



**LOBBY EUROPEEN DES FEMMES
EUROPEAN WOMEN'S LOBBY**

**Reality Check: When Women's NGOs Map Policies and
Legislation on Violence against Women in Europe**

February 2007

In 1995 at the Fourth World Conference on Women, all Member States of the European Union made commitments to address the issue of violence against women. They also agreed that together as the European Union, they shared responsibility for this issue and correspondingly would develop European strategies to combat violence against women. The European Women's Lobby (EWL) carried out an evaluation of Member States progress one year following the 4th World Conference on Women in which it emerged that measures to address violence against women were high on their agenda. Therefore, EWL decided that the time had come to set up, within its own structures, the *European Policy Action Centre on Violence against Women*.

In the initial period, the European Policy Action Centre on Violence Against Women formed an *Observatory on Violence Against Women*, which is an expert group comprising one woman from each of the fifteen Member States of the European Union who has extensive expertise in the area of violence against women. As time went by, the Observatory enlarged up to 30 experts. The Observatory continues to be a central component of the Policy Action Centre and has been instrumental in maintaining a global perspective on violence against women.

The task of the European Observatory is to advise EWL on how it should develop recommendations for the European institutions to follow-up actions and build strategies in order to combat violence against women in the European Union. The European Policy Action Centre on Violence Against Women and its Observatory members are monitoring policy developments at national, European and international level

The European Women's Lobby would like to thank all the experts of the EWL Observatory on Violence against Women for their significant and voluntary contribution to this report.

A special thanks to Grainne Healy (Chair of the Observatory)

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Reality Check: When women's NGOs map policies and legislation on VAW in Europe

Introduction

In considering the issue of violence against women, the EWL firmly adopts a feminist perspective. The persistence and tolerance of all forms of male violence against women is a fundamental obstacle to the achievement of full equality between women and men in all areas of life. Violence against women is, thus, seen as a structural phenomenon the cause of which is a direct result of gender inequality. The EWL adopts the definition of violence against women as stipulated in the Beijing Platform for Action. Furthermore, it endorses the statement of the Beijing Platform for Action: *"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"* (paragraph 118).

Violence against women continues to be the most fundamental and globally spread violation of women's human rights. When including all forms of violence against women, 45% of all women in Europe have been subjected to and suffered from men's violence. It is estimated that every fifth woman in Europe has been subjected to domestic violence, having her fundamental human rights violated by a man in her most immediate and intimate social environment – her home. More than one tenth of all women have suffered sexual violence as defined in its most narrow sense, i.e. as rape or forced sexual acts. The current gap between the existence of women's human rights, and their effective enjoyment stems from a lack of commitment by governments to promote and protect these rights. This report outlines the critical analysis that women's NGOs are undertaking in relation to the political commitments and actions to address and eradicate this insidious form of inequality.

NGOs as essential partners

For decades, women's NGOs have been the main actors in helping women victims of male violence and in highlighting the needs to develop comprehensive policies to protect women and combat gender violence. Women's NGOs have developed a substantial experience and expertise over the years, often under very precarious financial conditions and/or on a totally voluntary basis, offering service provision,

designing and giving specific training for professionals, analysing the causes and remedies, lobbying for better policies and legislations.

The EWL European Observatory on VAW has already highlighted the indispensable role of NGOs in delivering services but has also insisted on their role as a critical voice to government's official declarations and commitments. It already produced a set of indicators in different areas of policy and practice which can be used to measure the extent to which governments and service providers are meeting their commitments to addressing violence against women, what specific actions and policies are being put in place and how they are assessed to ensure that they meet the needs of women seeking protection, reparation and responses relating to all forms of male violence against them. This set of indicators has been published in 2002 in a report entitled "*Towards a Common framework to monitor progress on combating violence against women in the EU*". The Observatory is currently using the indicators proposed in this report and the experts are providing ongoing information on development within their respective countries. The indicators are also being used in Member States by EWL national observatories on VAW¹ as a basis to monitor policies, progress and gaps in their country.

These national observatories provide the "critical voice" that governments need to engage in a meaningful interaction between women's NGOs on the ground and the policy-makers at the top, i.e., true partnerships. It is the basis for implementing the main message of the Beijing PFA, which calls for co-operation between women's non-governmental organizations and governments.

The funding provided by the Sigrid Rausing Trust in 2005/6 has enabled the EWL to enlarge and strengthen its European Observatory on Violence Against Women, a network of independent experts in the field of violence against women from across Europe and to bring them together (on a voluntary basis) to share their knowledge, and to monitor emerging trends in legislation and policy. Currently, thirty countries are represented through experts with immense experience and different backgrounds in the field of violence against women in the EWL European Observatory: the 27 EU member states, plus Croatia, Serbia, Turkey, Ukraine.² This group of experts was involved in this mapping exercise, by participating in a working seminar, held in Budapest (May 2006) and by answering written questionnaires.

Monitoring at EU level. Despite the call from NGOs and the European Parliament, there is still no EU policy on Violence against women, which means that despite it being an identified common issue across all EU Member States, it is up to each individual Member States to put in place policies to combat violence against women. At EU level officially, there is no legal base, although more and more actors can argue that this is simply a matter of interpretation. Some political actors at EU level are more forthcoming in proclaiming the need for EU legislation. An example of this can be found in the recent statement of the President of the European Parliament, Josep Borrell, restated on 25

¹ See for instance "First Country Report on VAW from the Republic of Ireland" 2004, and the "Second Country Report on Pornography" 2006, the "Danish National Observatory on VAW – A Team Effort Working to Eliminate Men's VAW" and the "Greek National Observatory 2004 Report". All available at EWL Observatory on VAW website: www.womenlobby.org/site/module_cate.asp?DocID=197&v1ID=&RevID=&namePage=&pageParent=&DocID_sousmenu=)

² See list of Observatory experts in appendix 2

November 2006 that combating this type of gender-based violence “must be based on legislation at European level”.

