

Fempower

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Campaign: stop domestic
violence against women

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Albania:
still a long way to go

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Fight to Stop Domestic Violence:
because women's rights are human rights

by Barbara Brank - Brubacher

The Council of Europe (comprising 47 member states and based in Strasbourg) dedicates the year 2007 to the prevention and combat of domestic violence against women. On 27th November 2006 the Council launched the campaign to stop domestic violence against women with a conference in Madrid/Spain. The Campaign will end next year on 8th of March, the international Women's Day 2008.



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Editorial

V



by Barbara Brank - Brubacher

All member states are called upon to increase and improve their activities to fight domestic violence and to implement the recommendations as set out in the Recommendation 2002(5) on the protection of women against violence¹ by the Committee of Ministers in 2002.

Women's organisations across Europe have historically played a vital role in the fight to prevent and eliminate all forms of domestic violence. Therefore, the current FemPower issue will take a closer look at the different dimensions of the Council of Europe campaign, especially on the involvement of women's organisations.

Shpresa Banja, President of the "Women Forum of Elbasan" in Albania reports on campaign activities in her country looking at all four thematic areas, which have been identified as crucial areas when combating domestic violence against women as laid out in the Rec2002(5) and the campaign blue print. In her article, she looks at the challenges and opportunities from an NGO point of view.

V

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Hilary Fisher, chairwoman of the Council of Europe Task Force to Combat Violence against Women, including Domestic Violence and director of the British NGO "End Child Poverty", gives an account of the task force's achievements six months into the campaign year 2007.

Julia Hertlein from the Austrian Information Centre against Violence casts a close look at the Council's Stocktaking Study by Carol Hagemann-White. She reviews and summarizes the main lessons learned from measures that have been taken in member states so far to stop domestic violence against women. In order to complete Hertlein's review, Sylvia Králová, who works for the Slovak women's organisation Fenestra, examines the usability of Hagemann's Stocktaking Study for NGOs in Slovakia. The NGO perspective from Slovakia is complemented by a brief description of the shadow report "reality check" to the CoE's Stocktaking Study, which was issued by the European Women's Lobby (EWL) in February 2007.

The Council of Europe and Women's Rights

The Council of Europe, which is institutionally not connected to the European Union and must not be confounded with the Council of the EU (Council of Ministers), was founded in the wake of World War II. One of the primary aims of the Council of Europe is to safeguard and protect human rights and to bind together European states to uphold the rule of law and democracy. In 1950 the Council of Europe has adopted the European Convention on Human Rights in order to protect human rights and fundamental freedoms. In the following decades, the Council established several mechanisms to make the convention more effective. An important step was the establishment of the European Court of Human Rights.

Several decades passed until violence against women became officially recognised as a violation of women's fundamental human rights. In 1993 the 3rd European Ministerial Conference on equality between women and men was devoted to the issue of violence against women as a human rights abuse. As a first step, a working group was formed to create a Plan of Action² to combat this widespread disease. The final report of the group was completed in 1997 and includes recommendations to combat VAW at both the national and international level, as well as a compilation of the main texts of the Council of Europe in this field since 1995. In the coming years, the Council and the Parliamentary Assembly initiated several resolutions and actions.

A major achievement was the adoption of the Recommendation Rec(2002)5. The Recommendation states that "*violence towards women is the result of an imbalance of power between men and women and [leads] to serious discrimination against the female sex, both within society and within the family*" and reaffirms that "*violence against women both violates and impairs or nullifies the enjoyment of their human rights and fundamental freedoms*" because "*violence against women runs counter to the establishment of equality and peace and constitutes a major obstacle to citizens' security and democracy in Europe.*"³ The progress of its implementation was monitored and as outcome of the monitoring framework, the Stocktaking Study on measures taken in Council of Europe member states⁴ was published in spring 2006. As a follow up, the Council of Europe established a task force of eight experts to combat violence against women, including domestic violence⁵, chaired by Hilary Fisher, in 2006. It monitors and evaluates the progress and it also developed the blueprint for the Council of Europe Campaign to Combat Violence against Women, including Domestic Violence, which will run throughout 2007 until 8th March 2008.

