



WOMEN AGAINST VIOLENCE EUROPE

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How to fight violence against women-Towards a comprehensive EU strategy¹

By Rosa Logar

WAVE is a European network of women's NGOs working to end violence against women. WAVE was founded in 1994 and operates through 91 Focal Points located in 47 European countries, bringing together approximately 4000 women's organisations (women's shelters, women's counselling centres, help lines, national networks and others). The WAVE coo-coordinating office is located in Vienna. WAVE has carried out several DAPHNE projects and has received network funding through the DAPHNE operating grant. WAVE is currently realising the DAPHNE project PROTECT, aiming at improving the protection for women at high risk of experiencing severe violence, homicide or attempted homicide.² WAVE very much welcomes the initiative of the European Commission to develop an EU Strategy for combating violence against women 2011-2015 and thanks the Commission for the possibility to participate in the stakeholder consultation.

1. Challenges

Main challenges in fighting violence against women, including domestic violence, are:

- Lack of comprehensive and effective policies to combat all forms of violence against women in the EU and in EU member states

In the past years, many EU member states have intensified their efforts to prevent violence against women. Still we see a disturbing lack of effective and comprehensive policies in this area, especially when it comes to sufficient resources allocated to the implementation of policies. According to the Council of Europe analytical study,³ most EU member states have National Action Plans to prevent violence against women; however, the majority of action plans only cover some forms of violence against women. Half of the member states could not answer the question as to how much funds are available annually for government activities to prevent violence against women. Even more states could not provide information on funding available for NGO's activities. With a few exceptions, the amount of money governments are allocating to the prevention of violence against women is clearly not sufficient to address the problem adequately.

- Lack of gender-specific and human rights based approaches

¹ The paper is based on the EU consultation on violence against women, carried out in June/July 2010; it is authored by Rosa Logar, WAVE co-ordinator, with the support of Inga Thiemann, intern at the WAVE-network, after a consultation with the WAVE Focal Points in EU Member States

² Information about women's support services in Europe, about the DAPHNE projects and other WAVE initiatives can be found on the WAVE website: www.wave-network.org

³ 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 prepared by Carol Hagemann-White and Sabine Bohne/University Osnabrück, on behalf of the Gender Equality, and Anti-Trafficking Division/Directorate General of Human Rights and Legal Affairs, Strasbourg

Violence against women can only be effectively addressed by acknowledging and addressing the gender-specific root causes. The tendency in some countries and regions to favour “gender-neutral” approaches, which are, in fact, “gender-blind”, is of growing concern to women’s NGOs; it is a contradiction in itself to try to tackle a gender-specific problem by gender-neutral means. Another obstacle is the still existing attitude to view violence against women and especially partner violence as a “private” matter and not as a public concern and a human rights issue.

Attitudes that condone violence against women and engage in blaming the victim still exist in the EU and present a serious obstacle for the effective prevention of violence against women.

Thus it is important to apply and strengthen gender-specific and human rights based policies in order to be effective in preventing violence against women. The important work of women’s NGOs in this area needs to be recognized and supported by adequate funding.

- Lack of services and support for women victims of violence and their children

There is still a disturbing lack of services for women victims of violence and their children in EU member states, especially, but not only, in new member states. In Western European countries, it was the women’s movement against gender violence which, since the 1970s, engaged in establishing a network of women’s shelters, rape crisis centres, women’s helplines and other services. States increasingly valued the important work of women’s NGOs by funding these services and working in close co-operation. The new EU member states were often more reluctant to support and fund the work of women’s NGOs and, as a result, many fewer women-specific services could be established. The concerning lack of specific services means that women victims of violence and their children often do not get adequate help or even no help at all. For instance, in many countries there are not enough women’s shelters. According to recommendations by the European Parliament and the Council of Europe Task Force to Combat Violence against Women⁴, a minimum standard of 1 family place in a shelter should be provided per 10.000 inhabitants. According to the Council of Europe study⁵, based on a questionnaire answered by governments, only 3 EU member states fulfil these minimum standards. 7 EU member states provide only 0, 25 or fewer places per 10.000 inhabitants; 1 country only provides 0, 04 places.

