

CONFERENCE  
'EQUALITY BETWEEN WOMEN AND MEN'

EUROPEAN COMMISSION  
DG JUSTICE-  
19-20 SEPTEMBER 2011, BRUSSELS

*SESSION*

*"Dignity, integrity and an end to gender-based violence: Eliminating all forms of gender-based violence"*

**Background note\***

**'ELIMINATING ALL FORMS OF GENDER-BASED VIOLENCE'**

Chiara Crepaldi - Manuela Samek Lodovici

IRS- Istituto per la Ricerca Sociale

\* The information and views set out in this paper are those of the authors and do not necessarily reflect the official opinion of the European Union. Neither the European Union institutions and bodies nor any person acting on their behalf may be held responsible for the use which may be made of the information contained therein.

## 1. Introduction

The Commission five-year Strategy for the promotion of equality between women and men in Europe translates the principles set out in the European Commission's Women's Charter into specific measures, focusing, among other gender relevant issues, on gender-based violence.

This discussion paper is intended to present data and information produced in recent analysis and studies on violence against women (VAW) and to propose issues for discussion and ideas for new strategies, policies or initiatives to enable further progress on tackling violence against women. Different sources of information have been considered and in particular the 2010 synthesis report of the EGSSI Network of experts “Violence Against Women and the Role of Gender Equality, Social Inclusion and Health Strategies”.<sup>1</sup>

## 2. The current situation

Violence against women and girls is the single most prevalent and universal **violation of human rights** and as such is recognised by several international organisations. The three most relevant definitions of violence (provided by the UN, the Beijing Declaration and the Council of Europe) focus on: the **context** in which the violence is perpetrated, the **types of violence** and the **groups of women mainly affected**.

### *The context and types of violence*

Two main contexts are usually considered when analysing VAW: the family and the community, that includes also all issues related to violence at the workplace and in institutions.

#### *The family*

The family is the most common context of violence against women. There is no internationally agreed definition of **domestic violence** that addresses the issue in its entirety, even if there is agreement that: domestic violence is violence occurring in the family or domestic unit, including, inter alia, physical aggression/battering; mental, emotional and psychological aggression/abuse; rape and sexual abuse, rape between spouses, regular or occasional partners and cohabitants; traditional practices harmful to women. A specific form of psychological violence mainly perpetrated by former family members is stalking or persecution.

**Traditional practices** harmful to women (such as crimes committed in the name of honour, female genital and sexual mutilation, forced marriages, dowry-related violence) are also usually carried out within the family or in the wider community context. Female genital mutilation (FGM), is to be considered a ‘violation of women’s and girls’ rights and in breach of the principles laid down in the Charter of Fundamental Rights of the European Union<sup>2</sup> even though it has only recently been

---

<sup>1</sup> Crepaldi, C., Samek Lodovici M., Corsi C., Naaf S. (2010), *Violence against women and the Role of Gender Equality, Social Inclusion and Health Strategies*, Final Synthesis Report prepared for DG Employment, Social Affairs, and Equal Opportunities. <http://ec.europa.eu/social/BlobServlet?docId=6336&langId=en>

<sup>2</sup> (...) Any form of FGM, of whatever degree, is an act of violence against women which constitutes a violation of their fundamental rights, particularly the right to personal integrity and physical and mental health, and of their sexual and reproductive health; such violations can under no circumstances be justified by respect for cultural traditions of various kinds or initiation ceremonies’. Cited in European Parliament Resolution of 24 March 2009 on Combating Female Genital Mutilation in the EU (2008/2071(INI))

considered in specific provisions of criminal law by an increasing number of countries including *Austria, Belgium, Denmark, Italy, Spain, Sweden* and the *UK*.<sup>3</sup>

### *Community-based violence*

***Violence at the workplace*** is the most widespread form of community based violence and may take several forms: threats and insults, mobbing or other forms of psychological aggression; sexual or racial harassment. Country differences in work-related violence appear to be related to differences in the countries' socioeconomic conditions, such as the general level of crime, economic and social change, the presence and, in some countries, the growth of the informal economic sector<sup>4</sup>. Some professions are more exposed, such as professions in the health and social service sectors (nurses, social workers)<sup>5</sup>. In European countries there is a wider awareness of the various forms of violence against employees in companies, while a hidden but widespread form of violence is that occurring to workers within households, where psychological violence are very common situations.

***Sexual violence*** includes abusive sexual contact, making a woman engage in a sexual act without her consent, and attempted or completed sex acts with a woman who is ill, disabled, under pressure or under the influence of alcohol or other drugs<sup>6</sup>. Rape is the most widespread form of sexual violence. Although women are more at risk of violence from their intimate partners than from other people, sexual violence by non-partners is common in many settings.

***Violence in institutional settings*** may occur in hospitals and in residential care institutions affecting elderly and disabled women, but also in correctional institution and in temporary shelters for immigrants and asylum seekers.

Violence might be also perpetrated or condoned by the *state* and in *war contexts*, when it is used as a war tool.

***Human trafficking*** affects especially vulnerable groups of women and children. A 2006 study for the European Commission<sup>7</sup> showed that the phenomenon targets economically and socially deprived young women in particular. For instance, women who are trafficked from and within central and eastern European countries are usually poorly educated, and many come from deprived regions with high levels of unemployment and poverty.

### ***Some groups of women are particularly vulnerable to violence***

Even though violence against women knows no geographical, cultural or ethnic barriers, several studies have shown that specific groups of women are particularly affected: migrant and ethnic minority women, female asylum seekers, refugees, disabled women, women living in institutions, prostitutes, trafficked women, lesbian and transgender, etc. These groups, besides being more likely to experience violence, are also often restricted in their access to escape routes and support services.