1 www.humanrights.coe.int/equality/Eng/WordDocs/2002r5_Violence_recommendation_English.doc

2 [www.humanrights.coe.int/Equality/Eng/WordDocs/egsvl\(98\)1_summary](http://www.humanrights.coe.int/Equality/Eng/WordDocs/egsvl(98)1_summary)

3 www.humanrights.coe.int/equality/Eng/WordDocs/2002r5_Violence_recommendation_English.doc

4 [www.coe.int/T/E/Human_Rights/Equality/PDF_CDEG\(2006\)3_E.pdf](http://www.coe.int/T/E/Human_Rights/Equality/PDF_CDEG(2006)3_E.pdf)

5 www.coe.int/t/dg2/equality/domesticviolencecampaign/Intro_Task_Force_EN.asp

Web - Tipp

Council of Europe Website:

http://www.coe.int/T/E/Com/about_coe/

Council of Europe Stop Violence Campaign Website:

www.coe.int/stopviolence

Website on Human Rights and Equality between Men and Women:

http://www.coe.int/t/e/Human_Rights/Equality/

NGO Specific Information on the WAVE Website

<http://www.wave-network.org/start.asp?b=14>

Useful Documents

<http://www.wave-network.org/start.asp?b=14&sub=38>

Actions by WAVE

<http://www.wave-network.org/start.asp?b=14&sub=39>

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The activities of the Council of Europe Expert Task Force on violence against women including domestic violence



by Hilary Fisher

"Eliminating violence against women remains one of the most serious challenges of our time."¹

"Across [Council of Europe] countries, one-fifth to one-quarter of all women have experienced physical violence at least once during their adult lives, and more than one-tenth have suffered sexual violence involving the use of force."²

Between 12% to 15% of women in Europe face violence in the home every day, many more continue to suffer physical and sexual violence from former partners even after the break-up.³ Behind every statistic is a woman whose life has been devastated by violence.

The extent and impact of violence against women (VAW) is well known to WAVE members who have been campaigning on the issue for many years. It is a result of women's non governmental organizations (NGOs) and others across the world raising awareness and challenging governments to act, that the extent of the problem is being acknowledged. This is shown by the impetus for the United Nations (UN) *In-depth study on all forms of violence against women* and the subsequent resolution to intensify efforts to eliminate VAW. However much remains to be done. The Study found that progress worldwide to tackle VAW is uneven.

This is also true for Council of Europe (CoE) member states. The recent Stocktaking Study prepared by the CoE indicates that not all member states provide sufficient resources for victims of violence. In some countries domestic violence is still not penalized, in others the law exists, but is not implemented effectively. No member state currently collects the necessary data on domestic violence cases reported to the police nor are cases tracked systematically. States are therefore unable to determine the effectiveness of any legal reforms and other measures they introduced to combat VAW.⁴

The UN General Assembly resolution that followed the study emphasized the obligation of states "*to promote and protect all human rights and fundamental freedoms of women and girls and must exercise due diligence⁵ to prevent, investigate and punish the perpetrators of violence against women and girls and to provide protection to the victims.*"⁶ Under International law Governments have a duty to take positive measures to prevent, prohibit and punish violence against women, regardless of where it takes place or who the perpetrator is.

Considerable research and action has been undertaken by the CoE to combat VAW but progress across Europe has been slow. In 2005 CoE the member states decided to establish a *Task Force to Combat Violence against women, including Domestic Violence*, made up of eight international experts in the field of preventing and combating domestic violence, and to conduct a campaign to combat VAW.



The task force was set up to:

- Evaluate effective progress of measures for preventing and combating VAW.
- Make proposals for revising or adopting new measure.
- Develop a method to assist member states to adopt practical policies.
- Assess the results of the monitoring framework which evaluates progress in the implementation of the Recommendation Rec(2002)5.
- Identify possible roles of men in combating VAW.
- Develop the blueprint for the CoE Campaign to Combat Violence against Women, including Domestic Violence.

Our first action was to draft the blue print for the campaign.⁷ This focuses on domestic violence and calls for concrete action by states in four main areas; legal and policy measures, support and protection for victims, data collection and awareness raising. The blue print is a roadmap for member states to use to make real progress at national level to combat domestic violence. It denounces VAW as a human rights violation and uses the definition of VAW used in the CoE Recommendation Rec(2002)5.⁸ While recognising that the specific approaches of governments to VAW will vary depending on particular country situations, we were keen to emphasise the fact that all require a multifaceted response. This means addressing both the root causes of violence and its consequences, as well as challenging attitudes and behaviours and introducing legal, policy and practical measures.