This leads to a situation in which women survivors of violence and their children - when attempting to flee from violence - cannot be provided with a safe place in a women’s shelter. In cases of high risk, this situation can endanger their life, health and freedom. Women’s NGOs often have to close their services due to lack of funding or have to invest a great deal of resources and energies every year to secure their funding, which prevents them from providing the services needed by victims. This is an enormous waste of resources.

The EU strategy should thus aim to provide standards, increase the number of women’s services, improve the quality of services and secure funding for women’s NGOs which are providing services to victims.

- Protection of migrant, ethnic minority and refugee women and other special groups of victims

⁴ Council of Europe (2008): Council of Europe Task Force to Combat Violence against Women, including Domestic Violence (EG-TFV)- Final Activity Report, Gender Equality, and Anti-Trafficking Division/Directorate General of Human Rights and Legal Affairs, Strasbourg

http://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/Final_Activity_Report.pdf, 15 February 2010; European Parliament (1986): Resolution on Violence against Women, Doc. A2-44/86, OJ C 176, 14.7.1986, p. 73., article 26; <http://www.legislationline.org/documents/action/popup/id/8716>,

⁵ 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 prepared by Carol Hagemann-White and Sabine Bohne/University Osnabrück, on behalf of the Gender Equality, and Anti-Trafficking Division/Directorate General of Human Rights and Legal Affairs, Strasbourg

Migrant, ethnic minority and refugee women often face multiple discriminations and are especially vulnerable to become victims of violence. Their access to services is often restricted and they are not entitled to public funds, especially if they have a precarious residence status or are undocumented. The EU strategy should thus focus on women who are at special risk of experiencing violence, such as migrant, ethnic minority and refugee women, but also on other groups of women such as women with disabilities, older women, lesbian women and others.

- Lack of protection of children experiencing domestic violence

There is a growing concern regarding the safety of children experiencing domestic violence either directly or indirectly through witnessing violence against their mother. Thus the EU strategy should address the situation of children whose mothers are subjected to gender-based violence.

- Impunity, lack of effective and comprehensive laws and/or poor implementation and monitoring of laws

Acts of violence against women are unfortunately still rarely punished. An example: According to a study on the prosecution of rape, conducted with a DAPHNE project, attrition rates are still high in rape cases and conviction rates remain low.⁶ Thus, as stated in the EU guidelines on violence against women and girls and combating all forms of discrimination against women (2008),⁷ it is essential for EU member states to ensure that violence against women and girls is punished by the law and that perpetrators of violence against women and girls are held responsible for their actions.

Ineffective laws and/or problems in the implementation and monitoring of laws are further obstacles to effectively combating violence against women.

Violence against women can be lethal, especially when women try to leave the violent partner – most murders and attempted murders are committed in times of separation. It is very important that all authorities pay attention to the risk factors and provide effective and co-ordinated protection measures. Recently, the European Court of Human Rights and the UN CEDAW Committee dealt with several cases of severe violence against women and their children (see for instance the CEDAW Cases No 5 and 6 /2005 vs. Austria, the European Court of Human Rights cases *Kontrova vs. Slovakia* 2007; *Opuz vs. Turkey* 2009 and others) and emphasised the obligation of the state authorities to exercise due diligence and to actively protect women and children from violence.

- Dependency of women on the perpetrator

Inequalities between men and women and the dependence of women on men are risk factors for violence. Thus the EU strategy should relate to the general work of the EU to end all forms of discrimination against women and should include the strengthening of women's social economic rights to enable them to live an independent life.

