availability of support to them.

Disabled women are more likely than non-disabled women to experience domestic violence,<sup>13</sup> as well as violence in institutional settings perpetrated by staff or strangers. Surveys conducted in Europe, North America and Australia have shown that over half of all disabled women have experienced physical abuse, compared to one third of non-disabled women.<sup>14</sup> Their impairment and lack of access to information and resources may be used to exert greater control over them. Some disabled women face additional hurdles to reporting or escaping abuse as they may be reliant on the perpetrator as their carer<sup>15</sup>. This dependency, as with women who are financially or emotionally dependant on the perpetrator, compounds the imbalance of power which characterises violence against women and girls both on an individual and societal level. Women with mental health problems and learning disabilities are particularly likely to experience sexual violence - and yet, some evidence suggests these groups are least likely to see the perpetrator brought to justice<sup>16</sup>. The discrimination faced by disabled women and girls in particular translates into a culture of impunity for perpetrators of violence. As a result, many disabled women and girls are at risk of exploitation, violence and abuse at home or elsewhere - including rape, forced sterilization, coerced abortions and involuntary treatment.

Women members of communities which follow specific practices experience particular forms of violence, such as forced marriage, female genital mutilation and crimes in the name of honour, and the use of religious and cultural imperatives as a pretext to restrict women's movement, social interaction and appearance.<sup>17</sup>

Some migrant women are dependent on their spouse or partner or employer in relation to legal status and lose their legal status if leaving their partner or spouse or terminate employment. Undocumented migrant women may be denied access to shelters in most of the European Member States, and face the risk of involuntary repatriation if they make a complaint about violence against them<sup>18</sup>. This leaves them no route of escape from abuse.

Lesbian and bisexual women as well as transgender people experience targeted sexual harassment and abuse, and face the risk of receiving an inappropriate response from authorities.

The experience of violence varies for different age groups, and further study is needed to understand the age profile of violence against women and girls. For example, there is a higher incidence of sexual violence against younger women and girls<sup>19</sup>. Meanwhile many older

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<sup>13</sup> In Britain, twice as likely - British Crime Survey, 1995

<sup>14</sup> United Nations (2006): In-depth study on all forms of violence against women. Report of the Secretary-General. General Assembly. A/61/122/Add.1. New York.

<sup>15</sup> Women's Aid 2008. Making the Links: Disabled women and domestic violence. Available at: [http://www.womensaid.org.uk/core/core\\_picker/download.asp?id=1481](http://www.womensaid.org.uk/core/core_picker/download.asp?id=1481)

<sup>16</sup> See, for example, A Gap or a Chasm? Attrition in Reported Rape Cases. Metropolitan Police Service, 2007

<sup>17</sup> United Nations (2006): In-depth study on all forms of violence against women. Report of the Secretary-General. General Assembly. A/61/122/Add.1. New York.

<sup>18</sup> United Nations (2006): In-depth study on all forms of violence against women. Report of the Secretary-General. General Assembly. A/61/122/Add.1. New York.

<sup>19</sup> See, for example, Rape and Sexual Assault of Women: the extent and nature of the problem. Findings from the British Crime Survey. Home Office Research, Development and Statistics Directorate, March 2002

women face neglect or abuse by carers; this is related to their age, as well as being a gendered experience (they are more likely to be mistreated than older men<sup>20</sup>). Older women may also experience violence from their partner; assumptions and prejudices about older people's relationships may make this more difficult to detect. An analysis of violence that is sensitive to different experiences and needs relating to age could help inform more effective responses.

Poverty can act as a constraint on women escaping violent environments because they are unable to afford alternative accommodation or support themselves (or their children), independently. Women's economic inequality in terms of pay, pension and pregnancy discrimination exacerbates the reliance of women on abusive relationships, which demonstrates the need for a consistent approach to gender inequalities across all policy areas.

The implication for the strategy of this range of equality issues, is the need to ensure that all measures and policies are considered in the light of how they may differentially affect or benefit different groups of women and girls. It is recommended that the strategy should be designed to ensure that it is capable of meeting the needs of all women and girls. The interaction of violence against women and girls with a range of policy areas indicates that all EU measures and policies, both internal and external, including employment, social, taxation, health and education among other policy areas, are consistent with and contribute to the eradication of all forms of violence against women and girls.