The **Council of Europe** (CoE) (46 countries) has done better on this issue. It adopted an Action Plan in 1997, which was followed by the adoption of a *Recommendation Rec(2002)5 on the protection of women against violence*³ by the Committee of Ministers. This European legal instrument is an important initiative to combat violence against women as it proposes a global strategy to prevent violence and to protect the victims. It covers all forms of gender-based violence. The Recommendation also calls on governments to inform the Council of Europe on the follow-up undertaken at national level. To this end, a monitoring framework to evaluate progress in the implementation of the recommendation was drawn up and sent to member states for the first time in 2005. The replies were assessed in the recent publication *Combating Violence against women - Stocktaking study on the measures and actions taken in Council of Europe member states* (2006)⁴.

This EWL mapping report should be seen as a complimentary report, or a *shadow report*, to the 2006 Council of Europe stocktaking study on combating violence against women. The CoE stocktaking study draws on information provided by the governments of Member States, whereas in contrast, the EWL report draws on information provided by NGOs and national experts on violence against women and consists of data from 29 European countries⁵. Our analysis focuses on some issues reported by the CoE study (particularities of the National Action Plans, analysing the definitions and forms of violence targeted, the existence of specific budget or consultation mechanisms with NGOs), although undertake a more in-depth analysis in relation to these. Secondly, this EWL report focuses a great deal on the experts’ assessments of legislation and the implementation of legislation on different forms of gender violence, in particular: domestic violence, rape (including marital rape), harmful/cultural/traditional practices, trafficking and prostitution, pornography and sexual harassment.

Behind the discourse, the reality is sometimes different from the official declarations and reported progress. This report may be seen as a critical exercise and in so doing, we are fulfilling our role as watchdogs. It is, however, a shared work produced with a positive aim to improve measures and press governments to move forward in real policies to combat violence against women.

³ Council of Europe 2002 “The Protection of Women Against Violence. Recommendation Rec(2002)5 of the Committee of Ministers to Member States on the Protection of Women Against Violence”. Adopted on 30 April 2002.

⁴ *Combating violence against women. Stocktaking study on the measures and actions taken in Council of Europe member states*. Prepared by Prof. Dr. Carol Hagemann-White with the assistance of Judith Katzenbrink and Heike Rabe, University of Osnabrück, Germany. Council of Europe, 2006.

⁵ The EWL European Observatory on VAW consists of 30 national experts. The figures in this report therefore refer to 30 countries – though data from Hungary are missing.

Reality Check: when women NGOs map national policies

Part I. Holistic Approaches: National Action Plans and their Forms

The Beijing Platform for Action defines violence against women as any act of gender-based violence that results or might/is likely to result in physical, sexual or psychological harm or suffering to women, including threats. Violence against women is thereby defined in broad terms, when following the Beijing Platform, a National Action Plan on combating violence against women could not be regarded as sufficient if it does not include all forms of violence in its definition and policy area.

The existence of a national action plan constituting political commitment to combat violence against women is a necessary pre-requisite to combat men's violence. The action plan or policy document should include concrete goals as well as measures and actions on how to achieve the stated goals. The national action plan should name agencies responsible to achieve the goals, as well as the role of governmental and non-governmental organizations and the level of cooperation between them. Further, a sufficient action plan should also specify allocated budgets to combat violence against women and include a timetable/timeframe with benchmarks.

This was well defined in the CoE study ⁶. However, when comparing the responses from governments and experts, we can support the comment made in the study that “systematic information and closer study of the activities would be needed to assess how far the replies reflect implementation of the standards formulated in the explanatory notes”⁷. Moreover, the EWL Observatory also highlight the need for the NAPs to include a holistic approach of gender violence, a standard which can further explain the differences in the assessment of policies. The coming sections of this report look further into these categories, mapping out the existence of, and the conditions contained in, a “real and concrete” National Action Plan to combat all forms of violence against women

1.1 Where are the National Action Plans to combat Violence against Women?

Embarrassingly few countries have even taken measures to establish a national action plan to combat *all forms of violence against women* and few have national action plans to combat a specific form of violence against women, either domestic violence (sometimes expressed in terms of family violence) and/or trafficking. In particular, only five member states, Denmark, France, Germany, Spain and Sweden have a National Action Plan to combat all forms of violence against women (including domestic violence, rape, sexual assault, sexual abuse of girls, sexual harassment, pornography, trafficking and Female Genital Mutilation. Some countries (Sweden and France) also explicitly include prostitution in sections on VAW.