- Lack of resources

One of the main obstacles to reaching the goal of eliminating violence against women is the lack of resources. Gender-based violence against women is a problem deeply rooted in the history of political and social structures of inequality between men and women in our societies and it cannot be changed in a short time and not without adequate resource. Thus a long-term commitment and investment over several generations is needed. A lack of financial commitment is the main reason why EU member states are not making faster progress in preventing violence against women and why the knowledge that has been generated in the area of violence prevention is not used and applied in a better manner. We know by now that the costs of violence against women are high and

⁶ See EU DAPHNE Project "Different systems, similar outcomes? Tracking attrition in reported rape cases in eleven countries, European briefing" Kelly, L and Lovett, J (April 2009), London Metropolitan University – Child and Women Abuse Studies Unit: http://www.cwasu.org/publication_display.asp?pageid=PAPERS&type=1&pagekey=44&year=2009

⁷ EU Council 16862/08: http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/gena/104617.pdf

that it would also be economically sensible to invest in the prevention of violence against women.⁸ Thus the EU strategy should aim at convincing and obliging member States to increase the financial and personal resources to end all forms of gender-based violence against women and to explore new ways of generating resources.

The UN Beijing Platform for Action 1995, for instance, recommends that Member States “Undertake to explore new ways of generating new public and private financial resources, inter alia, through the appropriate reduction of excessive military expenditures, including global military expenditures, trade in arms and investment for arms production and acquisition, taking into consideration national security requirements, so as to permit the possible allocation of additional funds for social and economic development, in particular for the advancement of women.” (United Nations 1995, paragraph 143b)

Main causes of violence against women and ways to address them

As stated in the Beijing UN Platform for Action, we are of the opinion that violence against women is a manifestation of the historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and the prevention of women’s full advancement. Thus gender-inequality is the main root cause of violence against women; it is necessary to address all forms of discrimination, including violence against women and to actively improve the situation of women in order to effectively address the problem.

On a societal level, root causes of violence, such as gender-stereotypes and power structures which push women into subordinate positions and allow the exploitation of women, as well as sexism and sexist and racist attitudes and concepts condoning violence against women should be addressed by the EU Strategy. Risk factors for violence against women should be addressed; such as low incomes, poverty and various forms of dependency on the perpetrator.

2. Content of a comprehensive EU strategy to combat violence against women

The EU Strategy should aim at developing and implementing measures at all levels and in all relevant policy areas of the European Union as well as at the member state level.

- A comprehensive and co-ordinated EU policy on violence against women

Violence against women is a cross-cutting issue requiring co-ordinated measures in all policy areas. The European Union has been very active in the area of preventing violence against women in different policy areas – in gender-equality policies, justice and security measures, human rights, health, external relations, to name only a few. Thus the new EU strategy to combat violence against women should strengthen and improve the work of the EU by developing and implementing a comprehensive and co-ordinated EU policy to prevent violence against women, involving all relevant policy areas and comprising strategies and Action Plans in all these areas.

All forms of violence against women, including physical, sexual, psychological and economic abuse as well as specific patterns of violence, control and exploitation such as sexual harassment, stalking, trafficking, forced marriage, FGM, violence against women in institutions, violence in war and post-war situation and others should be addressed on the EU as well as on the national level.

- A clear legal basis for combating violence against women

WAVE is of the opinion that the goals to combat violence against women and to prevent these unfortunately wide-spread human rights violations can only be reached through clear obligations in

⁸ See for instance: Walby, Sylvia (2004): *The Costs of Domestic Violence*, Study of the Women & Equality Unit, London; World Health Organisation (2004): *The economic dimensions of interpersonal violence*, Geneva

the form of EU legislation on all forms of violence against women. WAVE welcomes the European Parliament resolution of 26 November 2009 “urging the Council and Commission to establish a clear legal basis for combating all forms of violence against women” (paragraph 10). WAVE also welcomes the EU Stockholm adopted in November 2009, which “Considers it essential that the EU bring forward the issuing of a directive and a European action plan on violence against women, aimed at preventing violence, protecting victims and prosecuting perpetrators” (paragraph 32). Recommendations alone are not enough to create the commitment necessary to effectively address the problem and improve the protection and support of victims in EU member states.

Specific actions that should be taken

- EU directive on action to prevent and combat violence against women

WAVE is of the opinion that an EU directive on violence against women is necessary. This has already been stated in the European Parliament resolution which calls on the Commission to “start work on drafting a proposal for a comprehensive directive on action to prevent and combat all forms of violence against women” (European Parliament 2009, paragraph 11).