#### *Barriers to tackling violence against women (inter alia)*

In the context of social structures characterised by persistent imbalances of power between women and men, there are many false assumptions surrounding violence against women. For example: the perception that women themselves may be partly responsible for rape; that women choose to be subject to violence by their partners if they remain in the relationship or the family home; that jealousy and control are the signs of love; that women enjoy sexual harassment, or that sensitivity towards traditional practices should outweigh the wellbeing and rights of women and girls in some minority communities. Public attitudes are often found to endorse such assumptions. This carries the risk of society condoning violence, making reporting and conviction more difficult and re-victimising women through that process. This allows perpetrators to act with impunity and gives legitimacy to unsafe environments where violence is tolerated. The broad lack of understanding about the dynamics of violence against women and girls contributes to the isolation and entrapment of its victims.

For many women there are limits on possible routes out of violence – especially in conditions of poverty or social marginalisation, homelessness, lack of legal status or dependant legal status, disability, or drug/alcohol dependency. Many women have limited access to support through specialist services or refuges that can meet their needs. Services provided by the state are often linked to legal status, official reporting channels and/or the criminal justice system. Because the majority of women do not report their experience, they are reliant on over-stretched voluntary sector services if they are to receive help. Other types of public services, for example in the health sector, education or welfare services, are not always equipped to respond effectively to disclosures about abuse. Women who have physical impairments or communication difficulties may face additional barriers.

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<sup>20</sup> Penhale, B. (1999) Bruises on the soul: older women, domestic violence and elder abuse. *Journal of Elder Abuse & Neglect*, 11, 1-22.

The majority of rape victims do not report the crime to police, for a range of reasons - including feeling ashamed, blaming themselves, fearing negative consequences from reporting, lacking support, encountering disbelief or negative attitudes from others. This means official crime statistics represent a minority of rape offences. At the same time, justice and reparation is only secured in a minority of cases among women who report their experience to the police. Sexual violence still carries among the lowest conviction rates for any crime, and high levels of 'attrition' in the course of investigations and prosecutions.<sup>21</sup> The combination of barriers to reporting crimes of sexual violence, and failures in prosecution and conviction, amounts to a violation of women's right to equal protection before the law.

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<sup>21</sup> See recent study funded by the EU DAPHNE programme 'Different Systems, similar outcomes? Tracking attrition in reported rape cases in eleven countries,' European Briefing, Kelly, L & Lovett, J, April 2009, CWASU.



## Recommendations

This section elaborates on the list of recommendations provided on page 2-5. It provides detail of the rationale, context and means of implementation for each recommendation. The text of the main recommendation is highlighted in bold.

### Vision and objectives of the strategy

It is recommended that:

**The vision behind the EU strategy is the eradication of all forms of violence against women and girls within the European Union.** Eradication of all forms of violence against women and girls is a necessity in order to achieve gender equality.

**The objectives of the strategy are, to secure timely and measurable progress against targets on prevention, protection, prosecution and provision** and to secure enhanced and consistent perspective and policy among member states.

### Proposed content of the strategy:

This Opinion recommends a set of ambitious principles to frame the perspective adopted on violence against women and girls across the EU. This perspective should inform the development of policy instruments, including legislation where appropriate. The policy instruments should be targeted at the key issues of prevention, protection, prosecution, and provision. Finally, the Opinion makes recommendations on the infrastructure that is needed to support, deliver and evaluate an effective strategy, including institutional provision, coordination with other European instruments, monitoring and accountability.

The strategy should prioritise investment in the actions set out in this opinion. Where resources are limited prevention, protection, prosecution and provision should be equally prioritised.

### *Perspective*

**The EU strategy should be based firmly on an equality and human rights framework and call on all member states to adopt this framework to consistently inform their decisions and behaviours.**

**The strategy should be: broad, integrated, human rights based, informed by gender equality, addressing the specific needs of different groups of women, comprehensive, cross sectoral, adequately funded, coherent with the broader EU policy framework, and mainstreamed into EU and national policy.**

These principles apply to prevention, protection, prosecution and provision.

### **Broad:**

Adopting the definition of violence against women and girls as set out in the section above.

- Acknowledging the range of acts that constitute violence against women and their structural impact on women's equality and human rights.

**Integrated:**

Adopting an approach to violence against women which is integrated - but not generic.

- Recognising that different forms of violence against women are part of a single construct requiring a coordinated response, whilst addressing specific forms of violence effectively and specifically. The Working Group notes that an integrated and comprehensive strategy shall include girls and young women within its scope.
- The strategy should address the full range of issues on violence against women and girls, while ensuring the measures it takes forward are focussed and concrete; balancing breadth and depth.