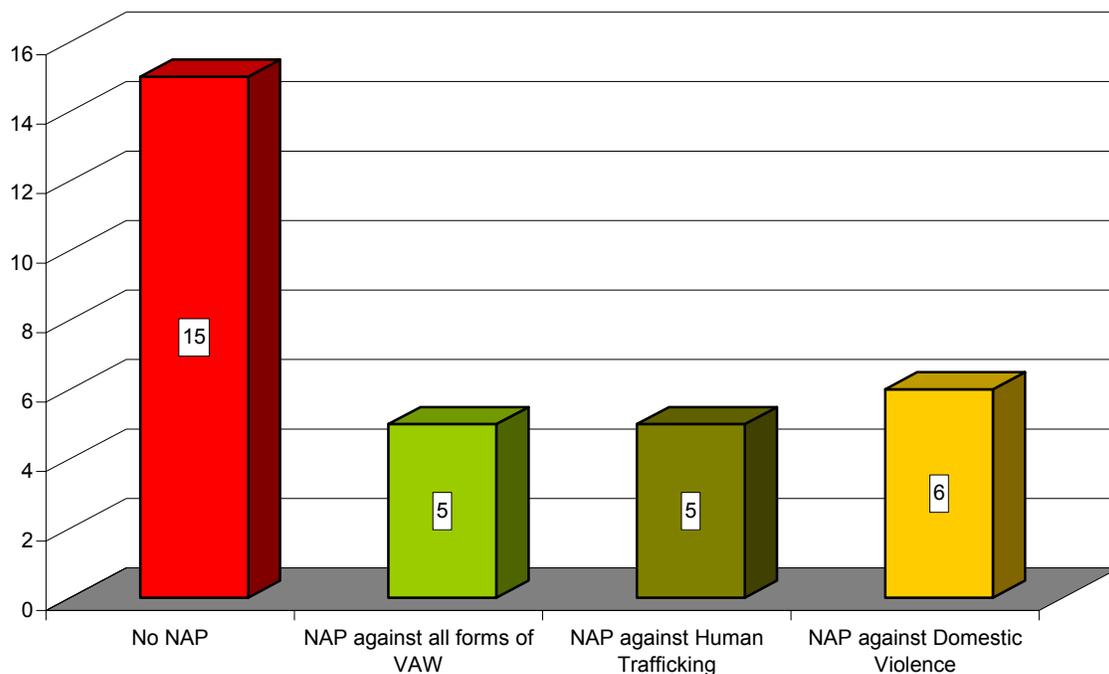
⁶ See Council of Europe/Hagemann, 2006, p. 28

⁷ Idem

In the Council of Europe Stocktaking study, 21 out of 31 European States state that they have a national action plan on violence, which is somewhat contradictory to the European Women's Lobby Observatory's mapping exercise. Differences in terminology or understanding might explain the fact that the national experts' answers to questions on the existence of NAPs contradict the official version given by national governments. In the CoE study, the national governments of Belgium, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Lithuania, the Netherlands, Portugal, and Slovakia responded that their country do have a NAP to combat violence against women, whereas the Observatory's experts bring severe corrections, by defining what is really tackled by the NAPs, what is included and what is organised to implement it.

It was considered important to map out the kinds of violence that are included, and to examine what is covered in terms of policies and measures that have effectively been taken and that encompass the different forms of violence against women⁸

National Action Plans against VAW



⁸ The total amount of units in the figure below is 31 because countries can belong in several categories.

1.2 Characteristics of the National Action Plans to Combat Violence Against Women

While the Council of Europe mentioned the characteristics of NAPs, we wondered how far governments know what is their national situation. As clearly stated in the report, a NAP should include 1) concrete goals, 2) measures and actions on how to achieve the stated goal, 3) agencies responsible to achieve the goals, 4) the role of governmental and non-governmental organisations and the cooperation between them, 5) specified allocated budgets to combat violence against women and 6) a timetable/timeframe with benchmarks (cf. CoE, 2006).

These characteristics are not explicitly present in most of the European countries and we can therefore present a more sensitive picture. When looking beyond the official discourse, the reality check proved to be quite critical. The previous section made clear that the mere existence of NAPs is scarce, in the following we will take a closer look on the forms/content of the action plans, even for the “partial” ones, i.e. those focusing only on one specific form of VAW.

Table 1: National Action Plans on VAW

Experts opinion on NAPs	Existence of NAP on VAW	Definition of VAW in NAP including all forms of VAW	Budget allocation for implementing NAP	NAP or Program include timeframe & benchmarks
AUSTRIA	NO	Not applicable (N/A)	N/A	N/A
BELGIUM	Partial	NO Only violence between partners	YES	YES but calendar too short (2006-07)
BULGARIA ⁹	Partial (but not implemented)	NO On trafficking (never implemented) and gender equality	NO	No
CROATIA	Partial	NO – domestic violence and trafficking	YES- segmented	YES
CYPRUS ¹⁰	NO	N/A	N/A	N/A
CZECH REPUBLIC ¹¹	NO	NO	NO	Programme: yes
DENMARK	YES	YES – except prostitution, pornography and sexual harassment	YES	YES (2005-2008)
ESTONIA	NO – partial	NO Gender Equality Strategy mentions VAW	NO Small budget for Trafficking plan	N/A

⁹ 19 October 2006, the government adopted a National Program for prevention and protection against domestic violence. It is according to the Law on Protection against DV but very delayed. It does not emphasize so much on women. Anyway, it is a step. After the program, an action plan on Domestic Violence will follow.

¹⁰ Cyprus: under preparation: Suppression of the trafficking in persons and the sexual exploitation of minors, Equal Rights and Opportunities, Prevention of violence in the family and the protection of victims

¹¹ Czech Republic: Governmental Priorities and Procedures for Promoting of Gender Equality (Resolution No.236/1998 of the Government of the Czech Republic) and a part 6 of it is Repression of Violence against Women

