



EUROPEAN PARLIAMENT

2009 - 2014

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*Committee on Women's Rights and Gender Equality*

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**2010/2209(INI)**

9.11.2010

## **DRAFT REPORT**

on priorities and outline of a new EU policy framework to fight violence  
against women  
(2010/2209(INI))

Committee on Women's Rights and Gender Equality

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## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### on priorities and outline of a new EU policy framework to fight violence against women (2010/2209(INI))

*The European Parliament,*

- having regard to the provisions of the UN legal instruments in the sphere of human rights, in particular those concerning women's rights, such as the UN Charter, the Universal Declaration of Human Rights, the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
- having regard to other UN instruments on violence against women, such as the Vienna Declaration and Programme of Action of 25 June 1993 adopted by the World Conference on Human Rights (A/CONF. 157/23) and the Declaration on the Elimination of Violence against Women of 20 December 1993 (A/RES/48/104),
- having regard to the UN General Assembly resolutions of 12 December 1997 entitled 'Crime prevention and criminal justice measures to eliminate violence against women' (A/RES/52/86), of 18 December 2002 entitled 'Working towards the elimination of crimes against women committed in the name of honour' (A/RES/57/179), and of 22 December 2003 entitled 'Elimination of domestic violence against women' (A/RES/58/147),
- having regard to the reports by the UN High Commissioner for Human Rights' Special Rapporteurs on violence against women and to General Recommendation No 19 adopted by the Committee on the Elimination of Discrimination Against Women (11th session, 1992),
- having regard to the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women on 15 September 1995 and to Parliament's resolutions of 18 May 2000 on the follow-up to the Beijing Action Platform and of 10 March 2005 on the follow-up to the Fourth World Conference on Women - Platform for Action (Beijing+10)<sup>1</sup> and of 25 February 2010 on the follow-up to the Beijing Action Platform (Beijing +15),
- having regard to the Charter of Fundamental Rights of the European Union,
- having regard to the UN General Assembly resolution of 19 December 2006 entitled 'Intensification of efforts to eliminate all forms of violence against women' (A/RES/61/143),
- having regard to the work of the Council of Europe's Ad hoc Committee on Preventing

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<sup>1</sup> OJ C 320 E, 15.12.2005, p. 247.

and Combating Violence against Women and Domestic Violence (CAHVIO), established in December 2008 to prepare a future Council of Europe Convention on this subject,

- having regard to the EPSCO Council Conclusions of March 8 2010 on violence,
  - having regard to its resolution of 26 November 2009 on the elimination of violence against women<sup>1</sup>,
  - having regard to its Written Declaration of 21 April 2009 on the ‘Say NO to Violence against Women’ campaign,
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Women’s Rights and Gender Equality (A7-0000/2010),
- A. whereas no single intervention will eliminate gender-based violence, but a combination of infrastructural, legal, judicial, enforcement, educational, health, and other service-related actions can significantly reduce it and its consequences,
- B. whereas the term ‘violence against women’ means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life<sup>2</sup>,
- C. whereas violence is a traumatic experience for any man, woman or child, but gender-based violence is preponderantly inflicted by men on women and girls, and both reflects and reinforces inequities between men and women and compromises the health, dignity, security and autonomy of its victims,
- D. whereas male violence against women shapes women’s place in society: their health, access to employment and education, integration into social and cultural activities, economic independence, participation in public and political life and decision-making, and relations with men,
- E. whereas there is no regular and comparable data collection on different types of violence against women in the European Union, which makes it difficult to ascertain the real extent of the phenomenon and to find appropriate solutions to the problem,
- F. whereas the European Union, with the Lisbon Treaty, has a broader competence in the area of judicial cooperation in criminal matters, including on criminal procedural law and substantive criminal law, as well as in the area of police cooperation,
1. Proposes a new comprehensive policy approach against gender-based violence including:
- a criminal-law instrument in the form of a directive against gender-based violence,

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<sup>1</sup> OJ C 285E, 21.10.2010, p.53.

<sup>2</sup> United Nations. 1993. Declaration on the Elimination of Violence Against Women (A/RES/48/104), Article 1, United Nations 1995 Beijing Platform for Action point 113.