The CoE campaign was launched in Madrid in November 2006. Questionnaires were sent out to member states and 32 responses have been received and over 37 governmental focal points have been appointed to lead national campaigns. Both the Parliamentary Assembly, who have also appointed contact persons, and the Congress of Local and Regional Authorities, are actively engaged in the Campaign. This is the first campaign that all three arms of the CoE have conducted together.⁹ But government action alone is not enough. From the start the Task Force has emphasized the expertise of NGOs involved in the protection of VAW. The blue print encourages Governments to engage directly with NGOs involved in combating VAW and to work in cooperation with them, providing appropriate logistic and financial support. If you have not already done so, do find out what your government is doing for the CoE campaign and get actively involved.

Many member states have responded positively to the CoE campaign and produced campaign action plans. A few have not, possibly because they feel a campaign is not necessary, or do not recognize the extent of the problem. Wherever possible we have encouraged states to engage in the campaign and have participated in a number of intergovernmental meetings, including the regional seminars organized as part of the intergovernmental activities of the campaign. Seminars on legal measures; on the role of men in combating domestic violence; on data collection; and the protection and specialized support for victims have already taken place and one further seminar on services for victims of violence is planned. States attending these seminars have been asked to include an NGO representative in their delegation and local NGOs are encourage to attend. Visit the CoE website to find out more.

We are also coordinating with other Council of Europe committees working to protect women from violence. The progress made by CoE member states on combating VAW does not reflect the significant body of work that has already been done. Entities such as the Steering Committee for the Equality between Women and Men, and the Parliamentary Assembly Committee on Equal opportunities for Women and Men have engaged with experts and produced reports on specific violence issues in the last 10 years with clear recommendations for action. The CoE Recommendation Rec(2002)5 provides very useful advice on what action states need to take, yet, prior to the CoE campaign, few had even translated it to local languages or circulated it widely.



We are now working on our final report. This will focus on different forms of VAW, not just domestic violence. It will contain an overview of the situation in the CoE member states together with information on national campaigns. Proposals for revising or adopting new measures will be included, as will methods to assist member states to adopt practical policies. The report will also consider the need for an additional CoE legal instrument to combat violence against women. To be effective such an instrument would have to be comprehensive and respect the three guiding principles of prevention, protection and prosecution.

Political will backed by appropriate resources is key to ensuring progress on eradicating VAW. Unless states are prepared to go beyond statements to concrete actions backed by sufficient resources little progress will be made. I hope the CoE campaign and the Task Force's subsequent report will support your work and help galvanize them into delivering the action need to create real change.

1 UN Secretary General, In-depth study on all forms of violence against women 2006.

2 Combating violence against women Stocktaking study on the measures and actions taken in Council of Europe member States, Prof. Dr. Carol Hagemann-White, p. 7.

3 Ibid, p. 8.

4 Ibid, p. 27.

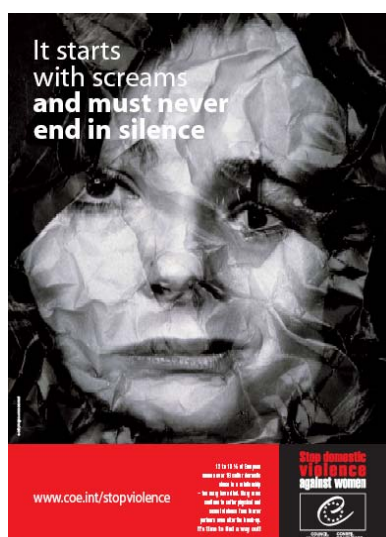
5 This responsibility includes the obligation to respect, protect, fulfil and promote women's rights.

6 UN General Assembly Resolution 61/143. Intensification of efforts to eliminate all forms of violence against women.

8 Blue print of the Council of Europe Campaign to Combat, Violence against Women, including Domestic Violence prepared by the Task Force to Combat Violence against Women, including domestic violence (EGTFV) June 2006.

7 Recommendation of the Committee of Ministers to member states on the protection of women against violence.

9 See http://www.coe.int/t/dg2/equality/DOMESTICVIOLENCECAMPAIGN/default_EN.asp



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The parliamentary dimension of the Council of Europe Campaign



by Gisela Wurm
& Barbara Brank - Brubacher

Parliamentarians can play a vital role in the fight against violence by adopting legislation to establish domestic violence as a serious assault on human dignity and can reinforce the rights of victims.

"Let us break the silence in our parliaments and resolutely combat domestic violence against women." ¹

Domestic violence is a violation of Human Rights and constitutes a serious assault on human dignity. Domestic violence against women is perpetrated in silence in homes across Europe, often ignored by authorities and the public. It is an individual as well as a collective responsibility at all levels (the national, the regional and the local level) to break the silence and act on behalf of the values, which are defended by the Council of Europe (CoE). Confronted with this situation, the CoE has launched a campaign for 2007 to stop domestic violence.

