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Fempower

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FOCUS

Women, Migration and Structural Violence

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Luxembourg: An End to Compromises

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Violence in a Foreign Environment

Women, Migration and Structural Violence

Fortified Europe

Politicians and the media frequently evoke a picture of Europe – and here most notably the EU countries – being flooded by hordes of migrants. The European Union is reinforcing its external borders, putting up fortifications round the affluent societies of its member states.

While ever tighter and more elaborately regulated restrictions are being imposed on immigration to the EU, so that only highly skilled personnel or poorly qualified but cheap workers for sectors like the building industry and tourism are deemed eligible for immigration, there is a marked increase in illegal immigration, human smuggling and human trafficking.

Despite wide differences in the stances of the EU member states the Treaty of Amsterdam, which came into force on May 1, 1999, declared migration and immigration policy to fall under the purview of the European Union. Articles 61-63 of the Treaty describe the EU as an area of "freedom, security and the rule of law".

Reasons for migration

There are many reasons for the global increase in migration. The most common reason which induces



Illustration: wiebach



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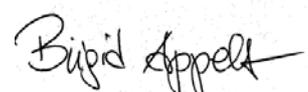
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Editorial

Women from any social background, age group or country of origin can find themselves subjected to domestic violence at the hands of their partner or sexual harassment at their place of work. Securing help in such a situation is especially difficult for women migrants. In addition to the isolation that comes with living in a foreign country, they often have to contend with dependence on their husbands or – worse still – the problem of not having a residence permit.

The availability of shelter, counselling centre and helpline staff who speak their mother tongue and of special counselling facilities for migrant women are key factors in practical prevention measures. However professional the support may be which they receive, though, all such efforts can be thwarted by the structural violence to which migrant women are exposed: discrimination in the judicial system and on the employment market, discrimination as a member of an ethnic minority and as a woman.

Devoting a single issue of this newsletter to the issue of violence against migrant women cannot be enough. We therefore call on our readers to notify us of any initiatives, successful preventive measures or legislative amendments they are aware of, so that we can include them in the European Database against Violence against Women and thus make this information available first and foremost to women's organisations but also to women seeking help.



The editors

women and men to seek a new life far from home is plain economic distress and the desire for social security and personal development. Another reason may be to escape from war and violent conflict or from the daily discrimination to which women are exposed in many patriarchal societies. For in addition to the above reasons for migration, all too many women are subjected to gender-motivated persecution, torture or oppression.

Forms of exploitation

In many languages, the noun "poverty" is – aptly enough – feminine: women bear the brunt of the hardships resulting from economic distress. Moreover, they are particularly at risk of encountering physical, psychological, sexual and structural violence not only in their countries of origin but also, as migrants, in the destination country.

When women migrate independently with a view to working, they tend to take jobs on the informal employment market where they are badly paid, have little or no rights, or are kept virtually as slaves. They often find work as domestic staff, cleaning personnel, bar hostesses or sex workers. Sex work generally entails illegal residence, enforced prostitution, extortion, and violence at the hands of pimps and clients. But even domestic staff are helpless in the face of sexual harassment and rape, and their employers may take advantage of the fact that they are illegally employed.

Violence in a foreign environment

Many women join their husbands when the latter have found jobs in EU countries, acquiring residence permits under the family reunification regulations. In most countries, though, their residence permits are issued without work permits, so that the women are economically dependent on their husbands and are often socially isolated. If the husband batters his wife, she will often not be aware of her rights and will barely be able to make herself understood in the language of the country concerned. Shelters and counselling centres whose staff speak the woman's language are in many cases her only means to escape from a violent relationship. Still, the woman may face severe difficulties if her residence permit is tied to that

of her husband. Migrant women who marry a citizen of the country concerned are in a similar plight. If they apply for a divorce during the first few years of the marriage – at a time when their own residence permit is still only provisional – then they risk being deported.

In the cases of families which have been resident in EU countries for decades and have daughters who are second or third generation nationals of the country concerned, these young women may – if the family is highly traditional and patriarchal in its views – be forced to marry someone from their own background against their wishes. In the same way, victims of sexual abuse in migrant families may have greater difficulties seeking help because the subject is even more of a taboo than in indigenous families. Trafficking in young women, honour killings and genital mutilation are just the most extreme manifestations of proprietary attitudes towards girls and women.