---

<sup>3</sup> Council of Europe (2008). Protecting women against violence. Analytical study of the results of the second round of monitoring the implementation of Recommendation Rec (2002) 5 on the protection of women against violence in Council of Europe member states. [http://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/CDEG%20%282008%29%20rev\\_en.pdf](http://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/CDEG%20%282008%29%20rev_en.pdf)

<sup>4</sup> Di Martino, V., Hoel, H. and Cooper, C. L. (2003), Preventing violence and harassment in the workplace, European Foundation for the Improvement of Living and Working Conditions

<sup>5</sup> Jaspard, M. et l'équipe Enveff (2001), 'Nommer et compter les violences envers les femmes: une première enquête nationale en France', Populations & sociétés, No 364, January

<sup>6</sup> United Nations (2006), In-depth study on all forms of violence against women –Report of the Secretary-General, 6 July 2006 ([http://stopvaw.org/sites/3f6d15f4-c12d-4515-8544-26b7a3a5a41e/uploads/Sec\\_Gen\\_Study\\_VAW.pdf](http://stopvaw.org/sites/3f6d15f4-c12d-4515-8544-26b7a3a5a41e/uploads/Sec_Gen_Study_VAW.pdf)).

<sup>7</sup> Fagan, C., Urwin, P. and Melling, K. (2006), Gender inequalities in the risks of poverty and social exclusion for disadvantaged groups in thirty European countries. Report prepared for the European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities, Luxembourg

**Migrant women** face multidimensional vulnerability: they may be more exposed to violence due to their particular frailty in terms of legal and economic position and to violence exerted both by native perpetrators and in their community. In addition, their status as migrants may restrict their access to escape routes, services and information. Migrant women from non-EU countries depending on their husbands with regard to both residence and work permits are a particularly vulnerable group as they may be prevented from reporting domestic violence or resorting to divorce, given the risk of losing their residence permit. Migrant women may also experience violence in profoundly patriarchal communities, where they can be subject to FGM and forced marriages. Furthermore, they may experience violence as care workers and/or nurses in private households, and as irregular workers.

Violence against **elderly and disabled women** can take on forms not only of active violence (in terms of physical, sexual or psychological abuse) but also of financial exploitation or neglect by family members or other caregivers. Women with disabilities may also experience violence in institutional settings, perpetrated by family members, caretakers or strangers. Women with alcohol- and drug-related problems are also more likely to be victims of violence.

**Women suffering economic vulnerability** result experiencing violence at home more than the others. Low income and/or the financial dependence of women on their husbands/partners also limit the possibility to escape violence, and job precariousness significantly increases exposure to violence.

**Lesbian women and bisexual women as well as transgender people** may be victims of additional social prejudices because of their sexual orientation and experience targeted sexual harassment and abuse, facing also the risk of receiving an inappropriate response from authorities.

#### ***The lack of data and the difficulty to measure the dimension of the phenomenon***

It is very difficult to determine the dimension of violence against women and to measure changes over time and differences across countries, mainly due to the following problems:

- **Under-reporting is the main obstacle.** As most forms of VAW occur in the family or in the close community, underreporting is often widespread. Women victims of domestic violence, sexual violence or honour based violence have difficulties in reporting themselves these crimes to an authority. Furthermore, women often do not trust the criminal justice system, due to the risk of secondary victimisation during the investigation, especially if the violence occurs within the family<sup>8</sup>. Other reasons for underreporting include feeling ashamed, blaming themselves, fearing negative consequences from reporting (including financial difficulties and/or losing custody of children), lacking support, encountering disbelief or negative attitudes from others.
- **The lack of agreed definitions** is another obstacle to data collection. Data collection is made difficult by the lack of common Europe-wide definition of violence against women, so that across Europe definitions of the various forms of violence are very different and only few European countries adopt integrally the internationally agreed definitions<sup>9</sup>.
- **The lack of reliable data:** Not only definitions differ across countries but also the instruments and modalities to measure the different forms of violence. No comprehensive set of international indicators on VAW has so far been developed, although this would facilitate the collection of comparable data. In 2010 the European Commission has completed a Eurobarometer survey on

---

<sup>8</sup> Kelly, Liz (2000), *A war of attrition: reviewing new research on rape*, London

<sup>9</sup> See national definitions of VAW provided by the EGGSI network national reports, in: Crepaldi, C., Samek Lodovici M., Corsi C., Naaf S. (2010), *Violence against women and the Role of Gender Equality, Social Inclusion and Health Strategies*, Final Synthesis Report prepared for DG Employment, Social Affairs, and Equal Opportunities. <http://ec.europa.eu/social/BlobServlet?docId=6336&langId=en>, p. 37

domestic violence<sup>10</sup>. The Fundamental Rights Agency (FRA) is conducting an EU-wide survey on violence against women<sup>11</sup>. Across Europe several sources of information on violence against women are available at the national level, but they are usually inadequate for the purposes of comparative and trend analysis. Moreover the changes that have occurred in definitions and in the attitude towards reporting violence to the police pose serious problems of interpretation in comparisons across countries and over the years. The absence of standardised guidelines for data collection at EU level<sup>12</sup> is particularly relevant in explaining the lack of reliable data on sexual violence and on the level of trafficking throughout Europe.

Notwithstanding these obstacles to data collection and the likelihood of underestimation, the few comparative information and data available show how widespread VAW is in European countries.

### ***Facts and figures: the dimension of the phenomenon***

According to the latest Eurobarometer survey on **Domestic Violence** against Women<sup>13</sup> across the EU-27, one out of four respondents (25%) say that they know a woman within their circle of friends and family who has been a victim of domestic violence and one person in five knows of someone who commits domestic violence in their circle of friends and family (21%). Figures present great differences at the country level, but this may be explained more by differences in perception and social awareness than by real differences in the levels of victimisation.