The Campaign has three dimensions: the intergovernmental, the local and regional, and the parliamentary. The Parliamentary Assembly of the Council of Europe and national parliaments have launched the project "Parliaments United in Combating Domestic Violence against Women". The project is carried out in co-operation with CoE member and observer parliaments and various regional and international parliamentary assemblies (particularly the European parliaments, the Nordic Council and the Inter-Parliamentary Union).

Parliamentarians can play a vital role in the fight against violence by adopting legislation to establish domestic violence as a serious and unacceptable assault on human dignity, punish this offence, provide protection for the most vulnerable individuals, even in the private sphere, reinforce the rights of victims and promote prevention and public awareness policies, with the aim of changing people's attitudes towards the problem.

Through this project, the Parliamentary Assembly backs initiatives taken by national parliaments. It for example provides practical information and promotional material to be used by national parliaments, like the Handbook for Parliamentarians and campaign material. The Assembly furthermore supports national parliaments that have the will to translate information material into the local language(s) and disseminate it in their country.

Parliamentary Activities at the national level in Austria

Gisela Wurm is Austria's appointed contact parliamentarian and coordinates and implements initiatives in accordance with the Campaign's objectives at national level together with active NGOs. As a first step, the Handbook for Parliamentarians has been translated into German and distributed amongst Austrian Parliamentarians during a major launching event in the Austrian Parliament on the 4th December 2006. The Handbook itself serves as a good practice guide to parliamentarians and gives many valuable examples of what they can contribute to stop domestic violence against women. In order to link-up national parliamentarian with European initiatives, Gisela Wurm plans to bring the Austrian exhibition "Behind the Façade" to Strasbourg.

The exhibition shows an apartment in miniature format, open to all sides shedding light on what usually remains hidden behind closed doors: scenes of domestic violence against women and children. Several women and children are telling their own stories about domestic abuse they suffered. Through video installations and audible interviews their experiences are made accessible. The exhibition follows their stories from the very beginning of the abuse to how they develop mechanisms to protect themselves and survive, up to the breaking-point when they managed to escape and break the vicious cycle of violence. The exhibition will most likely start in January and February 2008 in Strasbourg at the Council of Europe. Another of Gisela Wurm's plans is to connect Hungarian and Austrian parliaments and initiate a "national hearing" in the Austrian parliament.

Through Gisela Wurm the Campaign reached the local level. She personally presents activities her party initiated in Tyrol:

The anti-violence campaign of the Council of Europe "Stop domestic violence against women" will be implemented by organising various actions in all EU countries. A regional example is the Anti-Violence Campaign of 2007/08 organised by the women in the Austrian Socialist Party (SPÖ) in Austria's federal state of Tyrol. By actions, series poster and cards sent via e-mail media representatives and the general public are informed and sensitized.

The campaign focuses on four main areas: legal and policy measures, support and protection for victims, data collection and awareness raising. During the initial action on 30th of April 2007 for the so called Walpurgis Night we wanted to show the historical dimension of violence against women. Through our action we reminded the Tyrolean public, directly in front of the "Goldene Dachl" (Golden Roof) in the Tyrolean capital of Innsbruck, of the cruel burning of women accused of being witches, which took place during the 13th to 17th century. In June we presented parts of an apartment on the street to show that home to women is not a "cosy" or safe place, but too often a place where male violence against women and children prevails and constitutes a crime scene. In order to emotionally involve the visitors we contrasted music about eternal love with law articles about criminal offences, to show that the myth of eternal love and the realities of home clash when violence takes place. We also showed evidence from children, who witnessed violence in their family.

In September 2007 the third focus "Violence in schools" will follow. During the 16 Days of Activism against Gender Violence the focus will be on violence in public areas and security. The campaign is not over in 2007 but will continue until the European Football Championship in 2008 when two matches will take place in Innsbruck. The experience during the World Championship in Germany (and during similar events) shows that the issue of trafficking in women and enforced prostitution have to be massively addressed in this context. What we want to achieve is a further sensitization of the public, a commitment to combat violence and to foster an intensive debate on this very complex issue.

With this campaign we also want to achieve the concrete expansion and the regionalisation of victim protection centres in Tyrol and we have - as our first achievement - opened a branch office of the intervention centre against domestic violence on 9th July 2007 in the Tyrolean city of Kitzbühel.

1 René van der Linden, President of the Parliamentary Assembly of the Council of Europe.



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Albania - violence against women: still a long way to go



by Shpresa Banja

The Albanian State still does not offer social services for girls and women at risk. There are NGOs, mainly funded by foreign donors that offer services for this social group, but state organs often do not collaborate with NGOs.