Empowerment for migrant women

Ultimately it is structural violence – that is, the sum total of all the negative factors in migrant women's social environments – which makes it so difficult for them to do anything about individual violence in the family or at the place of work. Action to prevent violence against migrant women must therefore have two main thrusts:

On the one hand, it is important to establish or enlarge counselling facilities with staff speaking the migrants' languages. Many shelters have responded to migrants' needs by employing women who themselves came to the country as migrants. Nevertheless, there is a shortage of, for instance, facilities with a confidential address or specially protected facilities for minors and young migrant women.

On the other hand it will be essential to halt the structural violence which imprisons such women in violent relationships. This will require political lobbying at the national and European levels to secure an independent residence status for migrant women and their access to the legal employment market.

Women, Migration and Structural Violence

European Union

The provisions governing persons crossing the EU external borders, immigration policy and the rights of third-country nationals were assigned to the purview of the Community when the Amsterdam Treaty came into force on May 1, 1999 (now Title IV of the Treaty on the Founding of the European Community).

Since then the EU institutions have dealt with the formulation of a joint EU policy on asylum and migration. For details of specific targets, proposals already submitted, and subsidisation programmes, consult the Commission's website: http://europa.eu.int/comm/justice_home/unit/immigration_en.htm. The EU-funded European Migration Information Network (<http://www.emin.geog.ucl.ac.uk>) provides information on statistics, organisations, migration networks etc.

However, the specific dangers to which women migrants are exposed has rarely been discussed. The particular vulnerability of women has been explicitly considered only in connection with the issue of trafficking in women, and here primarily in connection with sexual exploitation. The EU provides funding, for instance, for preventive action to combat trafficking in women under the auspices of the STOP programme.

In addition to these measures, projects aimed at halting violence against migrant women within the EU – with regard to trafficking in women, domestic violence or other manifestations of violence – can be submitted under the DAPHNE programme. One instance of such a project combating violence against migrant women workers would be the RESPECT European Network of Migrant Workers based in Brussels, Belgium <http://www.solidar.org>.

Where issues relating to migrant workers are concerned, readers are particularly referred to the Report on regulating domestic help in the informal sector (2000/2021(INI)) by Miet Smet and the resolution with the same title adopted by the European Parliament on November 30, 2000. On women migrants exposed to violence it states:

„The European Parliament (...)

14. 14. Recommends that specialised reception centres be set up for female migrant workers to provide the psychological and psychiatric help required by migrant women who have suffered mental or physical or sexual abuse and any assistance needed to draw up applications to regularise their situation if they have temporary residence permits, as well as help with legal action against persons who have exposed such women to sexual and psychological oppression;
15. Also calls for such reception centres to distribute information leaflets to provide them with all the information and addresses they require in relation to their residence in the Member State;
16. Considers that, in the context of recognising domestic work as an occupation, female migrant workers should be eligible for regular work permits;

Council of Europe

For many years now the Council of Europe has been dealing with various aspects of migration in Europe and has also considered the specific situation of women migrants. The *Committee on Migration / Comité européen sur les migrations* has assumed responsibility for such activities. Information is available at: http://www.coe.int/T/E/Social_Cohesion/Migration/default.asp

The Council of Europe documents on activities in the field of violence against women and trafficking in human beings, which comes under the purview of the *Steering Committee for equality between women and men / Le Comité directeur pour l'égalité entre les femmes et les hommes*, is available at <http://www.humanrights.coe.int/equality>.

to be continued on page 8



“All we demand is equality!”

Interview with Tamar Çitak of the Vienna Intervention Centre

by Birgit Appelt

Austria's Intervention Centres were established as a corollary to the protection against Violence Act.

Tamar, please tell us in what way the Intervention Centres intervene.

The police send us a fax with the relevant information every time a perpetrator is expelled or barred from a dwelling. This means that there has been an incident in the family and the police were called, and they are convinced that there is a continuing threat and remove the perpetrator from the dwelling. Right after that the police notify us, and we get in touch with the person threatened, the victim – by mail, or if possible by telephone.