- demands on the Member States to provide law enforcement staff with clear instructions on how to proceed in cases of gender-based violence and to provide the necessary training on the prevention and detection of gender-based violence, equality between men and women and the needs and rights of victims,
  - requirements for Member States to demonstrate due diligence and to record and investigate all forms of gender-based violence crimes in order to initiate public prosecution,
  - plans to develop specific investigative routines for police and health sector professionals in order to secure evidence of gender-based violence,
  - policy proposals to help victims rebuild their lives, in addition to ensuring their safety and re-establishing their physical and psychological health,
  - minimum requirements as to the number of victim support structures per 10 000 inhabitants for victims of gender-based violence in the form of centres with specific expertise to help victims,
  - minimum standards to ensure that victims have professional support in the form of advice from a legal practitioner irrespective of their role in the criminal proceedings,
  - plans to develop methodological guidelines and undertake new data collection efforts to obtain statistical data on gender-based violence;
2. Deplores the fact that several Member States still do not regard gender-based violence as a public offence and still require a victim complaint or private prosecution, which constitutes a failure of these states to exercise due diligence;
  3. Calls on the European Commission, using all available expertise, to develop and provide annual statistics on gender-based violence, including figures on how many women are killed annually by their partner or ex-partner, based on data from the Member States;
  4. Asks the Commission to consider establishing an observatory on violence against women within the European Institute for Gender Equality (EIGE), in close cooperation with the European Union Agency for Fundamental Rights (FRA);
  5. Notes that the European Union Agency for Fundamental Rights (FRA) will, in the form of a survey, interview a representative sample of women from all Member States regarding their experiences of violence, and asks that the focus be placed on examining the actual responses women receive from the various authorities and support services when reporting;
  6. Urges Member States, in their national statistics, to make visible the magnitude of gender-based violence and to take steps to ensure that data are collected on gender-based violence, including the sex of the victims, sex of the perpetrators, their relationship, age, crime scene, and injuries;
  7. Highlights the serious problem of prostitution in the European Union and asks that the

link between the legal framework of the Member State in question and the form and extent of the prostitution taking place be studied further;

8. Points out that civil society, particularly NGOs, women's associations and other public and private voluntary organisations providing support to victims of violence, offers a service of great value and should be given support by the Member States;
9. Emphasises that Member States should devote appropriate resources to preventing and combating violence against women, including through recourse to the Structural Funds;
10. Reiterates its view that the European Union, within the new legal framework established by the Treaty of Lisbon, should become a party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its optional protocol<sup>1</sup>;
11. Instructs its President to forward this resolution to the Council and the Commission.

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<sup>1</sup> P6\_TA(2010)0037 paragraph 12.

## EXPLANATORY STATEMENT

### 1. Background

Violence against women is an international as well as a European problem<sup>1</sup>. Despite the fact that violence against women has been a topic of debate over several decades, the international community has not managed to put an end to this extremely destructive form of criminality. It is distressing to see how we still fail to protect women against violence. It is a complex problem which involves protecting the integrity of individual victims of crime but also protecting important common social interests, such as freedom and democracy. The European Union must therefore shoulder its responsibility and introduce the legislation required to put an end to the violence.

Your rapporteur has compiled a number of measures in this strategic report which are absolutely necessary in order to guarantee women in Europe a decent life.

The European Parliament has previously adopted a resolution on violence against women<sup>2</sup>. In this context, Parliament pointed out the need for a comprehensive legal act to combat all forms of violence against women. Parliament also stressed that it is possible to eliminate gender-based violence. This also requires long-term efforts within numerous different areas. There is a need for many different types of measures of a political, social and legal nature.

The Commission has taken some important decisions in principle towards this end, particularly drawing up the new action plan for gender equality (2010-2015), which stresses that gender-based violence is one of the key problems to be addressed in order to achieve genuine gender equality<sup>3</sup>. The Commission has also announced that it will submit a proposal in 2011 for a strategic plan to combat gender-based violence.

This report is an own-initiative report of the European Parliament.