Model legislation should be developed and introduced as a framework in areas falling within the scope of member states’ legislation, oriented on good practice models from member states.

Regular working groups should be established to develop and implement the EU strategy on violence against women.

- EU Observatory on the prevention of violence against women

WAVE welcomes the initiative of the Spanish presidency to establish an Observatory on the prevention of violence against women in the EU. The Observatory could be the monitoring body for the EU strategy. It should include a monitoring and advisory council of experts from women’s NGOs (see also answer to point 4).

- Data collection and research

Concrete common indicators should be developed in order to facilitate the implementation as well as the evaluation and monitoring of EU policies and legislation concerning violence against women.

The continuous collection of comparable data is necessary to support indicators and the EU strategy should include concrete measures to improve data collection, for instance, through mainstreaming the issue in other EU initiatives such as the EU strategy to measure crime and criminal justice.

Ongoing research on prevalence of violence against women is necessary on the EU level as well as on the national levels and WAVE welcomes the project of the Fundamental Rights Agency to carry out a Europe-wide survey on violence against women.

Further research is necessary to study the root causes and impact of various forms of violence against women as well as resilience factors and other issues, and to evaluate the impact of policies and legislation.

- European Protection Order

WAVE welcomes the initiative for a European Protection Order to guarantee women the ability to move freely in the EU member states and to be protected from violence in all countries. The EU strategy should include a timetable to swiftly finalize and implement the EPO.

- European women’s helpline

WAVE also welcomes the Spanish initiative to establish a European women’s helpline and recommends that the swift realisation of this project should be a priority of the European strategy.

- National Action Plans and National Observatories

The EU strategy should include the obligation for all member states to continuously develop, implement and evaluate National Action Plans to combat and prevent all forms of violence against women, including effective institutional mechanisms to coordinate and implement the measures, for instance, in the form of an inter-institutional commission to eliminate all forms of violence against women. NAPS should have adequate resources and the institutional body should have decision-making competences.

National Observatories, such as the Spanish Observatory on gender-based violence against women, should be established to continuously monitor and assess the effectiveness of measures taken in the National Action Plan.

Women's NGOs working to prevent violence as well as women survivors of violence should participate as experts in the development, implementation and monitoring of National Action Plans.

The National Commissions and Observatories should also serve as national contact points for the work on the EU strategy on violence against women.

Thematic priorities

The strategy should address the following priorities:

- Improving the services provision to guarantee the right to help and support to all women victims of violence and their children

As demonstrated earlier, there is still a disturbing lack of services for women victims of violence and their children, both in terms of quantity as well as quality. All women victims of violence and their children should have the right to adequate support in order to protect themselves from violence, to overcome the traumatic experience and to free themselves from the perpetrator.

Without support, women victims of partner violence feel like there is no alternative to violence for them and that they cannot leave because there is nowhere to go or to no-one to help them. Women's shelters are especially important because they offer a safe place for women and children, provided they are equipped with the necessary safety devices. Women's shelters can save lives of women and children, especially if they are at high risk.

Besides the lack in quantity there is also often a lack of quality of services. It is not enough to have "a roof over a head"; women survivors of violence and their children need good quality services, which are independent, empowering and gender-specific. General services such as homeless shelters or social services are not adequate. Women victims of violence need specialized services, just as one needs specialized doctors for specific health problems. WAVE experts, as well as experts from other organisations, have developed quality standards for women's shelters and other services which should be applied in all regions.⁹

- Standards for specialized women's services

The EU Strategy should include the improvement of service provision as one of their priority goals.

Some indicators for minimum standards in service provision are, inter alia:

- The right of every victim, regardless of nationality, status, religion, etc. to protection and support should be embedded in legislation.
- Every country should have at least one national women's helplines where all victims of violence can get assistance 24 hours a day and free of charge.