**Human rights based:**

Working to protect human rights

- Recognising the right to life, the right to the integrity of the person, prohibition of inhuman and degrading treatment and the right to dignity, and to a private life. Accordingly, responses to violence against women should address a range of issues beyond criminal justice; and the human rights of children should inform the strategy.

**Gender equality based:**

Securing equality between men and women, boys and girls.

- Recognising that violence against women is a gender-specific issue inextricably linked to power relations between men and women, boys and girls, and requiring full integration of this issue into other policy areas, including but not limited to employment, health, education and development.

**Addressing the specific needs of different groups of women:**

Securing equality between all persons and addressing diverse needs.

- Ensuring that all initiatives and practices are reviewed thoroughly for their equality implications to ensure that they leave no woman or girl behind – without discrimination on the grounds of race, ethnicity, disability, access requirements, age, trans status, social class, religion or belief, or sexual orientation.

**Comprehensive:**

Taking action on all fronts – perspective, policy, prevention, protection, prosecution, and provision.

- Ensuring a comprehensive approach which addresses all facets of violence against women.

**Cross-sectoral:**

Ensuring that all sectors of government and society play their part, and work together.

- Involving the health and education sectors as much as the criminal justice sector and the law enforcement and social protection agencies; but also the civil law sector, including family law and custody law; and other justice sectors, securing awareness, behavioural and attitudinal change at individual, community and institutional levels and ensuring support to civil society organisations, especially women's organisations that provide services to victims. Professional secrecy should not be used as an obstruction in dealing with violence against women, whilst respecting the principles of women's privacy and data protection.

**Adequately funded:**

Securing appropriate levels of funding for activities to tackle violence against women and girls.

- Funding for the strategy should be commensurate with the balance of costs and benefits of tackling violence, recognising the very significant human and financial burden that violence against women and girls represents to the European economy, and the in-year savings that could be achieved through investment in many areas with a direct impact on member states' deficits.

**Coherent with the broader EU policy framework:**

Acknowledging the structural role of violence against women in undermining gender equality and human rights, and treating the strategy as integral to all European work on gender equality.

- Ensuring that the strategy is consistent with all EU gender equality instruments, especially the new strategy on gender equality. The strategy should call on member states to work for a successful outcome of the negotiations on the forthcoming Council of Europe Convention, and after its approval by the Council of Ministers, sign and ratify the Convention. This Convention will be a key step towards ensuring harmonised policies and setting minimum standards in legislation across Europe, including in future EU member states and non-EU members.

**Mainstreamed into EU and national policy:**

Ensuring that EU and national policies take a gendered approach so that they further equality and the human rights of women.

- Explicitly including the issue of violence against women in the framework of protection of the rights of victims of crime, public health policies and immigration and asylum policies, social policies, educational policies – to include both specific measures for the promotion of women's rights and gender mainstreaming. Gender budgeting should be taken into account at all levels of decision making.

*Policy*

*Legislation*

**The strategy should include a stocktaking of all relevant legal instruments at European level. It should consider the benefits of: creating new legal instruments addressing all forms of violence against women; and mainstreaming violence against women and girls in the operation of existing instruments.**

- The EU strategy should be informed by the feasibility study on standardisation of legislation, currently under way through the Daphne project, of all legal instruments in place to tackle violence against women. The study will allow for greater clarity on the respective areas of competence of member states and EU institutions
- The study will also provide useful evidence for a debate on the opportunity of state led prosecution in instances of violence against women.

- The strategy should include a stocktaking of all relevant legal instruments at European level including instruments of the harmonization of criminal law, civil law, family law, custody law, immigration law, labour law, social law, health regulations, gender equality and anti-discrimination law, in order to identify gaps to be filled.
- Any future EU legislative work should build on and complement the provisions of the forthcoming Council of Europe Convention. It should acknowledge other instruments including CEDAW and the Beijing Platform for Action. It should support and enhance member states' existing commitments.

### *Research and development*

Knowledge about the scope, nature and consequences of all forms of violence against women and girls is a fundamental prerequisite for targeting such violence. The difficulty of collecting data that reflects a true picture of violence against women and girls is a barrier to developing policies or initiatives and securing commitment. Tackling the evidential problems should be therefore a significant work stream for the strategy.