As for traditional practices, some estimates are provided by the European Parliament<sup>14</sup> on the diffusion of **FGM**: according to these estimates 500 000 women and girls living in Europe have been subjected to FGM, and every year approximately 180 000 female emigrants in Europe undergo, or are in danger of undergoing, FGM. The awareness on the dimension and gravity of the problem is growing across Europe. The latest Eurobarometer survey on domestic violence evidences that in the EU15 countries: “many more people now see religious beliefs as a cause of domestic violence against women than in 1999. 66% now see this as a cause, up from 47% who said the same in 1999.”<sup>15</sup>

Data on **violence in the workplace**, resulting from the Eurofound Survey on Working Conditions<sup>16</sup>, reveal that 5% of workers report having been personally subjected to violence either from fellow workers or from others; the results also show that physical violence either from people within or outside workplace increased slightly from 1995 to 2005 (from 4 % to 6 %)<sup>17</sup>.

Underreporting is particularly widespread in cases of **sexual violence and rape**, so that the available data, usually derived from criminal/police statistics, are underestimating the real diffusion of the violence: across Europe estimates range from 1–12 % of cases of rape being reported to the police<sup>18</sup>. UN Statistics on total recorded cases of rape in criminal/police statistics show that the victimisation rate ranges from the 26.3 per 100 000 of Belgium (and 25.3 of Sweden) to the 2.3 per 100 000 of

---

<sup>10</sup> European Commission (2010), Domestic violence against women. Special Eurobarometer 344, Wave 73.2.

<sup>11</sup> The project will include a pre-test study in 2010–11 to translate and test the questionnaire in selected Member States. The full-scale survey in the EU-27 will be carried out in 2011 and the first survey results will be released in 2012

<sup>12</sup> Europol (2009), *Trafficking in human beings in the European Union. A Europol perspective*

<sup>13</sup> European Commission (2010), ‘Domestic violence against women’. Special Eurobarometer 344, WAVE 73.2

<sup>14</sup> European Parliament resolution on combating female genital mutilation in the EU (2008/2071(INI)), 24 March 2009

<sup>15</sup> European Commission (2010), ‘Domestic violence against women’. Special Eurobarometer 344, WAVE 73.2

<sup>16</sup> Parent-Thirion, A., Fernández Macías, E., Hurley, J., and Vermeylen, G., 2007, Fourth, European Working Conditions Survey, European Foundation for the Improvement of Living and Working Conditions, Luxembourg (<http://www.eurofound.europa.eu/ewco/surveys/ewcs2005/index.htm>).

<sup>17</sup> European Agency for Safety and Health at Work (2010), *European Risk Observatory Report, Workplace Violence and Harassment, a European Picture* <http://osha.europa.eu/en/publications/reports/violence-harassment-TERO09010ENC>

<sup>18</sup> Regan, Linda and Kelly, Liz (2001), *Rape: the forgotten issue? — A European research and networking project*. Child and Woman Abuse Studies Unit, University of North London, London

Turkey<sup>19</sup>, giving some clues on the level of awareness of the problem among the population and the different reporting attitudes in European countries.

The assessment of the level of **trafficking** throughout Europe is, however, limited by the lack of data and the absence of standardised guidelines for data collection at EU level<sup>20</sup>.

### 3. Many factors are at the basis of violence against women

There is no one single factor to account for violence perpetrated against women: “several complex and interconnected institutionalised social and cultural factors have kept women particularly vulnerable to the violence directed at them, all of them manifestations of historically unequal power relations between men and women.”<sup>21</sup> Ingrained socio-cultural attitudes such as the patriarchal nature of society, the unequal power relations and the exertion of male control, are the main causes behind violence against women, making it often tolerated and considered a private matter.

Religious and cultural norms are often used as a pretext to restrict women's movement, social interaction and appearance. Every form of violence against women derives from social structures based on inequality between the sexes and on a skewed balance of power, domination, and control in which social and family pressure leads to violation of a fundamental right, namely respect for the integrity of the human person, and this is particularly true in the case of tradition-based violence. FGM indeed is a common tribal practice in many regions of Africa not connected to the Islamic faith per se: the Al-Azhar Supreme Council of Islamic Research, in November 2006, issued a statement saying that FGM and cutting are harmful, have no basis in core Islamic law and should not be practised<sup>22</sup>.

Women's economic dependence on men and the under-representation of women in power, politics and the media reinforces these attitudes. “Violence against women and girls takes place in a wider social context of women's inequality and it is a cause and consequence of women's inequality.”<sup>23</sup>

Another relevant factor, and at the same time an obstacle in the fight to violence, is constituted by prejudices and false assumptions surrounding violence against women, together with the ambivalence about ‘interfering’ in private life: there is still the widespread perception that women themselves may be partly responsible for rape or that jealousy and control are the signs of love; “or that sensitivity towards traditional practices should outweigh the well being and rights of women and girls in some minority communities.”<sup>24</sup> The public opinion in many countries tends to condone violence by legitimising environments where violence is tolerated, making reporting and conviction more difficult.

The results of the recent Eurobarometer survey on domestic violence are interesting in this respect as the three most cited possible causes of domestic violence are: alcoholism, drug addiction and ‘having

---

<sup>19</sup> United Nations (2005), *Eighth United Nations survey of crime trends and operations of criminal justice systems* <http://www.unodc.org/pdf/crime/eighthsurvey/8pv.pdf> and United Nations (2007), *Questionnaire for the ninth United Nations survey of crime trends and operations of criminal justice systems, covering the period 2003–04* [http://www.unodc.org/documents/data-and-analysis/CTS9\\_by\\_%20indicator.pdf](http://www.unodc.org/documents/data-and-analysis/CTS9_by_%20indicator.pdf) Statistics presented do not take into account the differences existing between the legal definitions of offences in various countries, or the different methods of tallying, for example. Thus the indicators must be interpreted with great caution especially for comparison between different countries.