#### 1.1 International legal basis

Gender-based violence is a violation of fundamental freedoms and rights, such as the right to security and human dignity. The problem has therefore received international attention. The United Nations Fourth World Conference on Women held in Beijing in 1995 adopted a platform for action which drew attention to violence against women<sup>4</sup>. The document states that it is an important strategic objective for the international community to prevent and eliminate violence against women. The document makes clear demands on the governments of the various States to introduce and enforce the legislation required to combat violence. All Member States of the European Union have signed the UN platform for action. The platform for action drawn up in Beijing has since been confirmed by the General Assembly through several reviews<sup>5</sup>. The United Nations Economic and Social Council, ECOSOC, will give

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<sup>1</sup> At least 20% of women in Europe have experienced violence in close relationships; it is one of the most common causes of death among women.

<sup>2</sup> P7\_TA (2009) 0098, Elimination of violence against women.

<sup>3</sup> COM(2010) Strategy for equality 2010–2015, 4.

<sup>4</sup> The United Nations Fourth World Conference on Women, Beijing 1995.

<sup>5</sup> Five-year review of the implementation of the Beijing Declaration and Platform for Action, 2000. The ten-year review 2005, The 15 year review 2010; UN Resolution 63/155. 'Intensification of efforts to eliminate all forms

particular priority to the elimination of violence against women and girls at its meeting in 2013<sup>1</sup>.

The CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women) is one of the UN's most important documents on women's rights. The Convention requires the Member States to introduce guarantees for women's freedoms and rights in a number of different areas. Some of these areas are also relevant to the problem of violence against women, for example the right to choose one's life partner oneself<sup>2</sup>. It is important to insist that the EU should also sign the CEDAW.

In accordance with the principle of 'the duty of due diligence', States are now required to intervene even where individuals subject other fellow human beings to abuse. This obligation applies both to preventing crime and intervening when injustice has taken place. The principle has been stressed by the European Court of Human Rights in the *Opuz v. Turkey* case, in which the Court, in its justification, shows that it regards violence against women as a form of discrimination which is contrary to the European Convention on Human Rights<sup>3</sup>. Other international legal instruments are also relevant<sup>4</sup>.

In recent years, the European Court of Human Rights has clearly ruled that individual countries' legislation can be required effectively to protect individuals' right of self-determination in sexual matters. The Court has stressed that all sexual acts perpetrated against someone without that person's consent must be subject to legislation<sup>5</sup>.

The Council of Europe has also taken numerous important initiatives towards protecting women against violence. It is currently at work on a new convention on preventing and combating violence against women and domestic violence<sup>6</sup>.

## 1.2 Legal basis

Gender equality is a fundamental EU principle. Respect for human rights is a key value in the EU Treaty, and the EU Charter of Fundamental Rights states that European society should be characterised by equality between women and men<sup>7</sup>.

The Lisbon Treaty has provided scope for the EU to introduce common provisions in the field of criminal law. The Union was previously already competent to approximate Member States' criminal legislation in areas covered by the objective of harmonisation<sup>8</sup>. The Union also has the right to introduce minimum rules concerning the definition of criminal offences and sanctions in the areas of particularly serious crime with a cross-border dimension, resulting

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of violence against women' Report of the Secretary-General.

<sup>1</sup> UN ECOSOC Resolution 2009/15.

<sup>2</sup> CEDAW art. 16.

<sup>3</sup> Case of *Opuz v. Turkey* (2009).

<sup>4</sup> UN Convention Against Torture 1§, and the UN Convention on Victims of Crime, in particular addendum para. 1, which defines the term 'victim'.

<sup>5</sup> *M.C. v. Bulgaria* (no. 39272/98).

<sup>6</sup> Council of Europe doc 12013 (2009); CAHVIO (2010) 17, Third Draft Convention on preventing and combating violence against women and domestic violence.

<sup>7</sup> TEU Article 2; European Union Charter on Fundamental Rights, Article 23 on equality between men and women.

<sup>8</sup> TEU, Article 83, para. 2; Court of Justice (2005) Case C-176/03, *Commission v. Council*, ECR I - 7879.

from the nature or impact of such offences. This competence also applies in cases where there is a special need to combat crime on a common basis<sup>1</sup>. The text of the Treaty makes particular reference to trafficking in human beings and sexual exploitation of women and children.

As regards police and judicial cooperation in criminal matters having a cross-border dimension, Parliament and the Council are able to establish a minimum common standard. Such common rules may also cover the rights of victims of crime<sup>2</sup>.

The Council of the European Union has adopted the Stockholm Programme in the policy area of freedom, security and justice<sup>3</sup>. The Stockholm Programme therefore requires the Commission and the Member States to introduce the criminal legislation or other support measures necessary to protect victims of crime<sup>4</sup>.