**The strategy should include a programme of research and development that provides for the development of a basic set of commonly accepted indicators and measures to ensure comparability of data; and provide for appropriate population-based surveys.**

The R&D programme should prioritise the development of a basic set of indicators and measures that are absolutely necessary to inform evidence on violence against women and ensure comparability. The evidence should inform effective interventions to address the needs of women affected by violence and to achieve systemic change. The indicators and measures should help inform evidence based policy decision making and social cost benefit analysis of measures to tackle violence against women and girls. Where possible, the research and development programme should also develop a wider set of measures to ensure a complete and nuanced understanding of the issue. Knowledge gathering should include different types of violence and violence against different groups of women, in order for the picture to be comprehensive and for policies to include measures to protect *all* women and girls, including the most vulnerable.

- The programme of research should include appropriate population-based surveys at regular intervals to assess the prevalence and trends in different forms of violence against women at national level.
- The programme of research should include regular and comparable national studies, surveys and polls, including collection of data by the police, health services, social care services, courts, and other key agencies.
- In order to inform effective policy development that meets the needs of all victims, the programme of research should, produce highly disaggregated statistics where possible, on: sex, the link between victim and perpetrator, the age of both parties, the type of violence, duration and location; if the victim has a disability or becomes disabled as a result of violence; sexual orientation, trans status, social class, ethnicity, legal status and nationality of the victim and perpetrator; and other salient characteristics.

- The strategy should arrange for research findings to be disseminated in a way that facilitates policy development and action planning at EU and member state level, and inform all areas of policy development so that violence against women can be mainstreamed into those processes. Mechanisms of coordination and exchange of information and good practices between member states, and with civil society, should be established.

#### *EU external action and relations*

**The EU Strategy should include consideration of EU external action and relations. The EU should ensure consistency between internal and external policies in the area of fundamental rights, including violence against women.**

- This means promoting the universal protection of women's human rights in all EU development instruments, ESDP missions, cooperation agreements, and aid programmes, and addressing the issue of women, peace and security and in particular violence against women in conflict and post-conflict situations.
- The strategy should position violence against women as a political priority in external action and relations and bring added value to the existing international instruments related to women human rights (CEDAW, UN Security Council resolutions 1325, 1820 and 1889 on women, peace and security, Beijing Platform for Action), and EU instruments (such as the EU comprehensive approach on the implementation of resolution 1325 and 1820), and ensure that any legal instrument adopted under the strategy builds on the current minimum standards (including the ones set in the EU external guidelines on violence against women and girls).

#### *Prevention*

**Prevention should be an integral part of the EU strategy, and in turn has to inform national strategies of member states.**

The general principles of the strategy (page 16-17) apply to prevention.

#### *Education sector*

**The strategy should encourage member states to take steps, subject to and in line with national mechanisms for delivering education, to promote targeted education and lifelong learning measures on violence against women and girls. This should take into account existing EU education programmes where violence against women could be mainstreamed.** Promoting gender equality should be the main objective of education programmes.

- The strategy should encourage the provision of prevention programmes throughout formal and informal education and in all levels of the education system, including nurseries and day-care, addressing both trainers/educators and the people being trained/educated
- The strategy should encourage education on social competences, conflict management skills and training on gender equality, women's rights, sex education and diversity.

Training should be delivered in ways that challenge gender stereotypes, in the media and society at large

*Public services and professionals*

**The strategy should encourage member states to ensure that relevant professionals and public service or administration workers in a range of sectors receive training on violence against women and gender equality;** and that standards for a multidisciplinary approach and cooperation between all relevant partners are elaborated.

- This should include the provision of initial vocational and continuous in-service training for health, social work, policing, teaching, justice and law professionals, civil and military personnel on peace missions, and other relevant groups.
- Professionals should be trained in early detection, risk assessment responding appropriately, reporting, and avoiding secondary victimisation.
- Training on this issue should be encouraged from an early stage. It would have particular relevance to students of social work, psychology, law, policing, health care, education, child care, and other relevant groups.
- Training programmes should be based on the skills and understanding that professionals and public service workers need to recognise, challenge and stop violence against women and girls. The issues that may be relevant include social competences, conflict management skills, gender equality (including challenging gender stereotypes in the media and society), women's rights, sex education and diversity.
- Training programmes should be based on clear standards, and their effectiveness should be regularly monitored and reviewed.

*Public awareness and campaigns*

**The EU strategy should provide for the development of campaigns.**

**The Strategy should take stock and evaluate the impact of existing campaigns in Europe and elsewhere.** Reference should be made to the European Parliament list of successful campaigns on violence against women.