<sup>20</sup> Europol (2009), *Trafficking in human beings in the European Union. A Europol perspective*

<sup>21</sup> Unicef (2000), ‘Domestic violence against women and girls’, *Innocenti Digest*, Vol. 6, June 2000, Innocenti Research Centre, Florence, Italy

<sup>22</sup> As reported by Unicef ( <http://www.un.org/apps/news/story.asp?NewsID=23125>) and by the Director of the Al-Azhar University's International Islamic Centre for Population Studies and Research: Quarterly Review of the Inter-Parliamentary Union, April 2007, no. 25 - [http://www.ipu.org/PDF/wop/25\\_en.pdf](http://www.ipu.org/PDF/wop/25_en.pdf)

<sup>23</sup> Advisory Committee on Equal Opportunities for Women and Men *Opinion on an EU Strategy on Violence Against Women and Girls*, 7 December 2010

<sup>24</sup> Advisory Committee on Equal Opportunities for Women and Men *Opinion on an EU Strategy on Violence Against Women and Girls*, 7 December 2010

oneself been a victim of some form of domestic violence', thus considering a multidimensional issue under a merely one-dimensional perspective.

Other forms of violence and associated causal factors not so frequently recalled in the social and political debate and in law making are violence against women and girls as a systematic weapon of warfare<sup>25</sup>, and violence against disabled women exerted by the carers to increase control over them. "The discrimination faced by disabled women and girls in particular translates into a culture of impunity for perpetrators of violence. As a result, many disabled women and girls are at risk of exploitation, violence and abuse at home or elsewhere - including rape, forced sterilization, coerced abortions and involuntary treatment."<sup>26</sup>

#### **4. Taking action to eliminate gender-based violence would benefit society**

Violence against women has serious immediate and long-term implications and costs not only for the health and psychological, economic and social conditions of women and children, but also for society.

The individual costs relate mostly to the human suffering: pain and fear incurred by the victims and their children; physical, psychological and psychosomatic illnesses and injuries; the disruption of lives with their economic and social consequences, having to abandon friends and relatives, or to change jobs or to move. This suffering often conduce to suicide: 2006 data on mortality related to intimate partner violence (IPV)<sup>27</sup> show, for example, that of the registered 6.92 death per million people associated to IPV, 71% are women and of these 42% are suicides.

Besides these individual human costs, the entire society incurs in high economic costs in the form of output loss and the costs associated with the provision of a range of facilities, resources and services to women and their children victims of violence.

Specific attention to the short and long term consequences of violence in terms of health and also in relation to the economic and health costs is still lacking in most Member States. A 2006 study of the Council of Europe estimated the annual cost of violence against women in Member States to be as high as 34 billion Euros<sup>28</sup>, with domestic violence alone costing 16 billion Euros each year. These costs occur in a very broad range of areas: healthcare, social services, police services, criminal justice and civil legal sector and housing, loss of economic output.

Gender based violence also affects socio-economic growth and social democracy: on the one hand women and children victims of violence will be less able to contribute to the socio-economic development and this represents a waste of human resources for society, on the other hand the inter-generational transmission of violence may spread into other fields and increase social conflict and social instability.

For these reasons, eliminating gender based violence may have important positive effects not only for the potential victims, but for society. A more equal and violence free society would benefit all in terms of socio-economic growth and improved living conditions, allowing a more socially beneficial use of the resources saved by the reduction of violence. Indeed, actions taken to combat violence against women may pay for themselves in terms of savings in healthcare and socio-economic costs: "As far as

---

<sup>25</sup> Underlined in the June 2011 statement by US Secretary of State Ms. Hillary Clinton referring to Libya where rape and sexual violence are used as tools of war.

<sup>26</sup> Advisory Committee on Equal Opportunities for Women and Men *Opinion on an EU Strategy on Violence Against Women and Girls*, 7 December 2010

<sup>27</sup> Daphne III project Project n°JLS/2007/DAP-1/140. "Estimation of Intimate Partner Violence related mortality in Europe [http://www.psytel.eu/inc/download.php?file=2:IPV%20EU\\_Mortality/IPV%20EU\\_Mortality%20Synthese\\_En.pdf](http://www.psytel.eu/inc/download.php?file=2:IPV%20EU_Mortality/IPV%20EU_Mortality%20Synthese_En.pdf)

<sup>28</sup> Council of Europe, *Stocktaking study on the measures and actions taken in Council of Europe Member States*, 2006

domestic violence is concerned, it is estimated that for every €1 more spent on prevention policies, €87 can be saved on the total cost of domestic violence, with €33 of that total being a saving on the direct costs. An increase in support, justice and enforcement budgets for example, should yield short term as well as long term savings in the health costs. Through monitoring of the EU strategy, the economic benefits could be measured and evaluated.”<sup>29</sup>

## 5. Current trends in policies and good practices on eliminating gender-based violence

The international recognition of VAW as a human rights violation is the result of years of dedicated campaigning by women’s rights activist, feminist movements and survivors of violence. While in the 1980s and 1990s violence against women was mostly addressed as a human rights violation, since the 1990s progress has been made in considering VAW also as a type of gender-related violence, which has its roots in a long-prevailing discrimination of women, socio-economic gender inequalities and cultural prejudices on gender roles. Currently, this issue is addressed both as a human-rights violation and as a specific gender-related form of violence, linked to women discrimination, to be separated from other forms of violence which might affect both men and women.