Experts opinion on NAPs	Existence of NAP on VAW	Definition of VAW in NAP including all forms of VAW	Budget allocation for implementing NAP	NAP or Program include timeframe & benchmarks
FINLAND ¹²	Partial	NAP on Trafficking in Human Beings + Government action plan for Gender Equality (2004-2007) includes a section on Reduction of Violence against Women and the Prevention of Prostitution and Trafficking in Women.	NO	NO
FRANCE	YES	YES	YES	YES
GERMANY	YES ¹³	YES	Funded locally/regionally	NO
GREECE	NO	NAPs on trafficking and gender equality in general	NO	NO
HUNGARY				
IRELAND	YES ¹⁴	N/A	N/A	N/A
ITALY	NO	N/A	N/A	N/A
LATVIA	Partial	NO – only family violence	YES	YES. Each year from 2004-13
LITHUANIA	Partial	NO: program on equal opportunities Strategy to combat VAW 2007-09	N/A. Budget not approved yet	YES
LUXEMBOURG	NO	NO	YES – for gender equality	YES – budget +independent org evaluates
MALTA	NO ¹⁵	N/A	NO	N/A
NETHERLANDS	Partial	NO- only for domestic violence	For some institutes such as TransAct	YES
POLAND	Partial	National program to combat domestic violence & trafficking	YES	YES
PORTUGAL	Partial	NO-domestic violence NAP 2003-06	NO	YES
SERBIA	NO	Draft NAP for gender equality with Beijing Platform for Action (BpfA) definition	N/A – but anticipated	YES
SLOVAKIA	Partial	YES - except trafficking & sex exploitation	NO – waiting for EU money	Timeframe (2005 –2008), no benchmarks
SLOVENIA	Partial	NO – but violence against women is included in the program for equal opportunities 2005-2013)	YES- but dispersed	YES
SPAIN	YES	YES	NO	YES
SWEDEN	YES ¹⁶	YES	YES	NO – waiting for investigation results

¹² Finland: New NAP on Trafficking since August 2006. Action Programme to prevent Intimate Partner and Domestic Violence 2004-2007 (Ministry of Social Affairs and Health). However, it succeeds in having this plan without any reference to women. The primary target is to reduce violence against children and adolescents.

¹³ Germany: NAP projected for 2007

¹⁴ Ireland: NAP projected for 2007

¹⁵ Malta: A NAP is one of the responsibilities given to the newly appointed Commission on Domestic Violence.

¹⁶ Sweden: NAP projected for 2007

TURKEY	NO	N/A	N/A	N/A
UK	NO	Wales and Scotland have domestic abuse strategies. Scotland moving towards VAW framework	England & Wales, Yes for domestic violence and small amounts for other forms, Scotland Yes for violence against women.	NO/ some
UKRAINE¹⁷	Partial	NO - NAP on trafficking 2006-10. State Program ¹⁸ for GE 2006-10	NO (in state budget – plans for financing by Ministry of Family)	YES

1.3 Few models

Not surprisingly, the NAPs, which are more elaborated and focus on all forms of Violence against women are also the ones that are closer to the characteristics and minimum standards defined by the CoE and by our experts as “models”. The experts from the 5 countries that have adopted a broad NAP highlight the positive dimension of the broad policy framework as an essential element to make the issue of VAW visible:

At least, we have an awareness, at Government level, of the importance of Violence against women, and the work in partnership with grassroots NGOs has been very fruitful, it allowed media campaigns and dissemination of material via TV Channels, DVD, brochures and leaflets to sensitise a large public (France)

They also recognise the importance of defining concrete goals, agencies responsible for the implementation of the plan, multi-agency cooperation, and partnership with NGOs cooperation, transversal actions. Existence of researches and surveys are in some countries (Denmark, France and Germany) mentioned as essential to support policies, to highlight current problems and to prioritise the prevention strategies.

That is based upon current problems and that it includes research projects to illuminate the amount and character of VAW in order to prioritise the prevention strategies and the support correctly (Denmark)

¹⁷ Ukraine: a NAP for the suppression of all forms of violence against women is announced to start in 2007. The “State Program on Ensuring Gender Equality in Ukrainian Society for a period until 2010” was adopted on 27 December 2006.

¹⁸ A State Program on Ensuring Gender Equality was adopted on 27 December 2006 and will run up until 2010. There is however no budget line for the Program in the state budget, but the Ministry on Family, Youth and Sport have indicated plans to finance it within the frame of the Ministry’s activities provided for by state budget. Violence against women is not mentioned, but family violence is.

New clear and broad legislative framework (Spain and Sweden) gives a strong base for actions in different areas.

However, even with these models, experts remain critical: the absence of well defined benchmarks and even sometimes timeframes, and above all the insufficient budgets or lack of secured budget are the main aspects diminishing the efficiency of NAPs.

Without a budget or a time frame, the effectiveness depends on the willingness of each current minister to define violence against women as a priority and to “pry out” funds from each annual budget for major activities. So far, this has been successful, but an overall government commitment would be a stronger basis. (Germany)

The German expert also underscores a significant concern in regards to NAPs and the actual policy processes and political decision making. National Action Plans need to be long term, or at least medium term political commitments, but parliaments decide annually on actual budgets. Therefore, it is difficult not to say impossible to budget for activities that are not legally binding commitments, but aimed at making long-term changes.

1.4 Some measures, but not National Action Plans on Violence Against Women

In some countries, experts acknowledge partial NAPs (only focusing on one or two forms of violence), or strategies included in a program on Gender Equality. In other countries, experts are even more critical as the plans are seen to exist only as a political declaration but never implemented.

According to the experts, seven countries (Belgium, Croatia, Estonia, Latvia, Netherlands, Poland, and Portugal) have indeed a partial or limited National Action Plans, i.e. to combat *one* form of violence against women – namely domestic violence (or “partner violence”) and five (Croatia, Estonia, Finland, Poland, and Ukraine) have a NAP on Trafficking in human beings (Bulgaria and Greece supposedly have one, but without a budget; in the case of Bulgaria never implemented and in the case of Greece with limited implementation); Finland has a Committee led by the Ministry of Labour). In the UK, no UK-wide plan for violence against women or even for specific forms of violence such as domestic violence exist; however, devolved administration have adopted some national plans (for example, Wales and Scotland both have domestic abuse strategies, and Scotland is developing a violence against women strategy that will include prostitution).