**The Strategy should include provisions for two types of campaigns: campaigns that raise awareness on all forms of violence against women and are targeted to society as a whole and specific issue based campaigns targeting specific audiences.** Particular attention should be paid to vulnerable groups.

**The EU strategy should ensure a long term approach to public awareness campaigns to keep violence against women on the agenda** at EU and member state levels with a goal to achieve widespread social rejection of all forms of violence against women. Particular attention should be paid to the role of the media, and media campaigns should be launched on a regular basis.

The following suggestions are drafted to provide an idea of general principles, target groups and messages that campaigns could include.

*Comprehensive campaigns targeting society as a whole:*

- Campaigns should aim at creating a shared vision of a Europe free of violence against women.
- Victims of domestic violence often first seek help in their communities so ordinary people and front-line workers in public services should be empowered to direct victims to specialist help.
- Campaigns should address all forms of violence against women and against different groups of women, and emphasise the links between them and their cumulative structural impacts on women's empowerment and gender equality and the whole of society
- Fighting impunity: Campaigns targeting the wider public will also send a message to perpetrators that violence is a crime they will be held accountable for.

*Specific campaigns aimed at specific target groups*

- Campaigns should be based on strong clear messages (for example advertising a service, new legislation or specific actions).
- Campaigns should take into account the diversity of women's situations, fight existing stereotypes and inform the public about less well understood forms of violence.
- Campaigns should be context specific. Different countries face different problems, and therefore campaign planning should encourage each state to focus on what it believes to be the most crucial aspect, within an overall agreed framework of communication.

*Target groups:*

Women and Girls:

- Women and girls should be target of campaigns to raise awareness on violence against women and advertise protection and provision services. These campaigns should be coordinated with the development of adequate infrastructure for supporting victims and survivors in order avoid generating demand in services that cannot be met.
- When addressing potential victims of violence, campaigns should avoid stigmatizing associations and language; in order to encourage victims to speak about their experiences and seek support.

Young people:

- Campaigns focused particularly on younger people should be developed, across the age ranges as appropriate, including messages around non-violent communications, constructive conflict solving, elimination of gender based stereotypes, dating violence, sex, consent, and healthy relationships.

Relevant Sectors:

- Professional sectors should be targets for specific campaigns, in particular judges, prosecutors, police officers, politicians, teachers, social workers, NGOs public service and professionals and the media.
- While respecting the independence of the media, the strategy should provide for collaboration to establish self-regulation codes in the media sector, set up channels of cooperation and the transmission of information on gender stereotypes and violence, including for journalism students.
- Campaigns should highlight the role that employers and occupational health specialists can play in preventing violence in the workplace, and supporting women who are affected by violence at home or in the community. The adoption of workplace policies and practices on violence against women can offer opportunities for women to disclose their experience and seek support, and reduce the risk of women having to leave the workforce as a result of violence.

Hard to reach communities:

- The design of campaigns should consider how to communicate to ‘hard to reach’ and vulnerable groups, including disabled people or migrant women; for example by using intermediaries including community and religious leaders.

Members of the working group identified a number of messages that can be part of awareness campaigns promoted by the EU and member states.

- Raising awareness especially among men on the need to speak out on violence against women
- Raising awareness that violence against women is a crime and that perpetrators will be held accountable for violence perpetrated against women
- Raising awareness on the trivialization of pornography and prostitution
- Raising awareness on the needs of more vulnerable/marginalized groups of women
- Raising awareness on the need to protect all women residing in the EU, independent of their legal status
- Men and boys can stop violence against women

*Men and boys*

**The EU strategy should encourage member states to develop prevention programmes aimed at men and boys as important targets** – both as perpetrators and as agents of change

- The strategy should seek to tackle the myth that naming violence against women and girls as a gendered issue is equivalent to labelling all men as potential perpetrators, or that perpetrators are never motivated to change their behaviour. This should be aimed at encouraging men to have a proactive, rather than defensive, response to campaigns.
- Prevention work and campaigns targeted at men and boys should encourage them not to tolerate or perpetrate violence against women and girls.
- Prevention work and campaigns targeted at men and boys should address those men and boys who commit violence against women and girls with the aim to stop them perpetrating violence, and men and boys in general to help them to stand up against violence against women.



- When addressing men and boys, the strategy should aim at tackling gender stereotypes, and in particular stereotypes on masculinity and social relationships between the sexes. It should aim to lift taboos and encourage men and boys to discuss the reasons for and impacts of violence.

