

Recommendations of EU-Experts Meeting, Baden

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Measures to Combat Male (Domestic) Violence Against Women Standards and Recommendations General Principles 1. The right of every individual to the assurance of his or her safety constitutes the most important guideline for all state activities related to incidents of physical, psychological and sexual violence against women perpetrated by men. The obligation of the police to ensure the safety of all human beings irrespective of their status as nationals or aliens, must take precedence over all other police duties.

2. The right of the individual to the assurance of his or her safety must be safe-guarded by the state irrespective of sex and irrespective of the role played by the individual in the public and private sphere. Although as a matter of principle, the intimacy of the domestic sphere must be respected by the state, this right can no longer be granted in the event that state intervention becomes necessary in order to protect the safety of an individual within the domestic sphere. Hence the police must not consider violence in the home as a private or family matter, but must always, also in cases of domestic violence, be fully aware of their public mandate. In view of the ambivalence existing in society regarding the domestic sphere, police officers need to be given clear and detailed instructions as to how to deal with incidents of domestic violence.

3. The state must outlaw all acts of violence as crimes, also those occurring in the home. Legislators, the police and judicial authorities should refrain from any behaviour which might lead to the assumption that violence occurring within the family constitutes a less severe offence than an act of violence committed in public.

4. Although male violence against women has social causes and is rooted in traditions, this does not relieve violent men of responsibility for their behaviour. The response of the police and judicial authorities to male violence against women should always clearly convey the message that the assailant is responsible for his actions. Hence the police and judicial authorities must avoid behaviour which the perpetrator might interpret as condoning or trivialising his crime. This applies, in particular, to programmes for the re-education of violent men.

5. The removal of the assailant from the home in which the female victim (also) lives, constitutes an effective remedy and emits a strong signal both for assuring the victim's right to safety and for making the perpetrator aware of his responsibility for his behaviour.

6. The police on their own cannot ensure the safety of women who have become victims of male violence. These cases must be referred to other institutions, such as family and criminal courts, child and youth welfare authorities, as well as institutions providing medical attention to female victims of violence, private institutions which offer counselling services and active support on the basis of solidarity, and institutions involved in the re-education of perpetrators.

7. However, the police have to make sure that other institutions can use police intervention as a basis on which to build up their own work. This can be achieved through a comprehensive documentation of the domestic situation in which the police intervened, through the compilation of all available data on the assailant, and the passing on of such data to all the relevant institutions in order to enable them to take measures for combating violence. Co-operating organisations should have agreed standards as regards confidentiality that do not undermine the safety and empowerment of abused women and children. Women must be helped to assert their claims and must be given support in making their decisions on further steps they want to take.

8. The empowerment of women constitutes an indispensable principle for combating violence against women: the woman's position must be strengthened and the victim must receive support to help her take the decision as to what further steps she should take.

9. Women who have been exposed to male domestic violence are entitled to receive support and understanding for their needs from the police and judicial authorities. The police must refrain from any action that would be detrimental to healing the psycho-social trauma caused by the violence to which the victim has been exposed. The police must, in particular, refrain from exerting any pressure on victims which would aim at using victims as instruments in the prosecution of perpetrators by state authorities. Criminal proceedings should, to the greatest possible extent, take into account the interests of victims of violence, with a view to encouraging them to participate in the proceedings voluntarily as active parties.

10. The impact which laws and political decisions have on the lives of women and children exposed to violence should be monitored. Available programmes and institutions, and co-operation between such institutions must also be continuously evaluated.

11. The EU Member States will energetically support and implement all international agreements destined to eliminate violence against women and girls.

Police Organisation

12. The training of police officers and representatives of other public agencies, especially of judicial authorities must be given special attention in view of their very delicate and responsible task in dealing with male domestic violence. It has proved very advantageous to involve in police training programmes persons who have gained experience in dealing with violent men or their victims in homes for battered women or in similar institutions. With respect to combating violence against migrant women it appears very useful to recruit police officers who are intimately acquainted with other cultures. For this purpose, it is also necessary to recruit more female police officers.

13. The police should draw up both annual and long-term action plans for every authority, which should describe operative police activities for the prevention of violence and the protection of victims, and should allocate sufficient funds for such activities.

14. The police should designate a competent officer for each organisational unit who would be entrusted with policy implementation.

15. Each organisational unit of the police should have specially trained officers to deal with incidents of violence against women.

16. With the assistance of state and private experts, the police should work out specific procedures and develop specialised training courses and documentation for the purpose of improving basic, in-service and executive training programmes to combat male domestic

violence against women and children.

17. The police should make sure that every police officer is able to prevent re-victimisation and to implement effective legal measures for assuring the safety of victims.

18. As a matter of principle, the police should provide assistance, counselling and the necessary information to victims and refer them to the competent institutions affording support to victims.

19. The police should develop a smoothly functioning registration system which would not only record the number of requests for assistance received, but also the type of police interventions, as well as personal data of the perpetrator, including information on previous arrests, appearances in court and convictions.

20. The police must strive for comprehensive gender parity and suitable minority policies in all organisational units and should foster the institutional culture necessary to achieve this goal. All police units must pursue a policy aimed at eliminating all forms of violence against women.

21. The police should further the development of special projects within all organisational units with the aim of integrating experience with innovative and tailor-made changes into practical police work.

22. The police should set up effective control mechanisms on a permanent basis, which could be used both within units as well as by outside experts.

Criminal Proceedings

23. There should be a consensus that all acts of violence perpetrated in the private sphere must be prosecuted ex officio by the state.

24. Victims should be informed without undue delay about relevant facts in all phases of criminal proceedings; especially the release of the perpetrator from arrest should be brought to their attention. It is the task of police officers to provide such information in a readily comprehensible form. Victims should be entitled to receive interpretation, free of charge, in any phase of the court proceedings, whenever necessary.