This evolution has been particularly important in influencing the approach adopted by international institutions and European countries, which has developed from a focus on legal measures to a more comprehensive approach involving also prevention and awareness raising measures, and actions to support the victims’ protection and their social reintegration.

### *Recent trends in policy making at European level*

The *Council of Europe* has developed important instruments to tackle VAW, serving as a basis for adapting national legislation to European standards. The most relevant are the 2002 *Recommendation Rec(2002)5* on the protection of women against violence, and the very recent 2011 *Convention on preventing and combating violence against women and domestic violence*<sup>30</sup>, providing a comprehensive legal framework to prevent violence, to protect victims and to end with the impunity of perpetrators.

As for *European Union institutions*, it is especially in the last years that their commitment in fighting VAW has been strengthened. However, as stated by the Advisory Committee on Equal Opportunities for Women and Men, “there is currently no clear defined guiding strategy for the EU, and there is no full legal framework providing minimum standards of protection of women’s rights across the EU”<sup>31</sup>.

Indeed there is no explicit legal basis in EU law for intervening on violence against women or children, which is primarily competence of Member States, even if the EU has competence and addresses violence in different policy fields, including: fundamental rights; gender equality; organised crime (sexual exploitation and trafficking); civil and criminal judicial cooperation; migration, asylum and integration; public health, research, education; external relations and development cooperation. On this

---

<sup>29</sup> Advisory Committee on Equal Opportunities for Women and Men *Opinion on an EU Strategy on Violence Against Women and Girls*, 7 December 2010

<sup>30</sup> See for full text of convention: <http://conventions.coe.int/Treaty/EN/Treaties/HTML/DomesticViolence.htm>

<sup>31</sup> Advisory Committee on Equal Opportunities for Women and Men, *Opinion on EU Strategy on Violence Against Women and Girls*, Social Europe, December 2010



basis EU legislation packages have been enacted on non-discrimination and gender-equality<sup>32</sup>, trafficking in human beings<sup>33</sup>, judicial cooperation on measures regarding offenders.

The European Union's competence for the harmonisation of criminal law has been extended by the *Lisbon Treaty*<sup>34</sup>, entered into force on December 2009, which explicitly considers human trafficking and sexual exploitation of women and children.

Since 2009, the eradication of violence against women has become a priority of the *Presidencies of the Council of the European Union*<sup>35</sup> and this has reinforced the political commitment and action at EU level. In December 2009, under the Swedish Presidency, the Council adopted the *Stockholm Programme (2010-2014)*<sup>36</sup>, which reinforces the commitment to better fight violence against women and children, including domestic violence and female genital mutilation, envisaging greater protection for women victims of violence, including legal protection, comprehensive legislation on victims' rights and focus on children rights. Under the Spanish Presidency, the *March 2010 Council Conclusions on the "Eradication of Violence Against Women in the European Union"*<sup>37</sup> set the road for further measures to effectively combat violence against women, calling for exchange of best practices and the establishment of a network of national contact points to improve cooperation, as well as the establishment of a European Observatory for better data collection and exchange, and the implementation of an EU-wide telephone number for victims. At the initiative of the Belgian Presidency, a summit of women Ministers of the European Union was organized to reaffirm their commitment in the struggle for the eradication of violence perpetrated against women.

The *European Commission* explicitly addresses VAW in the *Strategy for Equality between Women and Men 2010-2015*<sup>38</sup>, which follows the *Women's Charter*<sup>39</sup> and the *Roadmap for equality between women and men 2006-2010*<sup>40</sup>. The Women's Charter (adopted in March 2010) identified the eradication of gender-based violence as one of its five priority areas for the Barroso II Commission<sup>41</sup>. More recently (May 2011), the Commission proposed a new legislative package to ensure a minimum level of victim's rights, protection, support, and access to justice. This "*Victims' rights package*" consists of a *Communication* on strengthening victims' rights in the EU<sup>42</sup> and the proposal for a *new Directive* establishing minimum standards on the rights, support and protection of victims of crime<sup>43</sup> (to replace the 2001 Framework Decision), and a *Regulation* on mutual recognition of protection measures

---

<sup>32</sup> The prohibition of sexual harassment is addressed by Directive 2002/72/EC on equal treatment in access to employment, vocational training and promotion, and working conditions (recast Directive 2006/54/EC), and Directive 2004/113/EC on equal treatment in the access to and supply of goods and services.

<sup>33</sup> The protection of migrant and ethnic minority women who might be *victims of trafficking*, is addressed by Directive (2004/81/EC) on residence permits and by the very recent *Directive 2011/36/EU of the EP and of the Council* on preventing human trafficking and protecting its victims (adopted in April 2011). See: T.Papademetriou, European Union: Trafficking in Human Beings and Protection of Victims - [http://www.loc.gov/lawweb/servlet/lloc\\_news?disp3\\_l205402651\\_text](http://www.loc.gov/lawweb/servlet/lloc_news?disp3_l205402651_text)

<sup>34</sup> Articles 79(2) and 83(1) of the [Treaty on the Functioning of the European Union \(TFEU\)](http://www.europarl.europa.eu/meetdocs/2004_2009/documents/pr/728/728952/728952en.pdf) [http://www.europarl.europa.eu/meetdocs/2004\\_2009/documents/pr/728/728952/728952en.pdf](http://www.europarl.europa.eu/meetdocs/2004_2009/documents/pr/728/728952/728952en.pdf)

<sup>35</sup> [http://www.womenlobby.org/site/1Template1.asp?DocID=2741&v1ID=&RevID=&namePage=&pageParent=&DocID\\_sousmenu=](http://www.womenlobby.org/site/1Template1.asp?DocID=2741&v1ID=&RevID=&namePage=&pageParent=&DocID_sousmenu=)