In our country violence against women inside families is becoming more and more present in all its forms. Interest groups, state institutions, non-profit organizations and other stakeholders that face these situations have different opinions when they refer to the causes, the consequences, the ways of dealing with special cases and statistical indicators. By taking into consideration social, psychological values, the cultural level and inheritance of our country we are facing big challenges when we argue about this social phenomenon that is a highly challenging issue nowadays. If we don't deal carefully with this phenomenon it will continue to hunt us.

Legal framework

The Albanian Government and the Parliament have drafted many laws, have made decisions and have ratified a considerable part of the international conventions which have the focus on the protection of Human Rights. At the end of 2006 the Parliament approved the law on "Measures against Violence in Family Relations". This law obliges state institutions to take measures to protect victims of violence in Albania. Respective measures are obliged to be taken by the police districts, by health institutions, by court, the prosecutor's office and by the local government. They should create a network between the police, medical institutions, local and national NGO's, who are working every day with victims of violence. All

these sectors should work together to execute this new law and protect the victims of violence. Despite this new law the legal framework for domestic violence remains incomplete and creates a legal vacuum. Beside the legal vacuum we ascertain a deficiency in the implementation of the legislation in power and unfortunately violence still isn't considered a penal act.

The services offered to girls victims of violence

The Albanian State still does not offer social services for girls and women at risk. There are NGOs, mainly funded by foreign donors that offer services for this social group. State organs often do not collaborate with NGOs.

Since 1999 until today the "Women Forum of Elbasan" offers services to these women with social problems, including women affected by domestic violence. We have received a license from the Ministry of Labour, Social Affairs and Equal Opportunities to make activities and offer services. In 1999 we opened a counselling centre for women followed by an advocate studio in 2002 funded by the Swedish women's organization "Kvinna till Kvinna" - ("Women for Women").

Women who are facing male violence and who come to the centre besides asking for counselling and legal protection also seek shelter employment. It is impossible for our NGOs to meet all their needs.



The services offered by the state for women who are victims of domestic violence are still insufficient, especially because the state doesn't provide legal aid or psychosocial support for this group. In Albania there still isn't any 24-hour help-line existing for women concerned by violence and we do not pretend to have the necessary financial resources to provide enough trained staff and other emergency services for all women concerned by violence around the clock. The experience shows that this kind of service is becoming more and more necessary and helps women affected by violence to deal with emotional, psychological, health-related and legal problems.

Women's shelters still missing

Our country does not have shelters managed by the state for women victims of male violence. All over Albania there are only two shelters and they are managed by NGOs, funded by foreign donors. These two shelters have a capacity of 15-20 people each.

Domestic violence is considered a private matter that shouldn't be discussed publicly. This opinion is present all over Albania. It is found even in the structures of different state institutions for example the police, courts and others. Women affected by violence are not welcomed by them and they are told to return home and continue to live with their husbands. It is obvious that this group of people representing the state considers violence as a family-intern problem and not a social problem. We have had cases of abused women where the husbands who used violence against them were police officers. Now, how can these police officers help other women facing violence from their partners when using violence themselves?

Data gathering

Albania is one of the fewest countries in Europe that does not collect nor report data on violence. Some publications are now available but they are prepared by NGOs and can not pretend to reflect the whole situation of violence in Albania, since we lack a unified statistical system to capture these social phenomena.

Awareness raising

Beside the psychological, the health and the juridical counselling our organization continuously makes awareness raising campaigns to sensitize the Elbasan community on women's rights, gender equality issues, the increasing participation of women in political life etc.

From our direct contacts in terrain, especially in rural areas we ascertain that there is a discriminating mentality against women existing. Women are considered men's property and should be obedient to their husbands. A survey done in 1999 showed that 70 percent of women in villages couldn't conceive the idea of being equal to men/husbands which is a basic right guaranteed by constitution. Of course, these rapports have changed in the positive sense but still, they are not at a satisfactory level. We not only make awareness raising campaigns with women but with men as well in order to make them understand that women are equal to men. It is now women's duty to fight for their rights both inside the family and outside. We are working hard for this change in mentality.