### ***Protection***

**The EU strategy should include measures to encourage member states to ensure appropriate protection for all victims of all forms of violence against women, and their children.**

**Setting up a system of protection and/or barring orders in all member states should also be considered in the EU strategy, along with a solution for dealing with civil and administrative implications as well as criminal matters.**

- The general principles that inform the strategy (page 16-17) apply to protection.
- Special attention should be paid to child witnesses of violence against women, and to vulnerable groups.
- Institutions and bodies involved in protection should use objective criteria to appropriately assess the risk in each case, and should monitor the established protection mechanisms rigorously.
- Training of professionals is important to the delivery of adequate protection
- The strategy should encourage member states to create the conditions for all victims to be protected, particularly vulnerable women, such as refugee women as mandated by international law (Article 1 A (2) of the 1951 Convention relating to the Status of Refugees<sup>22</sup>)
- The strategy should encourage member states to create the conditions where the victims are no longer economically or legally (regardless of marital or migrant status) dependent on the perpetrators of violence.

### ***Prosecution***

**The EU strategy should direct member states' attention towards holding perpetrators accountable for all forms of violence through the introduction of legal sanctions for all forms of violence against women.**

The general principles of the strategy (page 16-17) apply to prosecution.

- The strategy should be a platform for the EU to emphasise that it is essential for member states to ensure that violence against women is punished by the law and to see that perpetrators of violence against women are held responsible for their actions before the courts. Service provision to perpetrators (such as assistance or

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<sup>22</sup> See *Asylum is not gender-neutral*  
[http://www.womenlobby.org/SiteResources/data/MediaArchive/Publications/migrant-final\\_en.pdf](http://www.womenlobby.org/SiteResources/data/MediaArchive/Publications/migrant-final_en.pdf).

supervision through perpetrator programmes) can be complementary to sanctions but should not be proposed as an alternative to sanctions.

- The strategy should set out the expectation that member states must investigate such violence with due diligence, swiftly, thoroughly, impartially and seriously, and ensure that the criminal justice system, in particular the rules of procedure and evidence, works in a way that will encourage women to give evidence and guarantee their protection when prosecuting those who have perpetrated acts of violence against them, in particular by allowing victims and their representatives to bring civil actions.
- The strategy should address regular training of police and law enforcement officers, legal aid and proper protection of victims and witnesses, notably to avoid re-victimisation.
- The strategy should include measures which ensure that legal procedures in rape cases and other forms of sexual abuse are impartial and fair, and are not affected by gender stereotypes about sexuality or by prejudices towards certain groups of girls and women. The measures should be concrete and targeted at the legal system to improve the quality of rape investigations and the judicial handling of rape cases.

### *Provision*

**The EU strategy should provide a framework for member states to provide sufficient, accessible and high quality services to support victims of violence against women and girls; and their children as witnesses of violence (including inter alia sufficient legal information and advisory services, temporary reception centres, health services including mental health care, housing advice and support, and employment or training services).**

The general principles of the strategy (page 16-17) apply to provision.

- These services should be accessible to all women and girls seeking support to escape violence, irrespective of their financial resources; with any charges that might apply to be varied or waived subject to the service user's income.
- Member states should be encouraged to ensure accessible and appropriate shelters, rape crisis centres and safe housing in sufficient numbers, in all regions, capable of meeting the diverse needs of women and girls. Only by securing these services will member states be able to provide assistance and safe accommodation for victims of violence.
- Special attention for child witnesses of violence against women, within service provision, is also an important preventative measure.
- **Member states should be encouraged to set up and strengthen their network of national and local help lines** and provide sustainable funding and resources to the service providers in charge of such help lines.
- **The establishment of a European wide helpline should be explored further through the strategy**, in order to deliver a clear message that the EU does not tolerate violence against women and girls, and to enable the introduction of a user-friendly common phone number. This should include consultation of governmental and NGO services in charge of local or national help lines in all member states.

The strategy should consider issues of quality and consistency, such as how a gender-specific response can be secured across Europe.

- An assessment report of the European helpline for children should be produced (in consultation with civil society organisations) to inform the consideration of a violence against women helpline.
- A European helpline should be planned to be complementary to existing service provision. Current national/local provisions should not be replaced or overburdened with new responsibilities unless additional funding and resources are provided.
- The strategy should encourage member states to carefully consider the manner of service provision; including the need for voluntary sector services given most women do not report violence to official channels, linguistic or cultural barriers, accessibility for disabled women, the need for women-only services, and the need for specialist provision.
- The strategy should help to set minimum standards for services to ensure they are fit for individual victims' needs. This should include stipulating a low threshold of harm for women to be eligible for support; and ensuring that they are accessible in terms of geographical reach including rural areas.