A proposal for a directive on a European protection order has been presented this year<sup>5</sup>. The aim of the directive is to protect individuals living under the threat of serious violations of their integrity from a certain person, even if they move within Europe. It will constitute an important instrument in the efforts to protect women who are fleeing violence and persecution.

## **2. Gender-based violence**

### **2.1 What is gender-based violence?**

Violence against women is historically and structurally determined and affects women both individually and collectively<sup>6</sup>. According to the UN, violence is constituted by ‘any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life’<sup>7</sup>. The problem area represented by gender-based violence, therefore, does not simply relate to violence within the meaning of criminal law, but extends to different types of crime directed against women simply because they are women<sup>8</sup>. It is a type of abuse which contributes towards the repression of women as individuals and as a group. Typically, violence inflicted on women is usually also sexualised.

Gender-based violence covers offences in the form of violence in close relationships, sexual abuse, human trafficking, forced marriage, genital mutilation and other forms of violations of integrity which particularly affect women and young girls. Other violations of women’s freedoms and rights can also have an extraordinary impact on the individual woman’s physical and mental health. This is particularly so in the case of violations of women’s

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<sup>1</sup> TEU, Article 83, para. 1.

<sup>2</sup> TEU, Article 82, para. 2(c).

<sup>3</sup> Stockholm Programme 17024/09, adopted by the European Council meeting of 10 and 11 December 2009.

<sup>4</sup> Stockholm Programme 17024/09, adopted by the European Council meeting of 10 and 11 December 2009, Section 2.3, in particular para. 2.3.4.

<sup>5</sup> The European protection order, 2010/C69/02.

<sup>6</sup> UN, Beijing (1995) Platform for Action, para. 118: ‘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 to the prevention of women’s full advancement.’

<sup>7</sup> UN, Beijing (1995) Platform for Action, para. 113.

<sup>8</sup> General recommendation of the CEDAW committee, no 19.

reproductive rights<sup>1</sup>. It is of key importance that every measure in this area takes place against the background of an understanding of the overall picture.

## **2.2 Gender-based violence as a social problem**

Gender-based violence results in severe damage to individuals' physical and mental health. This entails a heavy cost for society in the form of social problems and costs for the legal and healthcare systems. It is estimated that the cost to society of gender-based violence – in the form of spending on healthcare, the legal system and social services – is € 2 million per hour in total in all EU Member States<sup>2</sup>. Gender-based violence also constitutes a serious problem in terms of democracy. The very fact that women are subjected to violence restricts their opportunities to take part in social life and work. Violence harms individual women but the violence also harms their families. Family life loses its function of providing individuals with security. Children who experience domestic violence are indirect victims of that violence. According to Eurobarometer 344, 87% of respondents consider that the EU should get involved in combating violence in close relationships.

## **3. Need for legal protection**

### **3.1 Violence in close relationships**

It is of fundamental importance that women's integrity is comprehensively and consistently protected in law. Violence which takes place in close relationships is not a private matter; neither can it be regarded as something to be negotiated between the parties concerned.

The legal authorities should make the prosecution of acts of violence in close relationships a priority.

In legislating at EU level, it is of the utmost importance to be aware of the particular vulnerability which women and children experience in relation to domestic violence. The violence often means that these women are controlled and isolated. Through repeated threats and harassment, their self-esteem is broken down and they can begin to view themselves as worthless. Women subjected to domestic violence have difficulty in reporting these crimes themselves to an authority. They may already have problems conveying their need for help. They are often subjected to severe pressure from the perpetrator, relatives and others to drop their complaint. They may have strong emotional ties to the person subjecting them to violence, and are therefore extremely susceptible to destructive manipulation. It is not uncommon for women subjected to violence to end up in financial difficulties, lose custody of their children or become homeless.

### **3.2 Particularly vulnerable groups**

The vulnerability which violence in close relationships produces becomes even more precarious for certain particularly vulnerable groups. These may be women who are of another ethnic background or 'undocumented' individuals. For elderly people and for the physically or mentally disabled, the problem of protecting themselves and their interests are

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<sup>1</sup> P7\_TA-PROV(2010)0037 on Beijing +15 – UN Platform for Action for gender equality, paras. 9-10.