We approve the initiative of the Ministry of Labour, Social Affairs and Equal Opportunities which lately has published and disseminated a poster with the message "Violence against Women Destroys". But, this is not enough. There should be planned campaigns, financial funds to develop a long sensitizing process, training of specialists, training for violated victims and their rehabilitation in normal life. The Ministry should organize and coordinate the work between all actors that operate in this field today. In order to change the situation of violence many reforms should be undertaken and there should be worked simultaneously in many directions. But, for all these things, resources are needed and people should learn more in the fields of social, psychological and legal services. A country like Albania with many socio-economic problems and with a political class that is very aggressive should be strongly supported by foreign donors to overcome these difficulties and in order to get the chance of being integrated in the big European family. We would suggest that one criterion for EU membership should be the protection of women against violence.

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The need for a holistic approach

A brief review of "combating violence against women: Stocktaking Study on the measures and actions taken in Council of Europe member states"



by Julia Hertlein

The stocktaking study clearly shows that only a multidimensional approach will be able to achieve sustained success when fighting domestic violence in European member states.

In 2003 a questionnaire, based on the Recommendation of 2002¹, was sent out to the member states of the Council of Europe in order to assess to what extent the recommendations concerning domestic violence had been implemented at that time. After that a monitoring instrument was developed and was sent out to all the member states in 2005. The stocktaking study, prepared by Prof. Carol Hagemann-White, is the result of the responses of the different governments. The aim of the study was to evaluate measures and approaches against domestic violence in all member states to ascertain the most effective ones. A further aim was the linking of different legal frameworks and the search for holistic approaches.

Although figures vary through methodology, it is estimated that across countries one out of five to one out of four women have experienced physical violence in their immediate social environment, mostly by their husbands, partners and ex-partners. Domestic violence must not only be seen as a violation of the fundamental human rights and as human suffering, but also in terms of a huge economic loss within the European member states.

*"For the entire Council of Europe area, the cost of domestic violence alone could thus be reckoned at an annual total of at least 33 billion euros."*² The most cited cost categories are: the Health Care Sector (including hospital, ambulance, physicians, drugs), the criminal legal and the civil legal sector (including police, prison, court, prosecution) and the public and/or private social services (including shelters). These calculations must still be considered underestimated, as many victimised women do not seek help, and very often domestic violence hides behind other social problems and is therefore not recognised by service organisations. Another problem is to calculate the substantial losses for the business sector and the employers: Women, who have a history of suffering violence are more likely to have psychological and physical health problems and therefore often cannot be – from an economic point of view – as productive as non-victimised employees. Thus the individual suffering and pain of the woman *"feed into a wider range of less easily measured costs for society and the victim."*³

The legal situation concerning domestic violence differs strongly among CoE member states. Not only does the role of police, prosecution and court vary due to different judicial histories in the member states, but also legislations and their implementation vary strongly. New developments in legislation on domestic violence seem to concentrate on providing a physical distance between the victim and the perpetrator by the legal provision of non-molestation and occupation orders, and by police barring orders. Legal civil protection measures, like barring orders, offer immediate help to the woman by banning the abusive offender from the shared home. In Austria for example the barring order can be followed by an interim injunction at the Civil Court within ten days. When submitted, the barring order is automatically extended for 20 days. Further the police are obligated to monitor the order not to be breached by the perpetrator. The barring order also legally requires counselling.



Although there is a general trend in the member states to broad legal protection measures and to establish a protective *and* a punitive way to deal with the problem of domestic violence, the study states differences between the western and eastern part of Europe: While the western countries tend to focus particularly on protection provided by police and civil law, the eastern countries are more likely to deal with domestic violence on the basis of criminal law. Specific provisions for domestic violence provided by civil law are rather found in western countries, more specifically in northern Europe and in the German-speaking countries.⁴

Globally speaking only the elaborate combination of civil and criminal legal structures are considered most effective in fighting domestic violence in the long run. The above cited Austrian model of a barring order and an interim injunction just works as long as the perpetrator complies with the order. If he does not, there is no penal consequence for him. In this regard Germany and the United Kingdom are good examples for linking civil protection measures and criminal law. The British "Domestic Violence, Crime and Victims Act 2004."⁵ says that, if a protection order is breached it is considered a criminal offence and accordingly prosecuted: "*This innovative order aims to protect victims by allowing the use of evidence before the criminal court that would normally only be admissible in civil courts. The maximum penalty for breaking such orders is five years imprisonment.*"⁶

Another lack of holistic thinking when dealing with the problem of domestic violence concerns child contact regulations and immigration law. In many member states, for example, a normative standard of joint custody after divorce has been established, but the problem of domestic violence is not integrated in child contact requirements. The situation could not be more counterproductive and absurd than to demand of a victimised ex-wife to make contact with the violent ex-husband, because she has to fulfil the obligation of joint custody: "*In such cases, the child contact requirements directly contravene the barring or non-molestation order.*"⁷

In the case of immigration law things are similarly difficult in most European countries: Women, who have entered the country by way of marriage can not leave a violent partner within the first two years, because they would lose their residence permits and welfare benefits. Some countries, like Sweden, have introduced exceptions or concessions for victims of domestic violence on a case-by-case basis. But generally there is no systematic provision for migrant victims when it concerns domestic violence measures.