### *Perpetrators*

The spiral of violence against women and girls could be halted by improving services to help perpetrators understand the cause of their behaviour and take responsibility for it and prevent further acts of violence.

**The EU strategy should call on member states to establish services and early interventions working with perpetrators and helping them to deal with their discriminatory and aggressive behaviour.** The root causes of perpetrator behaviour should be investigated to inform the design of interventions, and services and interventions should be evaluated to inform the design of further work in this area **Services designed to help perpetrators should in no way undermine the availability and support to victim support services.**

- Offenders who want to step away from a pattern of violence should receive targeted help including close supervision, treatment and assistance. Services should also be available after sentencing occurs and in prison. Such help should be widely available.
- The aim of these programmes should be to improve the safety of victims and should be informed by a victim friendly coordinated approach.
- These programmes should be made available in respect of all forms of violence against women, not only domestic violence as is currently the case in many member states.
- Close collaboration with all the relevant professional parties (police, justice, support services, family doctor, therapists) should be emphasised.

### *Infrastructure*

**The EU Commissioner for Justice should be the key coordinator for the strategy and should be accountable for the coherence and success of EU action on VAW.**

- She/he should have the political mandate to take the lead on the issue at EU level, represent the EU at international level and liaise with other international instruments and high-level contacts (such as the UN Special Rapporteur on violence against women or the Council of Europe Commissioner for Human Rights); as well as linking with civil society organisations.
- She/he should also closely work with all EU Commissioners and ensure the implementation of the Women's Charter regarding point 4: 'Dignity, integrity and an end to gender-based violence'. She/he should set up appropriately resourced internal coordination mechanisms and organise an annual meeting with all Commissioners on the issue of violence against women.
- She/he should provide her/his own analysis of the implementation of the EU Strategy to contribute to regular monitoring and evaluation, including through an annual Council meeting dedicated to the issue of violence against women.
- She/he should play a role in ensuring that relevant internal actors are available and trained to ensure that violence against women and girls is mainstreamed within all relevant EU programmes and gender equality policies.
- **A network of national contact points should be established in all member states to work on the issue of violence against women.** The Commissioner should organise regular meetings with national contact points and carry out consultation visits to track implementation of national action plans and EU legally-binding instruments. In line with the proposed Council of Europe Convention on preventing and combating violence against women and domestic violence, the issue of national coordination within member states should be considered when nominating the contact points for the EU network.

Implementing bodies of the strategy would be both EU institutions and Member States.

*European Observatory*

**The EU strategy should take the first steps towards establishing a European Observatory on Violence against Women, building on existing institutional structures, such as the FRA and EIGE.**

- The EU Observatory should be supported by concrete and sustainable funding, to ensure activities and material and human resources.
- It should regularly report to, and coordinate its activities with, the European institutions. It should also systematically cooperate with NGOs and gender experts especially European level coalitions and representative groups.
- The EU Observatory should cooperate with Eurostat to ensure statistics on violence against women are part of the Eurostat process.
- The EU Observatory should be staffed by experts on gender and violence.

*European Year on the eradication of all forms of violence against women:*

**A European Year on violence against women and girls should be established for 2013.**

- The European Parliament issued a written declaration demanding such Year in April 2009 and MEPs are currently mobilizing to issue a new written declaration asking the European Commission to establish a European Year on the eradication of all forms of male violence against women and girls.
- The European Year would renew momentum to the delivery of the strategy, and would provide an opportunity to examine evidence and assess progress.
- All male Commissioners could be asked to express their commitment to end violence against women by requesting an invitation to join the UN network of men leaders to combat violence against women. Such political stands (both collective and individual) are very important in setting the tone for delivery of the strategy.
- The strategy should consider whether there is merit in proposing a recurring European Year on violence against women and girls.

