

## 7. WOMEN'S JOURNEYS TO SPECIALIST SUPPORT SERVICES

Single measures are not enough to prevent violence against women and domestic violence; they need to be comprehensive and coordinated and must provide a holistic response to the problem, as required by the Istanbul Convention (Council of Europe, 2012, p. 7). This principle also applies to the provision of support, therefore a comprehensive system of adequate and specialist services is needed to empower survivors. The aim of this chapter is to go beyond the description of single services and measures and offer a description of the kind of situations that women victims of violence and their children encounter when seeking help in circumstances of acute violence and danger. WAVE respondents were asked to provide information based on their experience in supporting women, as required by five short fictional case histories, addressing different forms and situations of violence. Experienced practitioners from 33 countries working in specialist women's support services responded to these questions, giving an insight into the systems of support which exist in their countries.<sup>10</sup>

### Requirements for Specialist Support in the Istanbul Convention

Articles 22-25 of the Istanbul Convention requires parties to provide access to specialist women's support services that have adequate funds and resources to meet minimum standards (Council of Europe, 2012, p. 13-14). Specialist women's support services are therefore essential and must be established in every country in order to support women and children survivors of violence in a meaningful manner. This is also required by the EU Victims' Directive which states that "Member States shall take measures to establish free of charge and confidential specialist support services in addition to, or as an integrated part of, general victim support services" (EU Victims' Directive 2012/29/EU, Art. 8).

It is essential that the approach adopted by these specialist services has a human rights and a gendered understanding of violence against women, seeking to empower survivors. These services however need to be included in a comprehensive support system, as one individual policy or intervention will not be able to ensure adequate support. The needs of such survivors are interconnected, relating to safety, health, financial situation and the well-being of their children. The policies which enable women to access these multiple services, and overcome their traumatic experiences must be coordinated efficiently. Hence, multi-agency cooperation between relevant entities is indispensable when it comes to meeting this requirement.

### Findings on Women's Journeys to Support Services

#### *1. Mary and her children run away from home because of the violence of Mary's husband. Where do they go? What happens?*

When a woman and her children are forced to run away from home because of a violent husband, their journey to support services will be influenced by a number of different factors. Analysis of the qualitative data collected from 33 countries shows that the number of specialist women's support services existing in a given country and widespread availability of information and referral mechanisms are most crucial in ensuring support for women who have been victimised. Hence, many respondents have indi-

<sup>10</sup> The countries are: Albania, Austria, Belarus, Belgium (Flanders & Brussels and Wallonia), Bosnia and Herzegovina, Bulgaria, Croatia, the Czech Republic, Georgia, Germany, Greece, Hungary, Iceland, Italy, Kosovo, Latvia, Liechtenstein, Luxembourg, Former Yugoslav Republic of Macedonia, Malta, Moldova, Montenegro, Portugal, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Spain, Switzerland, Turkey, Ukraine, and the UK (Northern Ireland and Scotland). 13 countries could not provide specific answers to this section.

cated that such a woman will call a women's helpline, or go to the nearest shelter. If the aforementioned services are not available, or she does not know how to access them, she will turn to social services.

The existence and public awareness about national women's helplines represents a key element which determines access to specialist support services and relevant information; there are some countries, such as Germany, that in addition to the national women's helpline, have several other local women's helplines. These represent useful referral mechanisms to women's specialist support services, be it shelters, counselling centres or crisis centres.

A large number of respondents (12) have listed the police as the first port of call (Albania, Bulgaria, Georgia, Greece, Kosovo, Malta, Portugal, Spain, Turkey, Ukraine) or one potential destination (5 – Belgium, Moldova, Montenegro, Russia, and Slovenia) of women who have experienced domestic abuse. In many of the surveyed countries women have to turn to the police in the absence of nearby support services or lack of information on how to access them. The survey on violence against women conducted by the European Union Agency for Fundamental Rights (FRA, 2014, p. 60) indicates that women are most likely to contact healthcare services, i.e. hospitals, doctors or other health care providers. It is important to note however that the FRA survey interviewed women directly, whereas the survey on which the current report is based reflects the opinions and experiences of practitioners from women's support services. Further studies could explore what sort of factors account for the different findings of the two aforementioned surveys. It could, for example, indicate that health service professionals are not referring women to specialist support services as consistently as police are, which could highlight a need for targeted training.