The stocktaking study clearly shows that only a multidimensional approach will be able to achieve sustained success when fighting domestic violence in European member states. A multidimensional approach means "*regulating criminal, civil, family and procedural law aspects as well as service provision in one package.*"⁸ Such a "package" of comprehensive laws and cross-sectoral measures was implemented in Spain in 2004. The Organic Act 1/2004 of 28 December 2004 on "Integrated Protection Measures against Gender Violence"⁹, is the widest amendment of criminal law regarding violence against women in Europe and therefore could serve as an inspiring role model for the other European member states.

1 Rec (2002) 5: Recommendation on the protection of women against violence.

2 Hagemann-White, Carol [2006]: Combating violence against women. Stocktaking study on the measures and actions taken in Council of Europe member States. Strasbourg, Council of Europe. S.11 (subsequent citet as StockStud).

3 Ibid, S. 11.

4 Ibid, S. 38.

5 Cited after StockStud, S. 23.

6 Ibid, S. 23.

7 Ibid, S. 23.

8 Ibid, S.25.

9 Cited after StockStud, S. 20.

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Stocktaking Study Follow-Up: New Council of Europe Study

by Carol Hagemann-White and Sabine Bohn (University of Osnabrück)

"Protecting Women Against Violence: Analytical study on the effective implementation of Recommendation Rec(2002)5 on the protection of women against violence in Council of Europe member states."

Based on a monitoring framework sent by the CDEG to the member states in 2005, a stocktaking study assessed the cost of gender-based violence and presented an initial overview of important steps suggested by experts as useful indicators of progress. In its "Blueprint for the Council of Europe Campaign" the Task Force recognises that member states are at different stages in implementing the Recommendation and urges further action to make significant progress.

The present study aims to assess implementation across Europe in the main areas emphasised in the blueprint, taking account of the diversity of conditions in the member states. (See: Introduction to the study, p. 5)

Download the study from

[http://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/PDF_CDEG\(2007\)3_rev_E.pdf](http://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/PDF_CDEG(2007)3_rev_E.pdf)

Can women's NGOs in Slovakia make use of the Stocktaking Study?



by Sylvia Králová

For the purposes of the Stocktaking study, the Slovak government states the existence of 109 shelters with the capacity of 1047 places. Nevertheless, among those 109 "shelters" are, in reality, any social care facilities accommodating, apart from other target groups (i.e. men, homeless people, etc.), also abused women and children.

The aim of this article is to reflect on the importance and some results of the Council of Europe "Combating violence against women - Stocktaking study on the measures and actions taken in CoE member States" for women's NGOs providing specialised services for women and children – survivors of violence in intimate relationships in Slovakia. Even though the Stocktaking study results offer various areas to reflect on, as a member of a women's NGO operating in the area of secondary and tertiary prevention of violence against women and children and running a counselling centre for women and children - survivors of violence, I intend to reflect on the Stocktaking study results in the area such specialised support services and funding of women's NGOs in Slovakia.

For the purposes of the Stocktaking study, the Slovak government states the existence of 109 shelters with the capacity of 1047 places, accessible around the clock and in sufficiently wide geographical distribution and free of charge (Table 8). Nevertheless, among those 109 "shelters" are, in reality, any social care facilities accommodating, apart from other target groups (i.e. men, homeless people, etc.), also abused women and children. According to the "Monitoring study on the actual situation of the countries concerning violence against women", which our organisation carried out within the OSI Budapest and Minnesota Advocates for Human Rights "National VAW Monitor Project" (see www.stopvaw.org), and which is based on the Council of Europe Recommendation Rec 2002(5), there are two special shelters for victims of domestic violence in Slovakia with 38 places available altogether. None of the shelters is free of charge (one of them charges 18% of minimum wage a month, the other one charges 24.5% of minimum wage a month). One of the shelters does not place drug addicted women and migrant women. One of them places children free of charge. As for operation and funding, one of the shelters is operated by an NGO (75% of project funds, 25% of funds from individual sponsors/corporate donors); the second one is operated by the state (municipality), (80% municipality funds, and 20% project funds). This clearly shows that there are basically no specialised shelters for women and children – survivors of violence - meeting the criteria and/or the minimum standards set by the above Council of Europe Recommendation.