<sup>2</sup> Psytel (2006) Daphne-project on the cost of domestic violence in Europe.

infinitely greater. The difficulties involved in breaking out of destructive life situations are often even more palpable for these groups. This applies, in particular, to individuals living in institutions.

Individuals who are homosexual, bisexual or transsexual may struggle with other forms of social stigma which may persuade them not to report violence.

Other groups who may have serious problems protecting their integrity are women who live with addiction and women who are homeless.

### **3.3 Sexual abuse**

It is a fundamental principle of European legal tradition that all individuals have the right to exercise their individual freedom of action; it is therefore reasonable to require consent for any form of sexual intercourse. This important legal principle must apply regardless of the particular relationship between the parties concerned. Marriage, or other such family relationships, must not constitute a free zone in which women's and children's bodies become sexually available. Likewise, the workplace must be an environment where women can feel safe from violations of their integrity and undue pressure.

Sexualised violence affects individual women in a very destructive way. Sexualised violence can be seen as part of a power structure whereby women are denied the right to sexual integrity and personal freedom of choice. Individual women's experience of violation is affected by the fact that the acts take place in a society in which gender is of significance. Sexual attacks on the body therefore always have a very particular implication for the person who is violated<sup>1</sup>. This is violence which is degrading to the individual affected.

The Commission has proposed a directive on sexual abuse of children based on the new provisions of the Lisbon Treaty<sup>2</sup>.

### **3.4 Female genital mutilation and forced marriage**

Women are also subjected to gender-based abuse through other types of violations of freedom. An important area in which women's physical and mental integrity requires strong legal protection is in relation to genital mutilation. Acts which result in serious harm to women's health cannot be legitimised through cultural considerations. Criminalising genital mutilation is an important part of the process of protecting young people<sup>3</sup>. Genital mutilation is a form of very serious violence against the body, to which the European Parliament has devoted particular attention<sup>4</sup>. The operations involved here are of such a nature that they must be regarded as falling outside the right to individual self-determination through consent. For a woman living in a social context in which strong cultural pressure is exerted, there is no genuine possibility of granting such consent. It is therefore of the utmost importance that all

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<sup>1</sup> K. Berglund 'Gender and harm', Scandinavian Studies in Law, pp. 12-27.

<sup>2</sup> COM(2010) 0094 proposal for a directive on combating the sexual abuse, sexual exploitation of children and child pornography, repealing Framework Decision 2004/68/JHA.

<sup>3</sup> UN Convention on the Rights of the Child, Article 24, para. 3.

<sup>4</sup> P6\_TA (2009) 0161 on combating female genital mutilation in the EU; 'Harmful traditional practices', Daphne booklets 2008.

women are protected against genital mutilation.

Forced marriage is another form of gender-based violence which constitutes a serious violation of the individual's right to freedom and self-determination. It is important that young women are protected against such forced relationships<sup>1</sup>. 'Honour-related' violence is a key concept in this context.

### **3.5 Trafficking in human beings and prostitution**

The trafficking of human beings, principally for sexual purposes, is a major problem in Europe. Human trafficking is a violent and degrading activity in which those forced to subject themselves to prostitution are mercilessly exploited. It is often young people who are affected and have their lives destroyed by it. The activity thrives on the rifts in Europe brought about by economic disparities and social problems. Human trafficking is a form of cross-border criminality which the EU has already identified as a priority area. The Commission's proposal for a directive on trafficking in human beings is currently being considered by Parliament and the Council<sup>2</sup>.

## **4. Criminal legislation and other measures**

### **4.1 Public prosecution**

There are strong grounds for requiring all forms of gender-based violence to be subject to public prosecution. The interests of the victims of crime must be protected by allowing the legal system, in the form of police or prosecutor, to take the final decision as to whether suspected abuse will be prosecuted. In the same way as violence in close relationships, the pressure on the individual woman to withdraw her complaint is enormous. However, these violations are of such a nature that it is in society's interest for the perpetrator to be prosecuted.