The responses provided to this survey emphasise that the police represent an important resource when it comes to providing safety as this is the core agency responsible for the protection of women and their children from violence. Police officers are also responsible for referring women to specialist victim support services, providing them with adequate information and informing them of their rights. This is why it is crucial to have police officers who have received adequate training in the area of violence against women and domestic violence, so that they can tackle an emergency situation by taking a gender-specific approach, ensuring that the rights of women are being upheld at every stage of the proceedings. To be more precise, police officers can refer or escort women to nearby shelters (Romania), or initial reception centres (Turkey).

Police officers are key actors when it comes to applying protection mechanisms for women and their children, such as emergency barring orders (Austria, Germany, Czech Republic), which they can issue themselves on the spot, depending on the gravity of the situation, or they can make a request for these to be issued. It can take some time however for protection orders to be issued (72 hours in Spain), and both emergency barring orders and protection orders are valid for a limited period of time (48 hours in Slovenia, 10 days in Liechtenstein), which can then be extended, depending on the situation and the victim's wishes.

Other important factors that can influence a woman's pathway to support services are having access to internet and a social circle. Women can sometimes find it hard to report domestic abuse for a number of reasons, be it lack of information, fear of long-term negative repercussions, or lack of trust in State authorities. Hence, they will frequently turn to friends and family for support and advice. Furthermore, in the absence of a women's shelter, which is often the case in rural areas in particular (Iceland, Romania and Russia, see chapter 5 on the number of women's shelter places missing) women are left to rely on family and friends for shelter. However, if these cannot or do not want to take them in, they are often compelled to stay with the violent partner. It may also be the case that women choose not to reach out to family and friends, out of feelings of shame and fear to disclose information about their private family life and the history of domestic abuse. Fear of retribution on their families and friends is also another reason why women chose not to reveal information about the abuse they suffer.

Having access to Internet is also a positive factor, because in some countries important information such as the telephone numbers for helplines, shelters or other support services are available online, including a map of specialist services available in a given region (Romania, Germany, Slovakia).

Women's shelters for survivors of domestic violence are the most important services for women and their children seeking support and accommodation. Counselling, medical and legal assistance is often provided at the shelter (Bosnia & Herzegovina, Belgium, Moldova and Georgia), with the latter being particularly important if the woman decides to press charges against the perpetrator.

Core support is also provided by women's centres (women's counselling or crisis centres, see also chapter 6). These specialist services support women who do not need immediate accommodation and they are also very important in regions where there are no women's shelters available.

When there are no direct referral mechanisms, a woman also has to go to social services first, in order to be referred to a shelter that has available places (Latvia). In some countries a commission has to establish in the initial stage whether she is indeed a victim of domestic abuse (Belarus), and she may be requested to present evidence of physical injuries sustained (Romania, in shelters run by child protection authorities). Such bureaucratic procedures are problematic and may sometimes hinder women's access to a shelter, or have negative consequences on her well-being while staying there. Direct access of survivors to women's shelters is therefore of crucial importance.

Obstacles in accessing services can also arise due to strict financial regulations, for instance in Germany where women's shelters are not free of charge. In Croatia, when women seek help in a State-run shelter, i.e. State homes, they may be forced to come into contact with the perpetrator, as fathers' visitation rights are upheld including contact to his children in the shelter itself.

In Belarus, existing laws and regulations stipulate that children can be taken away from their mother if a commission of experts from social services decides that the situation is socially dangerous for them. Hence, women are often reluctant to report incidents of domestic abuse to the police.

## Conclusions

These examples point out how important it is for all women victims of violence and their children to have direct access to good quality and specialist women's support services in their vicinity, which must be unhindered by complicated bureaucratic procedures (see also recommendations in chapters 5 and 6). Additionally, the examples also indicate that it is important for generic services, such as the police, social or health services, to collaborate closely with specialist women's support services and make appropriate referrals.

## 2. What happens if Mary is an undocumented migrant woman?

Should the woman in the aforementioned situation be an undocumented migrant, a different set of factors will determine her pathway to women's support services. Six of the 33 respondents indicated that they are rarely or never approached by undocumented women in their daily work.<sup>11</sup>

Many countries have discriminatory laws, rules and regulations or discriminatory practices regarding access of undocumented migrant women to women's support services. The results of this study indicate that Iceland, Moldova, Finland, Portugal and Slovenia are notable exceptions to this. There are countries in which some women's shelters can accommodate undocumented migrant women (Austria,

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<sup>11</sup> Apart from the countries that gave no answers for part 3, the following said that they are unable to answer the question related to undocumented migrant women, as they have encountered no such precedent: Albania, Georgia, Latvia, Macedonia, Slovakia, and Malta.