As for funding of women's NGOs, the Slovak government claims there is funding available to these NGOs at national, regional and local levels (Table 3). Yet, the government does not give the amount of those funds. As far as our organisation's experience shows, there are no special financial schemes focusing on violence against women at national, regional, or local levels, nor have specifically designed budgets been created for combating violence against women. At the national level, women's NGOs can apply for funds from subsidies of individual ministries (not specifically designed for violence against women) and the European funds (i.e. ESF), which primarily focus on employment.

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At the local level, municipalities fund state registered social care facilities. None of them provides specific standardised services solely for women and children – survivors of violence, which is partly due to the fact that the Slovak legislation does not define such specialised services and facilities (shelters, counselling centres). Slovak women's NGOs thus heavily rely on private funds (private foundations and donors). Moreover, the Slovak government has not allocated any funds for the activities of the National Action Plan for Prevention and Elimination of Violence against Women for years 2005-2008.

All the above facts have a negative impact not only on women and children experiencing violence in families, but also on capacities of women's NGOs to provide specialised services and carry out awareness raising and advocacy activities. Any attempt to carry out campaigns and other activities targeting general and/or professional public would be irresponsible now, as we cannot guarantee sufficient amount of professional support services for survivors of violence in intimate relationships in Slovakia. Furthermore, most women's NGOs providing the above specialised services are seriously understaffed and insufficiently financed and exhausted by constant fight for survival.

So, the answer to the question if women's NGOs in Slovakia operating counselling centres, shelters and other support services for women and children – survivors of violence in intimate relationships can make use of the Stocktaking study to open a dialogue about support services for abused women and children and call for political responsibility of the state for combating violence against women, the answer is "yes". At the moment, however, most of them either do not have the capacity, energy or lobbying power to enter into strategic negotiations with the relevant state authorities due to the above reasons. Yet, I hope the stocktaking study can and will be a valuable tool for lobbying, initiating open discussion about the real situation in the field of combating violence against women and changing the current formal commitment of the state to this issue.

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Reality Check: shadow report to the CoE Stocktaking Study.



by Colette De Troy

While in the Council of Europe Stocktaking study, 21 out of 31 European States state that they have a national action plan (NAP) on violence against women, the EWL Observatory's mapping exercise found that embarrassingly few countries have even taken measures to establish a national action plan.

The European Women's Lobby (EWL) European Observatory on Violence against Women (VAW) promotes the indispensable role of NGO's in delivering services but also insists on their role as a critical voice to government's official declarations and commitments. As a counterpiece to the Council of Europe Stocktaking Study, which was published in 2006 and draws on information provided by the governments, the EWL Observatory issued a complementary report, or shadow report based on information provided by NGOs and national experts on violence (29 countries). This "Reality Check" puts its focus on some issues reported by the CoE study (particularities of the national action plans, definitions and forms of violence targeted, specific budget or consultation mechanisms with NGOs) and concentrates on the experts' assessments of legislation and the implementation of legislation on different forms of gender violence and in particular: domestic violence, rape (including marital rape), harmful/cultural/traditional practices, trafficking and prostitution, pornography and sexual harassment.

While in the Council of Europe Stocktaking study, 21 out of 31 European States state that they have a national action plan (NAP) on violence against women, the EWL Observatory's mapping exercise found that embarrassingly few countries have even taken measures to establish a national action plan to combat *all forms of violence against women* and even fewer have NAPs to combat a specific form of violence against women, either domestic violence (sometimes expressed in terms of family violence) and/or trafficking.

Differences in terminology or understanding might explain the fact that the national experts' are more critical on the existence of NAPs. The CoE has well defined the characteristics of a NAP, and thus the EWL wonders how far government officials know the precise state of their national situation. The EWL Observatory states that in order to meet the minimum standard a NAP should include:

- consultation with women's NGOs as a pre-condition,
- targeting a comprehensive definition of violence against women,
- ensure a dedicated budget line and precise goals and calendar.

For more information see:

Reality Check: When Women's NGOs Map Policies and Legislation on Violence against Women (2007)

[http://www.womenlobby.org/SiteResources/data/MediaArchive/Violence Centre/documents/Copy of NAP-final-feb07.pdf](http://www.womenlobby.org/SiteResources/data/MediaArchive/Violence%20Centre/documents/Copy%20of%20NAP-final-feb07.pdf)

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