### **4.2 Legal assistance**

In court proceedings, the prosecutor represents the plaintiff's interests. However, the victims of crime often also have a need for their own legal assistance<sup>3</sup>. If victims of crime are also given access to legal assistance, their interests can be safeguarded in a more effective way<sup>4</sup>. Victims of crime should therefore receive legal aid in the form of a personal legal counsel, even in cases where they are only witnesses. The legal process is easier to implement if it creates a more secure situation for the individual woman in connection with court hearings and similar circumstances. It is also a very effective way of guaranteeing that the victims are not asked any irrelevant questions and that their accounts of what they have experienced are

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<sup>1</sup> CEDAW, Article 17.2.

<sup>2</sup> COM(2010)95 proposal for a directive on preventing and combating trafficking in human beings and protecting victims, repealing Framework Decision 2002/629/JHA.

<sup>3</sup> Under Council Framework Decision 2001/220/JHA, Member States are required to provide victims with advice, Articles 6 and Article 4, para. f(iii); according to Commission Report SEC (2009)476, Member States' provision of such advice is incomplete.

<sup>4</sup> Under Council Framework Decision 2001/220/JHA, victims shall be entitled to legal assistance where it is possible for them to have the status of parties to the case, Articles 6 and 4, para. f(ii); according to Commission Report SEC (2009)476, most Member States have now complied with this provision.

adequately elucidated in the court proceedings. In the same way as the accused has access to a lawyer, the victim of the crime has a need for someone to assist them<sup>1</sup>. It may be a question of receiving help to answer relevant questions and being kept informed about the progress of the court proceedings.

### **4.3 Enhanced knowledge for the authorities**

However, it is not enough to introduce or approve criminal legislation for the protection of women; prosecution must also be made more effective<sup>2</sup>. Society must detect this kind of violence at an early stage through proactive and preventive work on the part of social service authorities and other such institutions. Many reported crimes of violence against women are dismissed at an early stage by the investigating authority. Knowledge about the mechanisms of gender-based violence must be improved within the legal system, the health service, the police and social services.

The courts must also be made aware of what a sexual assault implies for the individual woman and how further abuse of the victim can be avoided in court proceedings. If victims of crime receive the support they need during court proceedings, this will also facilitate the work of the courts.

### **4.4 Effective criminal investigation**

A key area for resource input in the context of the Stockholm Programme is the further training of police authorities in Europe. The police are the first law enforcement agency with which women who have fallen victim to violence come into contact. A manual covering the questions which may be regarded as relevant in investigating problems associated with repeated violence can be drawn up as a basis for police authorities to conduct their investigations. Where domestic violence is suspected, the question of whether previous assaults have occurred should be investigated.

Where sexual assault is suspected, it is important that the victims are examined by medical personnel who can secure the evidence that may be required in court proceedings. Experience gained in developing and using special manuals for securing evidence has been good<sup>3</sup>. With the aid of special instructions, evidence can be secured in a consistent way. This brings more legal certainty to the police investigation and the court proceedings, both for the offender and for the victim of the crime<sup>4</sup>. Through well worked out formulas for how to conduct an investigation and the questioning of victims, victims can be spared unnecessary stress.

### **4.5 Refuges for victims of crime**

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<sup>1</sup> Council resolution 2009/C 295/01, measure C.

<sup>2</sup> Stockholm Programme 17024/09, adopted by the European Council meeting on 10 and 11 December 2009; Council Framework Decision on the standing of victims in criminal proceedings, 2001/220/JHA, para. 6, 8, 10 and 11.

<sup>3</sup> An example is the manual for taking samples and securing evidence in cases of sexual assault, which has been developed by the National Centre for Knowledge on Men's Violence Against Women of Uppsala University in Sweden.

<sup>4</sup> The Stockholm Programme 17024/09, adopted by the European Council meeting on 10 and 11 December 2009, also puts forward measures to increase legal certainty for suspects and defendants.

The work of non-profit-making women's refuges for women subjected to violence has proved to be very effective in supporting vulnerable women but the activity is insufficient and responsibility cannot simply be laid at the door of voluntary forces. The Member States must take initiatives to expand the refuge network to such an extent that it can satisfy the most basic needs. Setting up at least one refuge for victims of crime per ten thousand inhabitants could be a target. In setting up such refuges for victims of crime, it is of key importance that they are staffed by individuals with knowledge and experience of violence against women<sup>1</sup>. This form of assistance for victims of crime should also be able to offer sheltered accommodation, and legal and psychological assistance. Staff of the refuges could also provide support during police questioning and court proceedings<sup>2</sup>.