<sup>36</sup> [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52010XG0504\(01\):EN:NOT](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52010XG0504(01):EN:NOT)

<sup>37</sup> Council conclusions on the eradication of violence against women in the European Union: [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/lsa/113226.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/lsa/113226.pdf);

<sup>38</sup> European Commission (2010), *Strategy for Equality between Women and Men 2010-2015*. SEC(2010)1079/2, Brussels. <http://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=890&furtherNews=yes>

<sup>39</sup> European Commission (Women's Charter). COM(2010)078, Brussels. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52010DC0078:EN:NOT>

<sup>40</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52006DC0092:EN:NOT>

<sup>41</sup> [http://ec.europa.eu/commission\\_2010-2014/president/news/documents/2010/03/20100305\\_2\\_en.htm](http://ec.europa.eu/commission_2010-2014/president/news/documents/2010/03/20100305_2_en.htm)

<sup>42</sup> COM(2011) 274 - [Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions - Strengthening victims' rights in the EU](http://ec.europa.eu/justice/policies/criminal/victims/docs/com_2011_274_en.pdf). [http://ec.europa.eu/justice/policies/criminal/victims/docs/com\\_2011\\_274\\_en.pdf](http://ec.europa.eu/justice/policies/criminal/victims/docs/com_2011_274_en.pdf)

<sup>43</sup> COM(2011) 275 - [Proposal for a Directive of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime](http://ec.europa.eu/justice/policies/criminal/victims/docs/com_2011_275_en.pdf). [http://ec.europa.eu/justice/policies/criminal/victims/docs/com\\_2011\\_275\\_en.pdf](http://ec.europa.eu/justice/policies/criminal/victims/docs/com_2011_275_en.pdf)

in civil matters<sup>44</sup>, to help preventing harm and violence and ensure that victims who benefit from protection measures in one MS are provided with the same level of protection in other MS. Women victims of human trafficking and victims of sexual violence are explicitly mentioned among specific categories of victims. In addition, the Communication mentions the implementation of further actions to be carried out for victims of gender based violence, including FGM: measures aimed at training and capacity building, exchange of good practices, awareness raising and information measures, data collection and research, besides financial support to programs protecting victim's rights and needs.

The **Daphne III Programme**<sup>45</sup> provides **financial support** to non-governmental organisations and local authorities for the implementation of transnational projects to combat violence against women, children and young people. Since its establishment in 1997, Daphne has funded more than 600 projects, half of which work to support women who are victims of violence or to find ways to prevent violence from occurring. An important focus of these actions has always been prevention of violence, victim support (such as women's shelters run by NGOs), training of professionals and awareness raising.

The *European Parliament* has had an important role in supporting activities against VAW with various resolutions<sup>46</sup> and called on Member States to “make domestic violence against women, including rape within marriage and sexual mutilation, a criminal offence and to set up services to help women who are victims of this kind of violence.”<sup>47</sup> It has also been calling upon the European Commission and Member States to consider violence against women as a human rights violation and to introduce specific legislation to protect victims in criminal proceedings and in the family and “to include concrete measures to prevent all forms of violence, protect victims and prosecute perpetrators”.<sup>48</sup>

The Fundamental Rights Agency and the *European Institute for Gender Equality* are also foreseeing activities on violence against women.

### ***Recent trends in policy making at the national level***

**Member states** have been following a common path in tackling violence against women, focusing initially on legal reforms, police training and the establishment of specialized services for victims and, in more recent years, on awareness-raising and prevention measures and the enhancement of actions to support victims and their social integration. There are however still wide differences among European countries reflecting the countries' cultural attitude and social awareness of the problem and their different welfare systems.

The Nordic countries, especially, but also Western ones, have a longer tradition of legislative intervention and specialised services to support women victims of violence, often financed by public institutions at the national and local level. These countries have also shown increasing attention, in

---

<sup>44</sup> COM(2011) 276 - [Proposal for a Regulation of the European Parliament and of the Council on mutual recognition of protection measures in civil matters](http://ec.europa.eu/justice/policies/criminal/victims/docs/com_2011_276_en.pdf).

<sup>45</sup> [http://ec.europa.eu/justice\\_home/daphnetoolkit/html/daphne\\_experience/dpt\\_experience\\_11\\_en.html](http://ec.europa.eu/justice_home/daphnetoolkit/html/daphne_experience/dpt_experience_11_en.html)

<sup>46</sup> The European Parliament's resolutions have addressed: the current situation and any future action (P6\_TA(2006)0038), the elimination of violence against women (P7\_TA(2009)0098), as well as female genital mutilation [(2001/2035(INI) and (P6\_TA(2009)0161)]. A recent EU Parliament resolution (May 5 2011) highlights the urgency for an EU wide Strategy and action plan against all forms of violence against women and call for an EU directive against gender based violence and for minimum standards to ensure victims legal advice and access to legal aid, besides adequate coverage of victim support structures. <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P7-TA-2011-0127>

<sup>47</sup> According to the Resolution on the report from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on the state of women's health in the European Community (COM(97)0224 C4-0333/97), Official Journal C175, 21 June 1999, the European Parliament. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:51999IP0029:EN:HTML>

<sup>48</sup> European Parliament resolution of 26 November 2009 on the elimination of violence against women (P7\_TA(2009)0098)48. <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P7-TA-2009-0098+o+DOC+PDF+Vo//EN>

recent years, to tradition-based forms of violence and vulnerable groups of women, such as ethnic minority and migrant women, disabled women and lesbians. In the Southern and Eastern European countries, and in the three candidate countries, on the other hand, attention to this issue is more recent, as is the increase in social awareness of the need to address forms of violence which have long been considered “normal” within families, partners and institutions. In these countries women’s movements, NGOs and international organizations, as well as European Programmes have had a very important role in drawing the attention of politicians and the population to the issue and in supporting institutional learning in combating violence against women.