Croatia), but sometimes the costs for her accommodation would not be covered by the State, because undocumented women have no recourse to public funds. In such cases women are either not admitted or women's shelters are able to find funds from other sources to accommodate undocumented migrant women (Belgium-Flanders, Germany). In Norway shelters can accommodate undocumented migrant women in the acute phase only and for a limited period of time, due to funding regulations.

In some countries undocumented migrant women receive legal assistance regarding their residence status and can also apply for asylum. In other countries, Mary, the woman from the aforementioned case history, would only be allowed to stay at the shelter for a few days (Russia, Kosovo, Luxembourg). Spain is a good practice example as it has a law which places migrants experiencing violence under special protection, as they are considered to be a vulnerable group. However in practice many migrants are unaware of this and avoid turning to State authorities. Italy also has a special procedure which allows migrants above the age of 18 to obtain a 'permit for humanitarian reasons', thus allowing them to stay in a shelter and even get a work permit for a limited period of time.

In Liechtenstein, even though shelters would not be allowed to take her in, she could get help from an organization that supports refugees or be offered accommodation in a monastery. In spite of obstacles which would prevent Mary from accessing shelters, she could seek support in women's counselling centres (Germany), call women's helplines (Montenegro), depending on available multi-lingual support, or go to women's centres run by NGOs (Romania).

In several countries, due to existing laws and regulations, Mary would be prohibited from staying in a shelter (Czech Republic), or would be arrested and deported if discovered by State authorities (Greece, Hungary, Turkey). Hence, under such circumstances Mary is likely to remain with her abusive husband, or look for help in the migrant community. Refugee centres (Ukraine) or agencies such as the United Nations High Commissioner for Refugees (Turkey) may also offer her some support.

In the UK, undocumented refugee women usually do not have recourse to public funds, however there are women's organizations which could offer support and reach out to charities for financial help.

## Conclusions

Under such difficult circumstances, undocumented migrant women like Mary and her children are very likely to remain with the abuser. This situation is very problematic because it makes women especially vulnerable to abuse. The right to live free from violence applies to all women and their children and discrimination on any grounds is prohibited. It is of utmost importance that barriers in accessing help are removed and that all women are able to exercise their rights to live free from violence and to protection and support by having access to safe accommodation in specialist shelters.

### ***3. Elise cannot stand the sexual violence of her husband anymore and decides that she will try to get help. What happens?***

When a woman experiencing sexual violence perpetrated by her husband decides to seek help, the first and most important destinations are specialist women's support services for victims of sexual assault or rape crisis centres. From the countries surveyed, only eight have such specialist services.<sup>12</sup> It is crucial to establish such facilities and ensure they are easily accessible, because sexual assault is one of the most extreme forms of violence experienced by women. Hence, women survivors of sexual violence have specific needs and reporting rape and sexual violence is particularly difficult, especially if the perpetrator is the partner. In countries that do not have specific services for survivors of sexual violence (Albania, Czech Republic, Bulgaria, Italy, Ukraine, Montenegro, Portugal, Moldova), women concerned are assisted as victims of domestic violence.

<sup>12</sup> The countries are: Austria, Belgium, Germany, Iceland, Liechtenstein, Slovenia, Spain, UK.

Legislation is also an important factor which may influence women's decisions to report such crimes and access support services. In most countries in Europe marital rape is punishable, however such crimes are incredibly difficult to prove due to stereotypes and prejudices highly prevalent among police officers and others in the criminal justice system. Technically the burden of proof lies with the State authorities in case of mandatory prosecution; however, victims are often pushed into the role of being the ones who have to provide evidence for sexual assault. A difficulty often associated with legal proceedings in many sexual assault cases is that having the perpetrator convicted is a lengthy process, with no satisfactory results, whereby the woman is subjected to re-victimisation due to intrusive questions asked by police officers or at court. Respondents from several countries (Belarus, Greece and Ukraine) have indicated that in spite of having legal provisions that criminalise rape, it is impossible to prove the occurrence of sexual violence between spouses due to existing legal practice and custom.

In the absence of adequate legislation and victim-friendly procedures, women face even greater difficulties when trying to press charges against the perpetrator, and are often left with no recourse to justice, making them feel trapped in an unbearably difficult situation. In Bulgaria the existing legal framework does not consider rape between spouses to be a crime in the criminal code, placing it under the scope of family violence.