What is the proportion of migrant women among the total number of women victims of domestic violence?

About thirty per cent – last year it was 26 per cent.

Why is this figure disproportionately high in terms of the ratio of migrants to the population as a whole?

It also depends on the police officers concerned. Migrants tend to go straight to the police when they need help, although they may not be exactly sure what the police are there for. Even if they've had a fight with their partners about something entirely different, they turn to the police. And if the police officers treat them properly, then they develop a great deal of trust in the police. It's often the case with migrant women that they don't call the police by telephone but wait until after the incident and then leave the dwelling and go to the police station themselves. Unlike Austrian women, very few migrant women will actually call the police during the incident.

What are the particular difficulties with which migrant women have to contend? Why don't they dare to take the first step?

I would say that – in Vienna at least – migrant women have started taking the first step since the Protection from Violence Act came into force. In the past, though, the main problems have been the immigration laws and employment restrictions which, in legal terms, make migrant women completely dependent on their husbands. This dependence was the reason why many migrant women exposed to violence did not seek help from outside. They always knew about the counselling centres and support facilities. But the counselling centres were unable to help until the Protection from Violence Act came into force. What also helped was the regulation issued by the Ministry of Labour allowing a provisional residence permit after five years. Since then the situation has changed: now migrant women who have been here for a full five years can seek protection; they have ways of finding support at least. But those who have not yet been here for five years are just left to be beaten by their husbands.

Because their residence depends on their marital status?

Yes, completely. Wives who come to Austria to join their husbands are not allowed to work for five years.

How about women who come to Austria as independent migrant workers and have a work permit and then marry an Austrian or live with him?

This situation is less problematic than that of women in relationships in which both are foreign nationals. As long as the marriage lasts, these migrant women have the same legal status as Austrian women. After working for one year they are given their own work and residence permits. This does mean, though, that they have to go on working.

How do migrant women respond to the Intervention Centres' pro-active approach?

The reaction is very positive. They find it difficult to believe that there are such facilities, let alone that the Intervention Centre itself gets in touch with them. They are extremely relieved to hear from the police officers during the intervention that counselling is also available in their mother tongue. It often happens that women call us before the police have sent the fax. We're always very cautious in the way we talk to them and tell them who we are. My first sentence is always: we aren't a state authority. Migrant women are usually afraid of the authorities.

What do the Intervention Centres think it would be most important to do in order to protect migrant women from violence on the part of their male partners?

First and foremost, of course, they need to be put on an equal footing with Austrian citizens when they enter Austria, for the duration of their stay. At least women who are victims of violence should be given an independent work and residence permit. Then there are the more specific needs like eligibility for social welfare benefits and family benefits – in other words, they should enjoy the same rights as Austrian women. That's all we want. Migrant women certainly wouldn't abuse the welfare system.

You're currently working for the DAPHNE project "Protection for girls and young women from Islamic countries from family violence". What is the main thrust of this project, and what are the most important insights to have emerged so far?

The project has been running since 1999. It was initiated by the Papatya Association in Berlin, which applied to the EU for support. Our colleagues at Papatya started out by travelling around various countries to find partners and organisations and then established a network. After that they ran a one-week seminar in Berlin so that all the partner organisations from Europe, including Turkey, could get to know each other. Last year we used the seminar to organise an international conference. There are plans for similar conferences in Rotterdam in 2003 and in Vienna in 2004. The prime goal is to raise awareness, to tell people in Europe about the plight of this target group. Another objective is a trans-European network of various organisations. And the third target is to devise model solutions for providing support for the target group.

Tamar Çitak, born in 1963 in Turkey, 1983 – 1986 studied business management in Vienna, returned to Turkey, since 1991 permanently in Austria; previous employment at the Federation of Viennese Youth Centres, Vienna Integration Fund, St. Pölten women's shelter; since July 1998 on the counselling staff of the Vienna Intervention Centre against Domestic Violence, specialising in cases involving migrant women.



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FOCUS

How much do you have to take?