⁹ WAVE-Network (Women against Violence Europe) (2004): Away from Violence. European Guidelines for Setting up and Running a Women's Refuge, Manual produced through an EU DAPHNE project, Vienna

<http://www.wave-network.org/start.asp?b=6&sub=14> ;

Kelly, Liz/ Dubois, Lorna (2008): Combating violence against women: minimum standards for support services, Report prepared for the Council of Europe, Directorate General of Human Rights and Legal Affairs, Strasbourg

Women's Aid England (2009): National Service Standards for Domestic and Sexual Violence, Core Standards, Bristol, website: <http://www.womensaid.org.uk/domestic-violence-articles.asp?section=00010001002200220001&itemid=1332>

- Provision of safe accommodation and high quality support in a women's shelter. A minimum standard of one family place ¹⁰ for every 10 000 inhabitants.
- Establishment of one rape crisis centre per 200 000 women.
- One women's support centre for every 50 000 women, which provides crisis intervention as well as long-term support to victims of all forms of violence or to special groups (i.e. specialised services for immigrant victims of violence, for victims of trafficking in women or for women who have suffered sexual harassment at the work place).
- One intervention centre per district/province that provides independent and proactive support and advocacy to women victims after violence has been reported to the police or other agencies, and also support them in legal proceedings.¹¹
- Sufficient numbers of specialized services for migrant/minority and refugee women.
- Outreach services to victims in rural areas.
- Middle and long-term support and therapy to overcome the traumatic experiences of violence.
- All services for women victims of violence should be free of charge and should aim at empowering women and ensuring their safety. They should also have the necessary resources to provide adequate support to the women's children.

As stated before, the EU strategy should include effective measures to require governments to provide adequate funds for services for women victims of violence and their children.

- Standards for general services

The EU Strategy should also include the improvement of general institutions and services in dealing with victims of violence. Minimum standards for general services should include:

- All agencies dealing with violence against women should have clear protocols and guidelines on how to protect women victims of violence and their children and on how to hold perpetrators accountable.
- Special units on violence against women/domestic violence in agencies such as the police, the prosecutor offices and the health system have proven to be an important strategy to address the problem more effectively and should be founded and trained accordingly.
- Basic as well as continuous 'refresher' and advanced training on the issues is also necessary for good quality interventions.
- The right of the victim to be interviewed and treated by a female staff member should be a standard.
- All agencies dealing with violence against women should provide multi-lingual services.
- Multi-agency work and effective co-operation of all agencies to prevent violence is another quality standard.¹²

- Protection and support for children experiencing domestic violence

In recent years there is a growing concern among the experts in the WAVE network about the levels of safety and support for children experiencing domestic violence, directly or indirectly.

Thus the EU strategy should address the issue of children affected by violence against their mother. Custody and visitation rights should never supersede the right of the child not to be subjected to any form of violence. WAVE experts are hugely concerned about more and more cases in which violent

¹⁰ 1 Family place = 1 place for 1 woman and her children

¹¹ Such Services are for instance provided by the Intervention Centres in Austria or by the Independent Domestic Violence Advisors in the UK

¹² Recommendations for good practice standards in Multi-Agency work can be for instance found in WAVE-Network (Women against Violence Europe) (2006): Bridging Gaps - From Good intention to good cooperation, Manual for effective multi-agency cooperation in tackling domestic violence, DAPHNE project, Vienna

fathers get or keep guardianship, visitation rights and even custody, and often use these rights to continue the abuse of the ex-partner and the children.

WAVE experts also think that it is urgently necessary to review the Hague Convention on the Civil Aspects of International Child Abduction, which is unfortunately more and more used by violent fathers to gain custody and visitation rights. Rights under the Hague Convention and other conventions and legislation, should never be granted without checking for and paying attention to the protection from domestic violence.

- Support for migrant, minority and refugee women, including undocumented migrant women

Migrant, minority and refugee women are often especially vulnerable to experience male violence, due to their often precarious situation. The EU strategy should therefore look at how migrant, minority and refugee women are impacted by violence and what is needed in order to protect them and to prevent violence as a cross-cutting issue in all areas of the strategy.

Special attention should also be given to the difficult situation of undocumented women – the right not to be subjected to violence is a basic human right and protection and support should be provided to all women, regardless of their nationality or residence status. Undocumented women victims of violence should have the right to stay in the country to claim their rights and should be granted humanitarian residence permits.