Police officers have a crucial role in promptly collecting all pieces of relevant evidence in cases of rape, sexual assault and all other forms of violence against women and their children, according to the Istanbul Convention, Article 49. It is important to collect the necessary evidence without undue delay, hence the sooner a woman gets to a special medical unit or a forensic doctor, the better. In some countries, such as Serbia, there are only a few clinics that undertake such medical examinations. Moreover, in certain countries (Romania), a certificate from a forensic doctor is not issued free of charge. Police officers could also issue a protection order (Liechtenstein, Georgia and Moldova) in such cases. In Scotland for example, the prosecution service has a unit which specifically deals with sexual crimes and works closely with the police, thus ensuring that there is a strong focus on the detection, investigation and prosecution of sexual offences.

Elise could get immediate protection through an emergency barring order, if such an instrument exists. If her situation is very dangerous, police officers can also escort Elise to a shelter and she can stay there for varying periods of time, depending on the shelter's regulations (see chapter 5). However, if neither an effective emergency barring order is in place, nor a place in a women's shelter is available and if Elise's husband is not arrested, she might have no alternative but to go back home to her husband. This makes reporting difficult and even dangerous.

Helplines are invaluable to help women access relevant support services and are especially useful for women living in rural areas or smaller cities, which often do not have rape crisis centres or other specialist facilities. Having access to internet is also useful, not just for being able to find out general information about shelters or helpline numbers, but also in some countries, to access specialist information and counselling services for survivors of sexual violence which are available online (Romania).

In Greece women can only receive up to 12 psychological counselling sessions free of charge, however they may have to wait. There are no specialist support services for survivors of sexual violence available in the rural areas and survivors quickly find themselves in a hopeless situation.

## Conclusions

As previously described, women victims of sexual violence often hesitate to take legal action against the perpetrator, especially if the violence is committed by the husband or partner. They may also not even consider this possibility due to lack of effective protection, legal counsel or financial resources. Ineffective laws need to be reformed and victim-friendly procedures established so that women can develop trust in the police and the justice system. In many countries there are no specialist services for women victims of sexual violence and women do not get adequate support. This situation needs to be improved urgently.

#### **4. One evening Vesna is so afraid of her husband's violence that she calls the police. What happens?**

In a situation when a woman feels so afraid of her husband that she decides to call the police, her journey to support services will be exclusively influenced by police officers on duty when her call was received, therefore these play a very important role and bear a huge responsibility. First of all, it is highly important to ensure that the police respond to all calls of women victims of violence promptly and appropriately, as required by Article 50 of the Istanbul Convention. Women like Vesna are in an extremely vulnerable situation and the perpetrator is likely to be enraged if he realises that she has contacted the police. As mentioned in the first section of this chapter, the kind of training police officers have received with regard to domestic violence, the protocol they have in place, and whether they will carry out a risk assessment once they arrive at the scene will be of crucial importance. Additionally, it is the task of police officers to refer victims of violence to relevant specialist support services available in her area.

Police officers generally have access to protection measures, however these differ across the 33 countries that have provided answers to this section. It has been reported that in several countries emergency barring orders can be applied by police officers in high-risk situations independent from criminal proceedings and have the effect of removing the violent person from the family home for a limited period, during which time the victim can apply for prolonged protection. Whether police officers decide to enforce an emergency barring order or whether, depending on the existing legal framework, other protective measures may be applicable, largely depends on their awareness of the problem and the level of risk they perceive after assessing the situation once they arrive at the scene.

Most countries however do not have a general protocol on how to deal with such situations of domestic abuse and a risk assessment is not always carried out by police officers. It was not indicated by those who did apply this procedure (Belgium, Austria, Croatia, Switzerland and Luxembourg) what sort of tools or instruments they used in order to do the risk assessment. It was highlighted however that in Northern Ireland the Domestic Abuse, Stalking and Honour Based Violence (DASH 2009) Risk Identification, Assessment and Management Model is being used. Furthermore, in Scotland a risk assessment multi-agency conference would be applicable in the aforementioned situation, after the woman has been brought to safety. It was also indicated that in Russia there are no unified standards applied by police officers for service provision in cases of domestic abuse. A particularly worrisome trend from Croatia was singled out, that of dual arrests, especially if there is no evidence of physical violence and the perpetrator claims that the woman had verbally abused him. A difficult situation is also encountered in Moldova, where police officers do have access to protection mechanisms, however according to existing laws they cannot enter the premises of a home without the consent of the owner or an authorisation from a judge. According to law police officers can only enter the premises of a home without authorization when a crime is in process and people's lives are at risk. Under such circumstances they are required to immediately inform the prosecutor and judge about the situation. Nevertheless, such a high-level of risk is rarely – if ever – perceived by police officers in cases of domestic violence.