These NAPs on one or two specific forms of VAW are often considered as first positive steps, although incomplete and insufficient. Indeed, these Plans have contributed to a greater visibility of the issue of domestic violence and its gender dimension.

The common agreed definition of domestic violence would allow developing coherent actions (Belgium)

It recognizes that women are main victims of these forms of violence. A National Day against Violence against Women has been established both previous and current government expressed political will to tackle the issue of domestic violence (Croatia)

A toolkit as part of the campaign has been developed for local authorities/network municipalities (Netherlands)

From the expert point of view, a major positive aspect is considered to be the involvement of and necessary complementarities between several ministries/governmental bodies that happen in some countries, generally on domestic violence. On the opposite, our consultation reveals that in countries with no NAP on violence against women, there is no clear definition of responsibilities (Austria, Bulgaria, Cyprus, Estonia, Ireland, Italy, Lithuania, Serbia and Turkey).¹⁹

NAPs allowed improvement in legislation or planning to change/improve legislation (Croatia, Portugal) and implementation and most of the time include training process for professionals as police, justice and/or health sector (Belgium, Croatia, Latvia, Netherlands, Portugal).

Moreover, a few of the Observatory's experts reported of countries having NAPs on achieving gender equality, which include sections on combating violence against women (Czech Republic, Greece, Finland, Slovenia, Ukraine – in terms of “violence against women and men”). In Lithuania, there is no action plan on violence against women but there is a governmental program on equal opportunities, which include a 2007-2009 strategy to combat violence against women (definition still in development). The situation is more or less the same in Luxemburg, where the National Action Plan for Equality contains some actions on violence against women, without defining it but focusing mostly on domestic violence. In Croatia, the new National Policy for the Promotion of Gender Equality 2006-2010 (past in Croatian Parliament on 13 October 2006) includes a measure that announces again - as previous National Policies did - the creation of a National Action Plan for the suppression of all forms of violence against women. This should happen in 2007. A working group for the analysis and plan of action for the suppression of all forms of violence against women, including statistical data collection, will be established. It will involve the Governmental Office for Gender Equality, the relevant public administration bodies, county/local committees for gender equality and the Central Bureau of Statistics, in cooperation with NGOs. In Ukraine, there is a State Program on Ensuring Gender Equality in Ukrainian Society for a period till 2010”; there is however no budget line for implementing the program and in terms of violence against women, this is being framed as violence in the family.

Bulgaria has just recently adopted a National Programme for Prevention and Protection Against Domestic Violence (19 October 2006), and **Action Plan on Domestic Violence** is scheduled to follow. The programme, however, is estimated too “gender neutral”. In Estonia, the Ministry of Social Affairs has submitted a proposal to the Government to develop and adopt a **Development Strategy for Combating Domestic Violence** 2008-2011, aiming at raising awareness, developing practical services to victims of domestic violence, improving cooperation between institutional agencies and organisations, training service providers, data coordination etc, but there are no plans for a National Action Plan on all forms of violence against women.

¹⁹ Hungary is still missing in this mapping exercise. In the case of Greece, we do know that in this particular case, an action plan to combat violence against women was drafted and adopted in 1997. The NAP was never implemented though and there is no budget allocated to implement it.

The narrow definitions of violence against women considered in most NAP are thus limiting the possibilities to combat and prevent all forms violence against women. This scarcity of an all-encompassing definition of violence against women shows the lack of a feminist understanding and further makes invisible the connection and correlations between patriarchal social structures and the prevalence of violence against women.

1.5 Inter agency co-operation: Consultation with NGOs on VAW and NGO involvement

One of the most important/promising practices that emerged during the Observatory experts meeting is the existence of a consultation process, especially during the drafting process of either legislation or national action plans, between government and women's NGOs that work in the field, offer services to women victims of violence, and have the relevant experience and technical capacity.

According to our mapping exercise, only eight countries report that the consultation process is formal: Belgium, Croatia, Denmark, Estonia, France, Germany, Ireland and Lithuania.

From the very beginning of the drafting the National Strategy of Protection against Domestic Violence from 2005-2007 NGOs were consulted. Representatives of four NGOs were invited to be members of the Working Group organized by the Ministry for Family, Veterans' Affairs and Intergenerational Solidarity. Member of the Autonomous Women's House Zagreb influenced that the above-mentioned definitions from Beijing Platform, UN Declaration on the Elimination of Violence against Women and The Recommendation Rec(2002)5 of the European Council of Ministers, were included in this National Strategy. The level of NGO influence was limited: some of the NGO representatives were arguing for the creation of the National Strategy against Violence against Women, but it was not possible and would not be possible during current Government. In the process of drafting there were a lot of attempts to influence it in different ways and some of the NGO members were on the edge of leaving the Working Group because of the little possibility for their suggestions to be accepted. There was a discussion among Women's Network of Croatia whether would it be better that our representatives leave the Working Group and criticize the process from the outside. In my organization we consider that it was still more useful to participate. (Croatia)

The Danish National Observatory on VAW is actively engaged in hearing processes prior to any action plans. The Observatory's member representatives from all relevant NGOs who cover the problem were participating. The Observatory has in the report "Men's violence against women" of 2004 evaluated the action plan of 2002, including description of all the 7 EU Indicators and the status in Denmark.