Migrant women should have the right to live independently of the husband; an independent residence permit, education and training, access to the labour market and to public funds are key elements to be able to lead an independent life.

- Social and economic rights

It is necessary to guarantee social and economic rights of women so that they have a chance to live a self-determined life and not to depend on their husbands or families. This is important for the prevention of violence because women who depend on a partner financially run a higher risk of suffering violence. It is also important for getting out of a violent relationship, which is easier if a woman has her own income that ensures her subsistence. It must also be taken into account that women often are the primary care takers of children.

As stated in the EU Guidelines “Combating impunity also involves ... the creation of conditions where the victims are no longer economically dependent on the perpetrator of violence”.

Therefore the following social and economic rights should be granted to all women and in particular to women victims of violence:

- The right to affordable housing. Women survivors of violence should not be constrained to live with a violent partner even after a separation, for lack of affordable housing. This situation is still common in many regions of the EU. Also, women and their children should not have to stay in a women’s shelter for a long period due to a lack of affordable housing.
- The right to free or affordable childcare.¹³
- The right to education and training, including the right to free language courses for migrant and refugee women.
- The right for support in finding a job which ensures the subsistence of the woman and her children.
- Effective measures to close the gender-pay-gap.
- The right to adequate financial assistance (at a level that ensures subsistence) for all women who do not have a sufficient income of their own.
- Free health care for all women victims of violence and other measures.

¹³ See the Barcelona childcare targets of the European Union: by 2010, childcare should be provided to 33% of children fewer than 3 and 90% of children between 3 and 5 years of age.

- Perpetrator programs

The support of women victims of violence should always have priority over the work with perpetrators. However, it is also important to establish programs for perpetrators to help them to change, not as an alternative to sanctions, but as an addition to them. Legislation should include provisions to mandate perpetrators to attend such programs. Perpetrator programs must prioritise the victims' safety and must operate in close co-operation with women's services providing support to all women before, during and after the perpetrator attends the program.

- Legislation on VAW

Legislation to combat violence against women should be comprehensive and co-ordinated and should address all relevant areas of law, not only criminal and civil law, but also marriage and divorce law, child custody and visitation law, immigration law, social security law, labour law, service provision law, etc.). Such comprehensive legislation should aim at criminalising violence against women as well as providing support and preventive measures.

All forms of violence against women, including physical, sexual, psychological and economic abuse as well as specific patterns of violence, control and exploitation such as sexual harassment, stalking, trafficking, forced marriage, FGM, violence against women in institutions, violence in war and post-war situation and others should be addressed.

As mentioned before, special attention should be paid in all legislative and policy measures to groups especially vulnerable to violence, such as migrant, including women migrant workers, ethnic minority and refugee women, women in poverty, women living in rural or remote communities, women in institutions or in detention, women with disabilities, elderly women, displaced women, repatriated women and women in situations of armed conflict or post-conflict.

- Effective protection from violence

It is the obligation of the state to protect women from violence. Thus, every legal system should have the possibility of protection orders available that can be applied immediately by the police in a situation of acute danger. Furthermore, there should be the possibility of protective orders within the criminal justice procedure, for instance, as a condition for the release from pre-trial detention.

Additionally, every member state should establish the possibility for civil law protective orders to give the victim the right to apply for a protective order.

The civil law order should also address forms of violence that might not yet be criminal acts. In Austria, for instance, victims of violence can apply for a civil law protective order on the ground of a behaviour that infringes on their mental health.

Thus protective orders in civil and criminal law have different purposes and supplement each other.

A civil law order requires the victim to take action and thus can not replace measures that have to be taken by the state in order to protect the victim.

The strategy should also pay attention to the use of new technologies such as texting, online networking websites, spyware, GPS systems etc. to monitor, control, harass and stalk women.