#### **4.6 Emergency number**

One practical measure that can be taken is to set up an emergency number for gender-based violence in the Member States. Women subjected to violence can call the number to obtain immediate assistance. The staff of the emergency service need special training to detect and support victims of gender-based violence. They must have clear procedural instructions setting out which questions must be asked where there is a suspicion of gender-based violence. The Member States should provide easily accessible information, especially on the Internet, on the support and the help which vulnerable women can obtain from society, and from voluntary and similar organisations.

#### **4.7 Measures on behalf of young people**

Young people often lead a social life which mainly takes place outside the home. They also mix socially in large groups, in situations involving alcohol. These factors result in young people perpetrating and being exposed to violence. This applies particularly to young women, for whom the risk of exposure to sexual violence may be significant. It is important to educate schoolchildren and young people to understand the seriousness of sexualised violence. It is important that young people learn at an early stage to respect each other's integrity and to be aware of destructive and degrading behaviours, particularly such behaviour which is directed at young girls. Targeted measures aimed at young girls may therefore consist, for example, in offering courses in self-defence designed to teach various techniques to defend oneself against violence. However, it is equally important to strengthen self-confidence and self-esteem by giving young girls the knowledge and courage to defend themselves and their integrity<sup>3</sup>. Special information campaigns are needed to prevent young people falling victim to human trafficking or honour-related crimes.

#### **4.8 The perpetrators**

Gender-based violence is always primarily a criminal matter. Society must therefore respond with punishment which is proportional to the seriousness of the crime. In setting priorities for the allocation of society's resources, it is important to have a clear victim's perspective, since

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<sup>1</sup> Council Framework Decision on the standing of victims in criminal proceedings, 2001/220/JHA, Article 13.

<sup>2</sup> Council Framework Decision on the standing of victims in criminal proceedings, 2001/220/JHA, Article 13, para. 2c.

<sup>3</sup> 'Achievements Against the Grain: Self-defence training for Women and Girls in Europe', report for the Daphne project.

it is this group which currently needs special protective measures. This does not exclude devoting resources to individual offenders by, for example, offering conversation therapy and other methods to counteract violent behaviour. This form of alternative treatment of men who have committed serious assaults on women, however, should never replace the penalty imposed by criminal law. Conversation therapy and other such forms of treatment can only supplement other forms of punishment, such as prison.

Violence is in large measure a consequence of unequal power relations between men and women, and is an expression of a domination/subordination relationship between the perpetrator and victim for these crimes, therefore, conversation therapy in which both victim and perpetrator take part must be regarded as out of the question since the crime is of such a nature that the two can never be equivalent and equal negotiating parties.

Risk assessments, particularly in connection with violence in close relationships where the victim has not reported the crime herself, should be carried out by the police and not the social services. Every such risk assessment should focus on the dangerousness of the perpetrator and not the vulnerability of the victim. It is the perpetrator's propensity to relapse into crime which is the decisive factor for assessment.

## **5. Knowledge and information**

### **5.1 Statistics**

The European Parliament has already drawn attention to the need to record the extent of crimes, such as murder, which ensue from domestic violence. Systematic data collection makes it possible to decide which measures should be prioritised under crime policy in order to prevent and ultimately eliminate gender-based violence. There are shortcomings in the official statistics produced by the Member States. What is now required is the joint collection of relevant and comparable data from the various Member States. The newly established European Institute for Gender Equality has an important role to play in this respect.

Spain has set up a system for collecting the information which emerges within the legal system in connection with legal investigations and court proceedings<sup>1</sup>. It records relevant data on current crimes and the parties involved, such as the parties' sex, ethnicity, scene of the crime, use of weapons, etc. If the parties have previously been in touch with the authorities, this may also constitute relevant information to be recorded.

### **5.2 Research**

There is a need for more knowledge as to the extent of gender-based violence in Europe. It is therefore highly important that support is provided for research into violence. In this context, the Daphne project, in particular, has been of great help.

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<sup>1</sup> [www.observatorioviolencia.org](http://www.observatorioviolencia.org)

## **6. Conclusion**

Your rapporteur considers that we must break the silence around these serious violations. Increased knowledge about gender-based violence can also enhance public awareness about the problem. The Member States should draw up national action plans to combat gender-based violence.