25. All victims of violence have the right to obtain legal and psychological assistance free of charge for the entire duration of court proceedings.

26. Wherever appropriate, victims should be spared confrontations with perpetrators in court proceedings, both within or in the vicinity of courtrooms.

27. During the entire proceedings, i.e. police investigations, pre-trial hearings, court hearings and appeals, the obligation of victims to repeatedly give evidence should be restricted to an absolute minimum.

28. The need for special behavioural skills in dealing with cases of domestic violence and sexual abuse should be addressed by offering police officers appropriate in-service training to this end. In densely populated urban areas or regional centres the setting up of specialised units might be useful.

29. Consideration should also be given to the introduction of publicly financed compensation schemes for victims of violent crimes.

30. The findings of criminal proceedings should be admitted as evidence in proceedings for the compensation of victims.

31. Member States should give consideration to integrating victim compensation schemes into criminal proceedings.

32. In all phases of criminal proceedings, the primary goal should be to assure the safety of victims. Protective measures, such as the issuing of restraining orders or the installation of alarm systems, etc., should be taken with due regard to the severity of the threat to which victims are exposed.

33. Criminal proceedings for acts of violence should be conducted as expeditiously as possible.

34. The question of how to impose effective sanctions on perpetrators of violent crimes should be passed on by the Austrian Presidency to the German Presidency of the Council.

Principles and Mechanisms of Co-operation

35. The police and judicial authorities are primarily responsible for assuring the safety of women and children and for drawing attention to the responsibility of assailants for their actions; co-operation with other public agencies and institutions (i.e. the youth welfare authorities) appears necessary in order to afford victims of violence practical, emotional and legal assistance, and to give them all the information they need. Irrespective of the duty of the police to remove a violent man from the home in which the victim lives, it is also necessary to offer victims a safe refuge where they can work strategies for their future actions out in a sheltered environment.

36. Women's institutions were the first ones to address the issue of violence against women in public and to offer victims support and assistance. All states should pay tribute to these institutions and give high priority to the work they are doing.

37. States are responsible for creating a sufficiently dense network of women's institutions and for allocating funds to them to pay them for their activities. In accordance with the recommendation made by the Committee for Women's Rights of the European Parliament, in homes for battered women at least one place per 10,000 women should be available.

38. The police should organise active participation in networks and co-operation with other governmental and non-governmental institutions on a partnership basis at the local, regional and national levels.

39. The political will to combat domestic violence against women must be resolutely mobilised. Legal provisions must be drafted in co-operation with women's institutions. At the national, regional and local levels, appropriate conditions for such co-operation must be

created. The mechanisms to be applied to the assignment of tasks must be determined and joint resource management applied. A co-ordinating body should be set up to monitor the achievement of partial goals, compliance with agreements and meeting of deadlines.

40. Basic funding must be assured for both women's institutions and all organisations committed to the goal of combating violence against women. Thus an independent and professional network of victim support organisations is to be established. At the same time, the involvement of all these institutions in the legislative decision-making process and in law enforcement is to be assured. This should enable women's organisations to show the reasons for violence against women in connection with existing social structures and thus to initiate socio-political change.

Violence Against Migrant Women

41. Migrant women find themselves in a particularly vulnerable situation and are even more exposed to male domestic violence than nationals of a state. Against the background of institutionalised racism as well as language and cultural barriers and their status as migrants, it is on the one hand even more difficult for these women to rely on the support of private women's institution or authorities, and on the other hand they are often completely dependent on their husbands as regards their immigrant status and their economic situation because of existing legal provisions. In this area, the state has to assume specific responsibility for furthering institutions for the protection of women and for making sure not to encourage male violence through undifferentiated legal provisions.

42. Migrants must be informed about the fact that traditions and practices involving crimes perpetrated under a code of honour, forcing female minors or women into marriage without their consent and all forms of female sexual mutilation constitute punishable acts in areas under European Union jurisdiction. Women and girls who are threatened by such practices in their home countries may be granted asylum on the grounds of such threats and are protected against deportation, expulsion or repatriation to a country in which they would be exposed to such threats. Specific prevention programmes are being developed in co-operation with migrants from such risk countries and especially with NGOs. The Member States of the EU should initiate awareness-building measures to this effect.

43. Conference participants welcomed and supported the recommendations of the EU Expert Meeting on Female Sexual Mutilation (DAPHNE, November 1998). Research on this problem must be taken forward and public attention must be focused on it, while, at the same time, the ethnic groups concerned must be offered concrete help.

44. Migrant women must be given access to assistance programmes and institutions, irrespective of their legal status.

45. Migrant women suffering from male violence (including daughters who are abused by their fathers) must be granted separate residence entitlements independently of the residence status of their assailants.

46. For migrant women, access to the labour market should be facilitated in order to give them a higher degree of autonomy. In this way prevention of violence can be achieved.

47. In this area, mainstreaming is indispensable in order to heighten the visibility of migrant women in society, and especially in the relevant institutions of a country.

48. Migrant women must become involved in the basic and further training of persons taking care of victims of violence.

49. Basic police training courses should contain specific exercises for dealing with domestic violence in migrant families.

50. Both police officers and NGOs should be trained with a view to coping better with cultural diversity. This training should focus on the sensitisation to domestic violence, cultural differences and racism. In Great Britain such training programmes are already under way.

51. In countries where language courses for migrants (new immigrants) do not yet exist, these should be offered free of charge and be mandatory. For the duration of such courses, child-care facilities should be made available to participants.

52. The German Presidency is requested to pursue further the topic of violence against migrant women taking these recommendations into account.