Protective orders should cover all women victims of violence, regardless of the kind of relationship to the perpetrator.¹⁴ The law should work on the principle that every individual woman has the right to

¹⁴ In Austria, since the last law reform in 2009, the protection is based on the right of the individual victims; the law does not mention the kind of relationship to the perpetrator any more. This is an important improvement because before in the civil law protection order the relationship was defined, which meant that the victim had to prove that there was a relationship in order to be entitled to protection. In cases where the perpetrator denied that they had a relationship; the law unusually defines an intimate relationship by having sex, so that victim had to prove that they had had sex in order to be able to apply for a protective order. This is humiliating and traumatizing and should be avoided.

live without violence, regardless of the relationship to the perpetrator. What is to be protected is the individual, not the relationship. This interpretation corresponds to the concept of human rights.

Furthermore, effective electronic devices should be used to monitor compliance with protection orders. A good practice example is the Spanish strategy of monitoring the movement of perpetrators through the use of electronic bracelets.

- Improvement of law enforcement response

The police have an important role in the protection of women from violence. Thus the trust of women in the police is a key element of prevention. Basic and ongoing training of the police is of great importance to achieve this.

WAVE welcomes the EU Council conclusions on improving prevention of violence against women and care to its victims within the scope of law enforcement from April 2010. We also welcome the plan to establish a network of national contact points to develop international cooperation among law enforcement authorities and to promote specialized training for law enforcement personnel who work with women suffering from violence in close cooperation with the European Police College (CEPOL).

The police are the core agency whose obligation it is to protect citizens from violence. Thus, the police should have the power to provide effective protection and to guarantee the victims' safety within their own homes. Such regulations exist in several EU member states in form of the so-called "go-order" for perpetrators, who are expelled from the home of the victim for a certain time (see, for instance, the Austrian police barring order¹⁵).

- Prosecution and measures to end impunity of violence against women

Effective measures to end impunity of violence against women should also be included in an EU strategy to combat violence against women.

In this area, the strategy should address measures to increase reporting rates. Effective prevention should aim at increasing first reporting and decreasing second reporting rates. Furthermore there should be measures to decrease attrition rates, measures to increase prosecution and conviction rates and improvements in evaluation and monitoring.

Regular prevalence studies as well as gender-specific statistics on violence against women about reporting, attrition and conviction rates and the comparison of these data are necessary to evaluate changes and the effectiveness of measures. A good practice example here is Spain, which has developed a set of indicators and established an Observatory on Violence against Women and regularly monitors the implementation of the Spanish Organic Law 2004¹⁶.

Further, minimum standards and principles in the area of legislation to combat violence against women should contain, inter alia, the following:

- Acts of violence against women should be prosecuted by the state (ex-officio prosecution) and not be treated as "private acts" left to private motions.
- Rape should be defined by the absence of consent.
- There should be no mediation in cases of violence against women.
- There should be a prohibition of using "provocation" and "provocative behaviour" in legislation or as mitigating circumstances in sentencing.

¹⁵ For more information see: Logar, Rosa (2008): Good Practices and Challenges in Legislation on Violence against Women, paper presented at the UN Expert Group Meeting on good practices in legislation on violence against women, 26-28 May 2008, <http://www.un.org/womenwatch/daw/>, 31 July 2008

¹⁶ See Reports on the Implementation of the Law - Ministerio de Igualdad: http://www.migualdad.es/ss/Satellite?c=MIGU_Multimedia_FP&cid=1193047987476&language=en_GB&pageid=1193049890202&pagename=MinisterioIgualdad%2FMIGU_Multimedia_FP%2FMIGU_listadoSubcategoria

- Prohibition for different ways to assess the credibility in sexual violence cases in comparison to other crimes as well as a prohibition of examination of the sexual history of the victim.
- Punishment of perpetrators through means other than fines.
- Provision of free legal aid to victims.
- Effective measures to avoid secondary victimisation or any gender - and victim-insensitive treatment.
- Legal proceedings that ensure the maximum safety of women victims of violence, including the right not to testify in front of the perpetrator; courts should also ensure the anonymity of victims in the media.
- The integration of violence against women into witness-protection policies and standards;
- The implementation of court procedures that both protect the victims from re-victimisation and enable them to provide the best evidence; the requirement for the victim to testify repeatedly should be restricted to a minimum;
- The right to be supported, accompanied and represented in court by a specialised victim's service; this service should be free of charge;
- The right to be given information about all proceedings concerning them, including information about the release of the perpetrator from pre-trial detention or from jail;
- The right to engage actively in the proceedings, including the right to bring in evidence and ask questions;
- The right to financial compensation and support for obtaining it.