*Cooperation and coordination with civil society*

**Continuing support to the DAPHNE programme should also be a priority of the strategy.**

- The strategy should consolidate the existing Daphne programme by ensuring its continuation after 2013 and providing additional sustainable and substantial resources.
- The Daphne Programme currently supports activities in the field of violence against children, young people and women and its financial support has therefore to be distributed according to the different target groups. The Daphne programme should ensure that appropriate funding is dedicated to actions aiming at eradicating all forms of violence against women and girls, including perpetrator programmes. It should ensure that the gender dimension in the two other target groups (namely children and youth) is recognised when taking funding decisions.
- The EU strategy should ensure that the ability of other programmes to finance measures on violence against women and girls is explored, in line with the principle of mainstreaming this issue through a range of EU policies and structures. In particular, the role of funding streams on research, health and security and safety issues should be examined, recognising that violence against women and girls is a significant dimension of health, security and safety for the EU.

**The strategy should recognise and support the role of NGOs in combating violence against women and aim at promoting cooperation between member states, EU institutions and national and international NGOs engaged in this field.**

- European institutions and member states should work closely with civil society organisations including trade unions, women's organisations and human rights defenders. The European Commission should consider women's NGO's shadow reports or contributions on violence against women.
- The EU Strategy should include concrete adequate support to women's NGOs working with women victims of violence. While the role of governments and other state actors like the police and the courts are vital in combating violence against women, the invaluable role that NGOs play should not be overlooked.

- In most member states it has been NGOs which have established the first shelters for women experiencing violence, and they continue to offer support and provide services be they safe houses, advocacy, psycho social support or awareness campaigns. Funding and support for the sector is therefore crucial. NGOs also play a vital role in offering prevention programmes and rehabilitation programmes for perpetrators. As stated above these programmes can help combating violence against women, though funding priority should be given to programmes which support victims.

**European institutions and member states should co-operate closely with other international organisations, in particular the Council of Europe (COE) the Organisation for Security in Europe (OSCE) and the United Nations.**

- Regular progress reporting would help ensure strong and regular communication between the EC and the member states as well as the exchange of best practices.

### *Action Planning*

**The EU strategy should include a European Action Plan with objectives and timetables for the eradication of all forms of violence against women.**

**The strategy should call on member states to compose national action plans and or ensure consistency and coordination between existing action plans and the EU Action Plan.**

- The Action Plan should create concrete targets for each objective (for example on adequate provision of a support system centred on victims' rights and needs, reporting, attrition and conviction rates for different forms of violence) and establish instruments to reach its objectives.
- Each objective and target should be accompanied by sufficient and sustainable human and financial resources.
- The Action Plan should include regular reporting and a monitoring mechanism to ensure its implementation and impact assessment.
- It should include internal coordination mechanisms and objectives such as training targets for all EU personnel (including MEPs), and bodies carrying out EU external activities (such as ESPD missions).
- Action planning should have regard to the Guidelines on violence against women and girls adopted in December 2008; and to United Nations Security Council Resolutions 1325, 1820, 1888 and 1889.
- Action planning should include an analysis of the issues relevant to particular groups of women in terms of race, ethnicity, disability, access requirements, age, trans status, social class, religion or belief, and sexual orientation – to ensure that activities are designed to meet the needs of all women.

*Monitoring and Evaluation:*

**The impact of the strategy should be monitored and evaluated regularly through robust evidence gathering and analysis, and amended or extended as necessary.**

**A set of indicators should be developed to assess progress against the principles and objectives of the strategy**

- Indicators might include measurement of the direct financial costs, data on reporting and attrition rates, medical psychological and emotional impacts, and social impacts of violence against women and girls; and perceptions of violence. This will create a valuable dataset which will enable comparison of progress between member states and over time.

**The European Commission should be the main monitoring body of the strategy.**

**The European Commission should require a regular progress report from all member states, including in relation to the fulfilment of agreed targets.**

**The strategy should also mandate a regular European Commission progress report on the implementation of the strategy by all relevant EU bodies.**

**The European Parliament should be invited to hold a regular debate and deliver a regular report on the implementation of the strategy.**

**FRA, EIGE and Eurostat should be required to produce research and analysis to evaluate the impact of the strategy**

**A strategy review should be carried out at the midpoint and at the end to assess strategic progress.**

- The monitoring programme should be informed by the planned FRA prevalence study; and by previous work by NGOs and institutions on identifying indicators and data sources. It should take into account existing Council of Europe guidelines on data collection and disaggregation.
- The strategies' own monitoring and evaluation mechanism should be coordinated with the monitoring mechanism under the proposed Council of Europe Convention on preventing and combating violence against women and domestic violence; and with other relevant international mechanisms to minimise the duplication of work by member states.
- Reporting on the link with the general EU objectives on gender equality should also be carried out. It is noted that the strength of the accountability and evaluation dimension will depend on the type of legislative tools adopted.