Migrant women on the informal employment market¹

by Andrea Bode

Germany too has its informal labour market. The people it comprises have to contend with a wide variety of problems: in many cases the workers and service providers concerned have their human rights trampled underfoot. The counselling centre run by FiM e.V. in Frankfurt am Main, Germany, has for many years now been dealing with the practical difficulties encountered by foreign women on the informal labour market. These women turn to FiM because:

1. they have received either no wages or radically reduced wages from their employer
2. they have been or are being exposed to psychological and/or physical violence at their place of work
3. they are sick and need medical assistance
4. they are looking for a way for their children to attend school
5. they are finding it increasingly intolerable to live with an "illegal" status – that is, to lead a socially phantom existence
6. they have been apprehended by the police
7. they wish to return to their homeland

The all-powerful position of the employer

Migrants² in Germany who do not possess a valid residence permit and who work on the informal labour market without a working permit exist in a legal vacuum. These women have no access to the rights and security which are available to those with legal employment. They cannot make use of the regular public health system nor can their children born in Germany attend school here. The women have only very limited scope for defending themselves against exploitation, dependence and violence. They risk being deported or expelled from the country if they lodge a complaint about exploitation, unpaid wages or lack of rest periods or claim their human rights or dignity. Asserting such rights invariably entails the danger that their illegal residence and work will be disclosed, so that migrant women have no way to claim them.

By exempting employers from all obligations, the informal labour market actually encourages exploitation and violence. The effect of this imbalance of power in favour of the employer is particularly evident in the working hours and the wage levels. Furthermore, employers are at liberty at any time to comply with, violate or modify verbal agreements covering such arrangements. For example, migrant women working in private households – and especially those who live in – are often required to be on duty round the clock. This means being on call the whole time and having little or no regular free time for recreation. Live-in employees have to spend such private lives as they have very largely on the premises.

While household helps who live in are not in danger of being picked up by the police and have a relatively secure roof over their heads, this form of employment does entail unregulated working hours and an absence of any protection against the employer's whims.

Little support for illegal migrants

In the event that such women find themselves in distress or in an emergency – as a result of serious illness, for example, or by being subjected to violence – the only support available to them at present is from their compatriots and/or from NGOs like FiM which work confidentially and take their side. Generally speaking, such support is inevitably confined to providing an opportunity for emotional and physical recovery. The legislative situation practically precludes any legal action against the perpetrator which would not bring to light the victim's status as an illegal resident. However, to the extent that the existing legal

provisions allow and in accordance with the social mandate of the counselling centres to offer assistance in cases of distress or emergency, it is possible for migrant women to receive counselling and support and to be put in touch with doctors, lawyers etc. even if they are illegal residents. Where a migrant woman has not been paid her wages, she can be given assistance in the form of a telephone call or letter to or a face-to-face conversation with the employer calling for payment of the wages in default. In addition, migrants are eligible to sue for unpaid wages with the labour court regardless of their residence status, although no guarantee can be given that the migrant's illegal status will not come to light in the course of the legal proceedings.

The scope for action as outlined above does not, however, suffice to safeguard the human rights of women migrants with an illegal residence status. For this purpose it would be necessary to implement new legislative and socio-political measures at the international and national levels.

The practical experience gained by FiM shows that action urgently needs to be taken in three principal areas as part of a realistic and responsible national immigration policy:

- Health: Migrants should be given access to primary health care without jeopardy to their anonymity.
- School attendance: Migrants' children should be permitted to attend kindergartens and schools regardless of their mother's residence status.
- Legalisation campaign: Those migrant women who came here to work and for an extended time period have been working and living here and are socially integrated should have an opportunity to receive legal residence status.

The writer is an assistant to the management of FiM – Frauenrecht ist Menschenrecht e.V. (formerly Ökumenische Asiengruppe) with special responsibility for the field "Informal Employment Market". FiM is a counselling for migrants (women and men) from Southeast Asia and Central and Southeast Europe. Address: Varrentrappstr. 55, 60486 Frankfurt am Main, Federal Republic of Germany, phone: 069 / 70754-30 /-50, fax 069 / 70754-66, E-mail: FiMinfo@web.de

¹ This article is based on a publication by the same writer in the magazine "südostasien" 3/01, entitled "Was muss Frau sich gefallen lassen? Filipinas und Thailänderinnen im informellen Arbeitsmarkt in Frankfurt am Main". The present version was abbreviated and revised in June 2002.