A new report is underway and will be published in 2007. It includes data about the trends in VAW, the different campaigns, shelters, rape crisis centres, male perpetrator programs etc... (Denmark)

The federal ministry set up a working group with the national coordinators of the different NGO services, as well as providing funding to support such NGO coordination where this was not yet established. It also set up a working group between the federal government and the 16 Länder, since measures require cooperation of the two levels.

And yes, indeed, the formal body has considerable influence on writing the action plan, on implementation and on further policy. Although the first action plan has been completed, the coordinating body is well established, continues to meet and is consulted on current issues. This is very important for monitoring, since in Germany, both shelters/services and policing devolve on the Länder or even municipalities. (Germany)

But even in countries where the process is formal, it is not done in a systematic or very well organised way.

As described in the Irish Observatory report a National Steering Committee on Violence Against Women is in existence since 1999, comprised of 6 Government Departments, 6 National NGOs, and other relevant experts. However, this committee has consistently struggled to be effective, in the absence of a Strategic Plan, which is currently being developed. (Ireland)

In Cyprus, Spain, Sweden and UK, there is partial consultation process. In the Czech Republic there is either close co-operation or sporadic co-operation. For six countries experts reported that NGOs are invited to participate in consultative bodies regarding specific subjects, for example in relevant Committees of Ministries.

The Council for gender equality of the Ministry of Labour, Employment and Social Politics has initiated drafting of the NAP, and has included in these process NGO experts on violence against women, and delegated experts from the institutions also. This plan will cover 6 of 12 areas defined by the CEDAW (women in decision making, health, violence, education, economy, media). First draft which will be made by NGO experts, governmental expert and members of the Council, will be presented in public and opened for a debate, after that it will possibly be modified and then sent to the Government for adoption. This is scheduled for October 2006.

NGO experts were called to participate and all of the organizations that applied were included. But, because of that, the ministry planned to have each organization enrolled in just one work group, so that leads to the situation where valuable expertise is not used (if a organization has experts in two or more fields for instance) or to the situation where women were put in a work group that doesn't include their field of expertise (if there were already too many women in that other work group). (Serbia)

In other countries, the process is not always clear:

NGOs are involved in the process of drafting if a budget is allocated for its implementation. During Conception and Action plan some NGO's were involved but we don't know which ones and how they were involved. (Latvia)

The National Program was not consulted with women's NGOs but some NGOs were consulted in the process of developing local programs. This lack of consultation is in contradiction with the spirit and the letter of the law, where NGOs are perceived as partners. (Poland)

According to the new governmental rules of procedures (in force since April 9th, 2006) every document that government is discussing need to be previously discussed

with civil society organizations. It is impossible to say how this will function in everyday praxis and which Civil Society Organizations will be consulted. (Slovenia)

To be formally consulted is however not a guarantee that the NGO expertise is taken seriously. So far, the EWL mapping exercise shows that three of the countries with formal/institutional mechanisms for consultation do not take the NGOs seriously in that the suggestions of NGOs seldom are transposed into actual legislation. The majority of the experts report that there are usually one or two established NGOs whose opinions are taken into account and that these NGOs usually cooperate with the official bodies during a number of years.

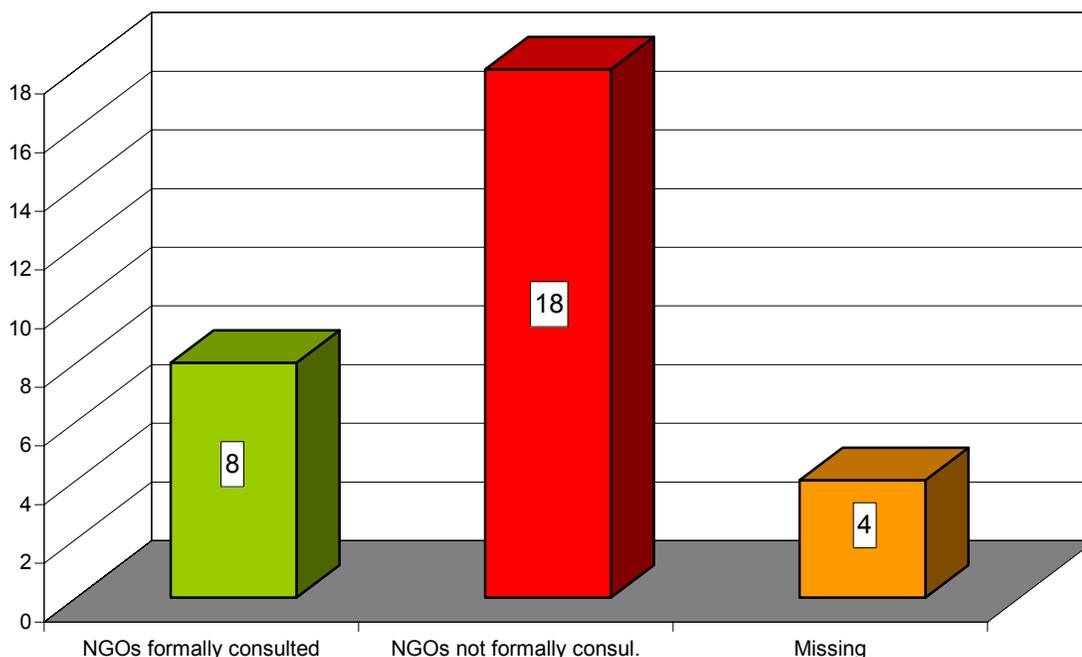
On the other hand, the majority of the countries lack formal consultation procedures of NGOs. This does not necessarily mean however, that NGOs are not being heard. In practice, NGOs put pressure on governments to change legislation even when there is no formal consultation process put in place. NGOs initiate changes in legislation, advocacy activities on changes in legislation or adoption of new legislation.