If the perpetrator is taken away by police officers for interrogation, detained for only a couple of hours and given a verbal or written warning, the woman does not have enough time to reach a safe place, such as a shelter, or a relative's house. In case children are involved or the woman lives in an inaccessible, rural area, the situation is likely to be more complicated, hence she would need even more time to move to another location. If the perpetrator comes back home after a few hours and the woman is still there, violence will most likely escalate and the woman will be re-victimised.

### **Conclusions**

As in this case police officers are the gate keepers to women's support services, it is essential that they receive adequate training on violence against women and domestic abuse from a gendered, human rights-based perspective. It is important to make sure that existing legislation gives police officers the right to access the premises in which domestic violence was reported and enforce relevant protective

measures. Furthermore, having a protocol in place and carrying out a risk-assessment on arrival at the scene of domestic abuse makes a crucial difference in ensuring the safety and well-being of survivors. Tools such as the DASH checklist or multi-agency case conferences are highly useful under such circumstances.

***5. After socializing with friends on campus, Lena is sexually assaulted by a male friend who walked her back to her dorm room. Lena is scared, feels unsafe, and considers reporting the incident, so she decides to seek help. What are her options?***

In a situation in which a female student is sexually assaulted by a male friend on campus, she would first turn to university facilities for help and advice, usually the health centre or the equal opportunities office. Nevertheless, in many of the surveyed countries such facilities do not exist or are not always available, so that women go to a nearby hospital in order to seek medical assistance, or to their gynaecologist. In Belgium (Flanders) for example all general practitioners and emergency hospital rooms have a protocol and a rape kit for such situations. If Lena decides to take legal action against the perpetrator and wishes to report the incident to the police, it is crucial to collect evidence and get a certificate from a forensic doctor as soon as possible. Germany has one hospital located in Berlin with a unit specially dedicated for the treatment of victims of violence and Iceland has a hospital with a rape crisis service. Malta also has a sexual assault response team, which immediately supports survivors of sexual violence. Specialist services for victims of sexual violence are other possible destinations, depending on whether these are available in the city or region where the woman lives. Psychological counselling and legal assistance are the minimum services that should be provided to survivors of sexual assault free of charge, however these are not widely available in many of the surveyed countries, such as Latvia. A helpline represents yet again an important referral mechanism and information source, as students are often unaware of the existence of these services and how to access them, and do not know how to proceed after experiencing such a traumatizing event. In Romania for example it is possible to find relevant information online thanks to a women's network working in the field of sexual violence, and additionally a specialist online counselling service is also available for survivors.

In the absence of a helpline, other specialist support services or women's centres, hospitals or medical centres, a sexual assault survivor is likely to go to the police. It is important to note however, that due to feelings of anxiety and shame, women often decide not to report such crimes and press charges against the perpetrator.

If Lena turns to the police, the attitude of police officers she encounters and the way in which they run the investigation needs to ensure that she is not re-victimised. It is therefore important to make certain that police officers on duty have had adequate training. Even more so, it is necessary to have specially trained police officers handling sexual assault cases (as is the case in Belgium-Flanders).

Many respondents indicated that serious problems are associated with the investigation of sexual assault cases and the attitude of police officers and others from the criminal justice system (Belgium, Turkey, Hungary, Greece, Moldova and Serbia). Victim-blaming attitudes, lengthy legal proceedings, and re-victimisation are frequently encountered. In Italy for example, criminal proceedings in such situations last between one to three years, whereby the woman may have to hire a private lawyer and cover the legal fees herself. Lack of evidence collected immediately after the occurrence of the incident can also easily lead to the case not being pursued.

## **Conclusions**

In a democratic, human rights-based society, women survivors of sexual violence should not hesitate to turn to the police and file a complaint. However, due to feelings of fear, anxiety and shame, but also harmful practices prevalent in institutions, such as victim-blaming and a lack of empowering legal procedures, such women are reluctant to turn to the police. The recent survey on violence against women

conducted by FRA (2014, p. 60) reveals that there is widespread under-reporting of violence against women and that official figures from law enforcement authorities do not even come close to revealing the true extent of victimisation.

Considerable efforts are necessary to change the current state of affairs and minimum quality standards laid out in the EU Victims' Directive and the Istanbul Convention need to be implemented. All victims need to be able to exercise their right to protection and support. Hence, the establishment of country-wide specialist women's support services with a human rights and gender-specific approach is a key element in guaranteeing empowerment, safety and access to justice for women victims of violence and their children.