² The passage that follows also in many respects applies to male migrants. However, the work of FiM focuses on the specifics of the situation of women, which is why the text deals mainly with women.

Council of Europe

Recommendation 1261 (1995) of the Parliamentary Assembly of the Council of Europe on the situation of immigrant women in Europe

"(...) 9. The Assembly also recommends that the Committee of Ministers invite member states:

- i. to ensure equality of treatment for immigrant women and men without distinction;
- ii. to recognise the right to family union for immigrant women and men without distinction;
- iii. to adopt legislation giving immigrant women an independent and autonomous right of residence (not tied to the residence status of their husband);
- iv. to grant immigrant women the right to a work permit independently of their family situation;
- v. to give particular attention to the prevention and repression of violent or degrading customs inflicted on immigrant women or affecting their physical integrity; (...)"

United Nations

Several UN agencies deal with the global phenomenon of migration. The Commission on Human Rights, which specifically advocates the protection of migrants, has appointed a Special Rapporteur on the human rights of migrants. This post has been held since 1999 by Ms. Gabriela Rodríguez Pizarro of Costa Rica (<http://www.unhchr.ch/html/menu2/7/b/mmig.htm>).

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (adopted by General Assembly resolution 45/158 of December 18, 1990) could serve as a fundamental and binding UN document, although the failure of many countries (most notably industrialised nations) to ratify it means that it has not yet come into force.

Article 16 enshrines the responsibility of states to provide protection against violence:

1. "Migrant workers and members of their families shall have the right to liberty and security of person.
2. Migrant workers and members of their families shall be entitled to effective protection by the State against violence, physical injury, threats and intimidation, whether by public officials or by private individuals, groups or institutions."

On violence against migrant women there are two more relevant resolutions:

Resolution on Violence against Women Migrant Workers, United Nations General Assembly Resolution 51/97

"The General Assembly,

- (...) 2. Encourages concerned Governments, particularly those of sending and receiving countries, to develop, as appropriate, systematic data collection methods and to update and share information on violence against women migrant workers;
4. Urges concerned Governments, particularly those of sending and receiving countries, to support and allocate appropriate resources for programmes aimed at strengthening preventive action, in particular information for relevant target groups, education and campaigns to increase public awareness of this issue at the national and grassroots level, in co-operation with non-governmental organizations;"

CSW Resolution on Migrant Women, United Nations Commission on the Status of Women, Report on the forty-second session; E/1998/27

Violence against women migrant workers

"The Commission on the Status of Women, (...)

7. Calls upon concerned Governments, particularly of sending and receiving countries, if they have not done so, to put in place penal and criminal sanctions to punish perpetrators of violence against women migrant workers and, to the extent possible, to provide victims of violence with the full range of immediate assistance, such as counselling, legal and consular assistance, temporary shelters and other measures, that will allow them to be present during the judicial process, as well as to establish reintegration and rehabilitation schemes for returning women migrant workers."

Speak up!

A campaign by Europe's free radios against violence against women and notably against migrant women, refugees and women from ethnic groups.

by Manuela Meier

The campaign focuses on counselling and support for women who have been exposed to violence. What is the situation of migrant women in the EU member states? What laws are applicable to them? What initiatives and counselling centres exist in the individual countries? Speak up! is on the air from 4 to 10 November this year. The free radio campaign will be providing information on what has been done and what needs to be done in various countries. The free radios want to avoid the victim-based approach adopted by the conventional media and instead establish contact with the counselling centres, concentrating on the support that is available to women who have undergone abuse. In this

way the free radios are setting out to draw attention to the issue and to give the women affected an opportunity to take an active role themselves in combating violence. During the preparatory phase radio staff and activists from various initiatives are jointly compiling an Information Package for journalists at radio stations and other media, as an incentive to report on the campaign and make an active contribution to it. The Information Package, which will be distributed widely in the UK, Ireland, Finland, Spain, Germany and Austria, contains information material on initiatives, counselling centres (complete with addresses and links), extracts from legal documents, the text of a radio drama free for recording, plus audio material like jingles and short multi-lingual features.