On VAW issues there is real influence because all the expertise is on the side of the NGOs. So, anyway, the state institutions cannot advance on VAW without NGOs. NGOs influenced the legislative process on Domestic Violence, on Trafficking in women, for example. Without women's NGOs, the legislation on protection against Domestic violence would not have been a fact. For example, during 2006 NGO activities (thanks also to the project with the EWL) dissuaded the MPs to take initiative for legalization of prostitution. So, in a way the institutions have to consult the NGOs – they have expertise and information about the latest trends. (Bulgaria)

There is no formal process of consultation at the moment; if women's NGOs are consulted depend very much on the persons involved, i.e. if a new law is drafted and the department in the ministry for justice is interested in including women's NGOs, they can do so (like it happened with the new Anti-Stalking Law that is in force since July 2006) but they are not obliged to (Austria)

There is no formal process of consultation between governmental bodies and women's NGOs concerning the drafting, implementation and evaluation of laws and policies. In practice NGOs initiate changes in legislation, advocacy activities on changes in legislation or adoption of new legislation. For example, changes in Criminal Code concerning human trafficking and adoption of the Law on domestic violence were initiated by women's NGO and adopted under the pressure of women's NGO. (Ukraine)

Consultation with NGOs on VAW



The fact that so few countries are organising a consultation with NGOs on VAW is worrying, especially when regarding the fact that most shelters for battered women, hotlines for abused women and awareness raising campaigns etc actually are managed by the NGOs. Not only is the lack of consultation a waste of resources and existing expertise, it is also an important political signal of non-recognition of the NGOs and their expertise and experience of the reality of violence against women. Furthermore, to achieve the goal of international agreements on ending violence against women, not consulting those working in the field may hinder effective combating of violence.

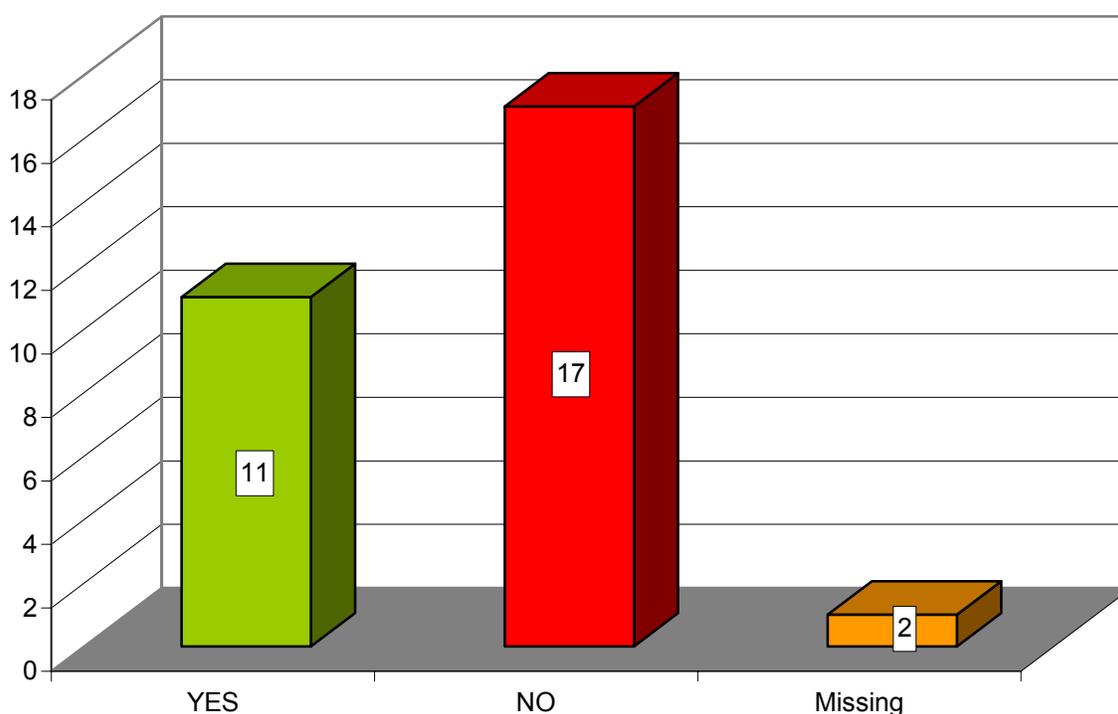
1.6 Specified allocated budgets

As seen previously, one of the conditions for a NAP to combat violence against women is the existence of budgets allocated specifically for this. A majority of the countries, 16 out of 29, lack this condition: Austria, Bulgaria, Cyprus, Czech Republic, Estonia, Greece, Finland, Ireland, Italy, Lithuania, Malta, Portugal, Serbia, Slovakia, Turkey, Ukraine and the UK. In the UK, devolved budgets include some substantial provision for violence against women (Wales and England for domestic violence and small amounts for other forms, Scotland for violence against women).

Eleven countries do have this type of budget for the implementation of NAPs or programs to combat some form of violence against women: Belgium, Croatia, Denmark, France, Germany (local and regional budgets), Latvia, Luxembourg (for gender equality), Netherlands (has a budget for professional institutes such as TransAct), Poland (for domestic violence), Slovenia (but dispersed), and Sweden. Out of the five countries with more general NAPs (Denmark, France, Germany, Spain

and Sweden) only Spain lack a specified budget allocated to combat all forms of violence against women, although many new measures have been established and financed in relation to the new legislation to prevent and combat violence against women.