Special units in prosecutor offices as well as special courts should be established in order to provide swift and effective responses to acts of violence against women (see for instance the special domestic violence courts in the United Kingdom or the special court on gender-violence against women in Spain).

- Awareness raising and campaigns

Measures to raise awareness have to be carried out, not only occasionally, but continuously, in order to have an effect on attitudes and behaviour. They need to target groups specifically, i.e. targeting young people, specific professions, specific groups of victims, perpetrators, etc.

It is important to systematically develop and apply primary prevention measures¹⁷. Single awareness raising campaigns are not enough anymore.

Goals should include:

- For women to learn how to set healthy and clear limits towards abuse.
- For observers of violence to know how to react and help if they witness violence.
- To enhance trust in the police and to encourage reporting of violence.
- To convey the message of the unacceptability of their behavior to perpetrators of violence and to urge them to change their behavior.
- To implement education and training on violence against women and on women's human rights in the curricula of all relevant professions and studies.

Preventive work should include systematically developed and executed educational programs, including integrative training for children and youth in kindergarten programs and school curricula. There should also be programs that raise awareness of and tackle structural violence, discrimination against women and gender inequality.

On the European level, certificated training programs should be established to provide qualification to professionals on how to adequately support and protect women victims of violence and their children, including modules in risk and lethal risk assessment, risk and safety management.

¹⁷ Prevention has to be carried out at three levels: primary, secondary and tertiary prevention

Further, a European Year on the Eradication of all forms of male violence against women should be carried out.

3. Complementarities and synergies

Synergies between the Commission's initiative and the actions by Member States can be best achieved through a comprehensive EU directive on actions to prevent and combat all forms of violence against women; the directive should provide a common framework of goals and standards for policy, prevention, provision and protection. It should, as mentioned, include concrete indicators to measure the achievement of goals.

WAVE also sees many possibilities for synergies with the Council of Europe CAHVIO future Convention. The monitoring mechanisms that will be established to implement and monitor compliance with the Convention could also be used to implement and monitor the implementation of a future EU directive. The Convention will contain minimum standards, while the EU strategy and directive should aim at setting concrete standards and indicators for implementing goals and should also go beyond minimum standards, since EU member states should be models in combating violence against women and their children and guaranteeing women's human rights in Europe. Also, the binding nature of an EU directive will enhance the commitment of Member States to combat and prevent violence against women.

We also see synergies with the UN CEDAW convention and especially the implementation of the CEDAW Committee's General Recommendation 19 on violence against women. The EU strategy should contribute to the implementation of CEDAW by promoting concrete action to prevent and eliminate all forms of violence against women.

Complementarities and synergies between the Commission's initiatives and actions of civil society can be best achieved by including relevant NGOs, especially experienced women's NGOs and NGO networks, to contribute to the development, implementation and evaluation of the EU strategy and directive (see also previous answers to point 2.1 and 2.2.).

By involving relevant stake-holders, including women's NGOs in the development, implementation and evaluation of the EU strategy and directive.

Evaluation and monitoring

- There should be an effective institutional mechanism in the EU Commission responsible developing, implementing and adapting the EU strategy to combat violence against women; it should also have the competence of co-ordinating policies in different EU institutions and Commissions as well as the task to mainstream the issue of violence against women into relevant policy areas.
- Second, an EU Observatory should be established, monitoring and evaluating the implementation of the EU directive and the strategy, preferably in a Member State with exemplary policies and good practice models;
- Third, every MS should establish a national governmental body responsible for developing and implementing national strategies and legislation to combat violence against women, as well as a National Observatory for monitoring and evaluation.
- Fourth, thematic working groups of MS and EU bodies should be established to facilitate the exchange of good practice and the implementation of the EU directive
- Fifth, women's NGOs and other NGOs working to eliminate violence against women, as well as experts from academia should be included at all four levels.