Concurrently with the free radio campaign, scheduled to be broadcast on 4 – 10 November this year, there will be additional events.

For further information, go to
www.amarc.org/europe

Conferences

Human Trafficking: a European Challenge

The International Organisation for Migration (IOM) in co-operation with the European Union is holding a large-scale conference in September 2002 under the heading "Global Challenge for the 21st Century". The purpose of the conference will be to discuss action against human trafficking. In view of the current debate on migration and asylum and the tendency to place the onus of responsibility on the countries of origin and stigmatise migrants and asylum seekers with insinuations of criminal intentions, it is evident that a discussion of effective strategies to combat and prevent human trafficking is urgently needed. The victims of trafficking, primarily women and children, are in many cases again exposed to violence and human rights abuses in the destination countries. Representatives of NGOs have also been invited to attend this high-ranking meeting, which is being run under the auspices of the European Commission's STOP programme. NGOs can also put forward their own proposals on the IOM website: <http://www.belgium.iom.int/STOPConference/>

European Conference on Preventing and Combating Trafficking in Human Beings –
Global Challenge for the 21st Century

18 – 20 September, 2002, European Parliament's Hemicycle
Rue Wiertz, 1047 Brussels – Belgium

Info & Contact:

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An End to Compromises!

Combating domestic violence in Luxembourg

by Joëlle Schranck

After the conference in Baden near Vienna, which I attended as a representative of a Luxembourg NGO, our organisation did its utmost to persuade the political parties in this country to pass a similar law on domestic violence.

In the initial phase we drew up a catalogue of demands and requested interviews with the political parties to explain our standpoint.

In 1999 the Ministry for the Advancement of Women, along with a number of women's organisations, ran an awareness raising campaign, which provided an ideal background for lobbying activities. We were given the chance to detail and to explain our demands in numerous public conferences, radio and television programmes and in

the print media.

The Ministry for the Advancement of Women also managed to convene a meeting of representatives of the law enforcement authorities, the State Prosecutor's Office, the Ministry of Health, the Family Planning Office, and the shelters for abused women with a view to raising awareness and facilitating co-operation at the institutional level as a means of combating domestic violence. At the same time, Alberto Godenzi and Albin Dearing were invited to provide information on the cost of violence and on the new law in Austria. A delegation made up of representatives from the Ministry for the Advancement of Women, the law enforcement authorities, the shelters for abused women, and the Ministry of Health travelled to Berlin to find out about the work of B.I.G.

As a result of these measures but also in response to the pressure exerted by our organisation, a motion was tabled in the Chamber of Deputies on May 19, 1999. Signed by all the political parties, it called for

- The amendment of existing legislation to cover domestic violence
- The modification of current legal provisions to allow the immediate expulsion of the violent perpetrator from the dwelling and the imposition of barring orders preventing his return
- The improvement of co-operation between the various agencies involved and the provision of funding to ensure the protection and safety of victims of violence.

On March 13, 2001 a public session was held in the Chamber of Deputies on the issue of domestic violence, and the Luxembourg parliament's Committee on Equality considered complaints put forward by the relevant bodies (law enforcement authorities, shelters for abused women etc.).

The Ministry for the Advancement of Women formulated the draft law on domestic violence and submitted it on May 7, 2001.

It goes without saying that we are eagerly awaiting the day when this law comes into force. By its terms, the state no longer considers domestic violence to be a purely family concern but classifies it as a public issue. A statement drawn up by staff members of "Femmes en Détresse" and three women lawyers closely involved in the field of violence against women drew attention to various aspects of the new law relating primarily to procedural details as laid out in the draft legislation.

Our main concern at present regards training programmes for the law enforcement authorities and the establishing of intervention centres.

The new law should come into force at the end of 2002, but no preparatory work has been done for it. At present we are constantly drawing attention to this fact by raising the



> awareness of the public at large and of the government. We have submitted a project relating to the setting up of an intervention centre, we are calling for basic and further training programmes for the police and for other professional groups concerned with domestic violence, and we are fighting to have our demands considered.