Sexual violence and physical domestic violence are now penalised in all European countries, but there are still loopholes in the protection of women in some countries: for example when the victim’s request is necessary in order to proceed, or when the violent act might not be punishable if perpetrated with the “consent” of the injured party or of her parent/guardian.

Besides legislative measures, nearly all European countries have in recent years adopted comprehensive policy strategies either with multi-year comprehensive National Action Plans (NAPs) addressing all forms of violence against women, or with separate action plans for specific forms of violence, or have included targeted measures in other strategic action plans (such as in Gender Equality Plans, Social Inclusion Action Plans, or National Security Plans). Nonetheless, only a few Plans provide an adequate framework for effectively combating violence against women, as they often do not clearly specify the responsible agency and the role of the different organisations involved in the strategy, the concrete actions to be implemented, the budget allocated, the targets to be achieved and the timeframe. There is also little knowledge of the outcome of interventions, as only a few countries have monitored and evaluated the activities implemented.

*Domestic violence and the trafficking of human beings* still represent the forms of violence against women that are most addressed by NAPs. Other forms of violence have been subject to increasing attention only in very recent years and in a smaller number of countries. Few countries address in their NAPs tradition-based forms of violence, sexual harassment in the workplace, stalking, or violence in institutional environments. As for the *types of interventions*, in European countries there is increasing attention to prevention measures and support services, while reintegration programmes specifically targeted to the needs of women victims of violence are less widespread or address disadvantaged population groups more in general, and not directly women affected by violence.

Besides the programmes promoting gender equality and measures to support data collection and the development of indicators on violence against women, the main *preventive measures* adopted are: awareness-raising programmes in health care institutions, schools and workplaces, professional training and education aimed at practitioners entering into contact with (potential) victims (such as the police, social and health workers, judges, lawyers, school teachers, media professionals), and treatment programmes for abusers. Prevention programmes are increasingly involving men, teenagers, religious authorities and employers’ organisations in order to induce peer effects and change deeply rooted behaviours.

Immediate *support for women victims of violence* is provided by women’s shelters and help-lines, available in all the EU countries and providing temporary accommodation, psychological treatment and legal assistance to women victims of violence and their children. Dedicated health treatments are also fairly widespread, while specialised support services for victims of sexual assault and rape and for victims of tradition-based violence are less common. The provision of women’s shelters has increased

in all countries, but still does not cover the needs in most of them. Overall, only 37.5% of the places needed are available according to the Council of Europe's standards<sup>49</sup>. Coverage is particularly low in most Southern and Eastern European countries<sup>50</sup> and in rural areas. Furthermore, even though increasing in recent years, still little attention is paid to the specific needs of hard-to-reach groups of women such as the disabled, ethnic minority and immigrant women. The lack of stable funding reduces the continuity of service and prevents long-term planning.

Measures for the *social reintegration of women victims of violence* include support in accessing affordable housing and employment and training services. In most countries reintegration services are usually provided by local authorities and NGOs. The main weakness of these interventions is, again, insufficient funding and the poor coverage of the needs.

The design and implementation of measures to combat violence against women usually involve different *actors and stakeholders*: national and local public institutions, service providers, NGOs and women's movements. NGOs play an important role in setting up and managing shelters, hotlines and services to support victims and in lobbying for legislation and intervention. In some countries NGOs are in fact the only providers of support services. Interesting forms of *international partnerships among European countries* have been implemented, often financed by European Funds and programmes (such as the Daphne programme), usually relating to awareness-raising measures and the fight against trafficking.

## 6. Current opportunities and obstacles to eliminating gender-based violence

Current developments in the socio-economic context and in policy making show improvements and increasing opportunities to improve the fight against gender-based violence, if adequately supported. The most relevant are:

- **Growing social awareness** of the relevance of the issue and of the need to contrast it, still requiring, however, greater response and public action.
- **Growing political commitment in Member States**, thanks to the firm commitment and actions of the international institutions, women's movements and NGOs, **by European Institutions** and the Council of Europe.
- **Increasing attention in many European countries to the needs of specific vulnerable groups of women**, such as ethnic minority and immigrant women, prostitutes and victims of trafficking, women with disabilities, elderly women, and women living in rural and peripheral areas. Important is also the growing attention to young people with the promotion of specific preventive measures targeted to young girls and boys.

These positive developments are however accompanied by shortcomings, representing obstacles to making progress on the elimination of gender-based violence. The main ones, integrating those already cited referring to the **lack of reliable data, underreporting and prejudices**, are the following:

---

<sup>49</sup> Council of Europe (2002), Recommendation Rec (2002)5 of the Committee of Ministers to Member States on the protection of women against violence adopted on 30 April 2002.

<sup>50</sup> According to the EGGSI National reports 2010 and WAVE (2009), Country report 2009, Reality Check on European Services for women and Children Victims of violence. A Right for Protection and Support? Vienna. [http://www.wave-network.org/images/doku/wave\\_countryreport\\_2009\\_1.pdf](http://www.wave-network.org/images/doku/wave_countryreport_2009_1.pdf)

- The **low rate of prosecution and conviction for domestic violence and rape** also due, in several cases, to the absence of guidelines and protocols for investigation and prosecution and to the lack of specialisation in police, prosecutors and courts.
- The still **scant attention to tradition-based violence, violence in the workplace and to psychological forms of violence**, particularly difficult to detect and address and requiring additional effort as well as the improvement of monitoring and evaluation provisions.
- The **fragmentation of interventions and the insecurity of funding**: the services supporting women victims of violence are often underfunded and in most countries managed on a voluntary basis. The insecurity of funding makes long-term commitments and planning impossible. Even in those countries where dedicated strategies do exist, the amount of resources earmarked for tackling gender-related violence is still limited. The public budget constraints resulting from the economic crisis are likely to further reduce funding.
- **The lack of systematic training to service providers**, which may result in low levels of professionalism, especially among the police, the judiciary system, and the healthcare, social and educational systems.