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LEGAL ISSUES

Italy: Barring orders require a court

by Marcella Pirrone

After intensive lobbying by the Italian women's shelters and their group of lawyers, the parliament in Rome enacted a law (No. 154, dated 04.04.2001) in April 2001 which for the first time provides for perpetrators of domestic violence to be barred from the dwelling.

The new legislation provides for a number of measures to combat violence in domestic relationships: barring orders prohibiting the perpetrator from entering the dwelling; a ban on the perpetrator going to places frequented by the survivors; and – the most stringent measure – a ban on entering the municipal area in which the survivors live. This latter ban is rarely issued – primarily in serious cases of sexual violence or repeated paedophile offences.

Important though the new law is, it is not easy to administer, because it fails to empower the law enforcement authorities to intervene directly, always requiring a formal judicial application (to the State Prosecutor's office or a court of civil law). Being limited in duration (to a maximum of six months), the measures provide only temporary protection.

Enforcement in penal and civil law

By the terms of the new law, the measures it provides for can be enforced under both civil and penal law. The difference is that enforcement in a court of penal law presupposes criminal charges being brought against the perpetrator, and this will in most cases lead to criminal proceedings and possible sentencing in addition to the above sanctions. In

the case of civil proceedings, the sanctions can be dealt with on a priority basis even without criminal charges being brought. This is an important distinction for the many women who do not wish to bring criminal charges because these do not afford effective protection. In both cases the new law stipulates that:

- The perpetrator (spouse, partner, relative or acquaintance) is barred from entering the dwelling for a given period of time;
- The perpetrator is barred from the vicinity of locations frequented by the victim and the children (place of work, school, kindergarten etc.);
- The perpetrator must pay maintenance for the family for the duration of the sanctions imposed.

These measures can be invoked in cases when the woman is living with a person (husband, common law spouse, father, brother, son or other relative) who practises physical or psychological violence against her and / or against other members of the family, or if that person, while not actually committing a punishable offence, behaves in such a way as seriously to impair the physical or psychological health or curtail the personal freedom of the woman and / or other members of the family.

It should be noted that law enforcement officers called to the scene in a situation of real threat are not empowered to enforce the law themselves. Application must be made to the judicial authorities within a given time and in compliance with prescribed procedures.

Experience to date

There is unfortunately no office in Italy responsible for collecting data on the application of the law. However, it is already possible at this early stage to point out that the law contains a number of serious flaws. The legal procedures being extremely complicated, it is imperative that the women's shelters,

>

✓ counselling centres, social services and lawyers provide expert legal help.

Moreover, no attempt has been made to raise awareness of the law in Italy. The key professional groups – such as judges and the police – were not informed of the terms of the law in advance, nor did they receive training on the related issues.

Moreover, no attempt was made to raise awareness in connection with the new law, and the key professional groups – like judges and police officers – were neither informed of its contents in advance nor did they receive training on the general issues concerned.

The lawyers associated with the Italian women's shelters have set up a network and are using it to conduct a lively exchange of views and to

do what they can ensure that the law is correctly applied. Before enactment the network members protested against its stipulations. However, there is no prospect at present that it will be amended. Nevertheless, the co-operation of engaged lawyers and judges is making it possible to apply the law in the interests of the survivors of violence.

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Reading

Suggestions

More than a roof over your head

Since the "Zero Tolerance" campaign ended in 2000, the European Union has apparently somewhat lost interest in the issue of violence against women. In the course of our current DAPHNE project we have carried out a survey of the standards met by women's shelters, an undertaking which ties in with the previous activities in that the latter included a number of recommendations relating to the prevention of violence against women. We took those recommendations which concerned minimum standards for women's shelters as the yardstick for our survey. This is the first such survey which sets out to cover all of the shelters in the given countries, and as such it will facilitate the formulation of effective strategies for preventive measures in the field of women's shelters. The survey was targeted not just at

those working in women's support facilities but also and especially at politicians. Its results show clearly that there is a shortage of shelter places and adequate funding in almost every country. On the other hand, the shelters run on feminist lines generally comply with all the recommendations in terms of their substantive work.

**"More than a roof over your head" is available from the
WAVE Co-ordination Office / European Info Centre against Violence,
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