The **current economic downturn**, with the consequent high increase in unemployment, poverty and inequality is aggravating the situation, introducing additional risks in the spreading of VAW while reducing available resources to contrast it.

## 7. How to enable further progress in the fight of VAW: issues for discussion

**VAW should be maintained among the core priorities** of European institutions and Member States, and violence against women recognised as a form of gender discrimination as well as a human rights violation.

Given the multidimensionality of VAW an **integrated, comprehensive approach** is necessary to combat it, taking action on all fronts: from *prevention*, raising awareness on the issue and influencing social attitudes and behaviour, to *the legal and social protection of victims*, with easily accessible information and advisory services to *the prosecution of perpetrators*. All the institutional levels and civil society organisations in different policy fields should be involved in the fight against VAW: from the education, to the social inclusion and healthcare systems, as well as the criminal and civil justice sectors and law enforcement.

Policy coherence and effectiveness would be improved by the implementation of **dedicated strategies and action plans** that: (1) address all forms of VAW; (2) clearly indicate the goals to be achieved, the actions to be adopted, the resources earmarked, the time frame and the data, indicators and monitoring systems to be implemented; (3) identify a coordinating body with a clear mandate; and (4) provide for regular monitoring and evaluation systems.

**Prevention**: public awareness raising measures should be regularly implemented and made more effective by involving the media (through self-regulation codes) and the judiciary, health and education systems. NGOs, women's movements and the social partners could take an active role in promoting awareness raising measures. Besides campaigns aimed at the general public, measures targeted to specific risk groups should be regularly carried out, such as campaigns against gender stereotypes and VAW involving young people in schools or in other adolescent peer groups, or involving religious leaders, the social partners and/or other role models for men; as well as information campaigns and advice services for women to build up awareness of their rights and encouraging victims to appeal for

support, with specific attention to particularly vulnerable women. Risk assessment and the mandatory treatment of perpetrators should also be considered for prevention.

**Legal protection and prosecution**<sup>51</sup>: as human rights violations, all forms of gender based violence should be regarded as a public offence and be subject to public prosecution. Furthermore, the coordination of different legal domains should be supported and the current loopholes in criminal proceedings overcome. The victims of crime should be granted legal assistance, even in cases when they are only witnesses. Specialised courts should be established (as experienced in Spain and the UK) especially to deal with domestic and tradition based violence, and specific training should be provided to professionals in the justice, healthcare and social services to ensure the effective implementation of legal frameworks and support services to secure evidence in a consistent way, sparing the victims unnecessary stress and supporting the reporting of violence. Protection orders should be rapidly and easily available either on request of the victim or during criminal proceedings.

**Social protection**: Member States should comply with the Council of Europe quantitative and qualitative standards for protection structures and services (both immediate and long term reintegration ones), which should be run by experienced agencies with staff specialised in the provision of legal, health, psychological, social and economic assistance. Protection and reintegration measures should be targeted to the specific needs of different groups of women, including those more difficult to reach (such as ethnic minority and migrant women, trafficked women, the elderly, disabled women, teenagers).

**Monitoring, data gathering and governance**: Data-gathering, research and monitoring/evaluation tools should be developed at the EU and national level, on the basis of common methodological guidelines, to develop comparable and reliable statistics and indicators on gender based violence. To encourage coordination and the Member States commitment on common goals, the experience of the Open Method of Coordination (OMC) in other policy fields suggests that the *common goals, guidelines* and *indicators* are defined at the European level, with Member States required to produce *regular annual progress reports* on the implementation of their strategies against VAW and the *European Commission* providing *yearly joint progress reports* on the EU and MS policy developments.

**Cooperation and networking** of all the relevant actors (police, courts, social, health and educational institutions, NGOs and women's organisations) is necessary to implement an integrated strategy and should be supported both at national and European level. Concrete support should be given to women's NGOs, which usually represent the first point of contact for victims and have developed a strong expertise in dealing with different forms of VAW. European institutions and Member States should also co-operate closely with other international organisations, in particular the Council of Europe, the Organisation for Security in Europe and the United Nations. To improve institutional learning, transnational networking and the exchange of experiences should be promoted with specific EU-wide programmes (like the Daphne Programme) and funds.

**Funding**: adequate and secure resources for good quality services providing assistance and protection to the victims are at risk in Member States, due to the current constraints on national budgets. European institutions could strengthen their role in providing funds and assistance through a dedicated fund and /or the earmarking of parts of the European Structural Funds, such as the ESF and ERDF, to support

---

<sup>51</sup> More detailed proposals on legal issues may be found in : European Commission, DG for Justice, DAPHNE (2010), Feasibility study to assess the possibilities, opportunities and needs to standardise national legislation on violence against women, violence against children and sexual orientation violence, Luxembourg. [http://www.europarl.europa.eu/eplive/expert/multimedia/20110405MLT17038/media\\_20110405MLT17038.pdf](http://www.europarl.europa.eu/eplive/expert/multimedia/20110405MLT17038/media_20110405MLT17038.pdf)

capacity building and the implementation of protection structures. The DAPHNE programme should continue its support to networking, coordination and learning across MS.