Graph 2: Existence of specified budget allocation to implement NAP or Plan to combat VAW



As discussed and agreed by experts during the Observatory meeting, one of the most important minimum standards that a NAP must include is a relevant budget for its implementation. Lack of budgeting from the part of governments for implementing their action plans results in insecure funding for service provision to women victims of violence. Responding to questions regarding budget allocation for implementing national action plans, and budget allocation for service provision to women victims of violence, most experts expressed frustration with the budget allocation, as resources are often fragmented within various governmental agencies or levels of authority (local, regional, federal). In addition to expressing frustration however, the majority of experts expressed matching confidence in the unique competence and commitment of women’s NGOs in providing support services to women victims of violence.

Budgets and specific fund allocated to fight violence against women include funding of NGO activities, as well as state earmarked money to state institutions. A little more than one third (12) of the countries have budgets allocated for implementing some form of action plan against violence against women, whether the NAP is covering all forms of violence against women or one specific form of violence against women. The Council of Europe “Taking Stock” study reports that 27 out of 31 have funds allocated at national level, and several/many of these 27 countries have also funding allocated to

regional and local levels and that there is no funding to combat violence against women in two countries only (CoE, 2006, p.29)! This is certainly one of the major discrepancies between government and NGOs assessments of the NAPs. If there is indeed some funding from a public authority to carry out activities that in one way or the other address violence against women (most of the service provision activities are actually provided by NGOs with at a minimum of some financial support), this cannot be called a budget to implement a National action plan/strategy to combat violence against women.

Further, the 11 countries that have allocated budgets display segmented or disperse budgets, or a general budget for gender equality under which funding for violence against women is included. Scarce resources have also consequences resulting in NGOs competition and insecurity.

1.7 A need for minimum standards

Further to this first analysis, experts of the Observatory stated for the need to draft the key elements - or the core principles – which a National Action Plan should include and already highlighted 5 subject-categories:

- 1) Necessary preconditions for the development of a NAP,
- 2) Content of the NAP,
- 3) Implementation of the NAP,
- 4) Monitoring of the implementation,
- 5) Evaluation of the above.

The Observatory experts agreed that regarding necessary preconditions for developing a NAP, consultation with women's NGOs during the drafting process is absolutely necessary. Concerning the content of a NAP, a comprehensive definition of violence against women is the key element. In relation to NAP implementation, the key to successful implementation is providing a budget line for it but also for elements defined by the Council of Europe as previously mentioned (p.9). This exercise should help governments, which do not yet have any NAP but also the ones, which have incomplete or partial measures. It would also respond to the recommendations of the EU Commission in the Road Map for Equality²⁰ in relation to priority area n° 4 on Violence against Women.

²⁰ Commission of the European Communities, 01.3.2006 "Communication from the Commission to the Council, the European Parliament, the European Economic and Social committee and the Committee of the Regions - A Roadmap for equality between women and men 2006-2010" SEC(2006)275

PART II: Legal instruments to combat violence against women

The way in which violence against women is defined and discursively framed sets the limits as to what measures can be taken to combat violence against women. It is therefore necessary to not only make visible the commonality across all forms of VAW, i.e. sexual control and sexual exploitation of women and girls in both the public and private spheres where violence is both a cause and effect of gender inequalities, but also to ensure an all encompassing definition of VAW.

The preliminary results of our mapping exercise allow us to draw the following initial conclusions/ observations: more than 10 years after the UN 4th World conference on women in Beijing (1995), where all governments committed to implement the Platform for Action that includes the recognition of VAW as a major obstacle to equality of women and men, very few concrete steps have been taken.

As we already questioned a few years ago, *“While many improvements have been made over the last decade in terms of legislation which now offer many different protective remedies to women, victims or survivors of male violence, we still need to ask: Why are men allowed to get away with this form of torture and abuse? And what role does the state play in colluding with perpetrators?”*²¹

Legislation is one of the necessary instruments of policies. It is the social and symbolic recognition of what a given society allows, tolerates or not and what it decides to be an unacceptable behaviour or act. For centuries, gender violence was regarded as normal and the private control of men over women, in public and (more so) in private. The Beijing Platform for Action, namely defining gender-based violence as the manifestation of the historically unequal positioning of women and men in society and as the expression of persisting patriarchal structures in society, was a milestone as governments agreed with this definition and committed to act. In the Beijing Platform for Action, the term “violence against women” includes any act of gender-based violence that results or might/is likely to result in “physical, sexual or psychological harm or suffering to women, including threats”.

Only four European countries (France, Germany, Spain and Sweden) have adopted in their legislation the international definition of violence against women as framed in the Beijing Platform for Action. It is interesting to note that our mapping exercise reveals that these 4 countries have also adopted a NAP to combat all forms of violence against women. Others have included this definition in their legislation in one form of gender violence (often domestic violence), as we shall see below.

²¹ EWL’s publication “Unveiling the Hidden data on domestic violence in the EU”, 1999. Available at www.womenlobby.org/site/1abstract.asp?DocID=384&v1ID=&RevID=&namePage=&pageParent=&DocID_sousmenu=

2. 1. Domestic Violence

Failure to define violence against women as such results in failure to recognise that multiple forms of violence against women exist in society. As a consequence, most European countries adopt legislation penalising only one form of violence against women, which is domestic violence/ intimate partner violence (21 countries). Estonia, Latvia, Lithuania, Slovenia and Turkey further lack specific legislation on domestic violence. In theory, so does the Czech Republic but in practice there a paragraph on abuse of person living in the same residence. In the case of the Czech Republic, there is however, a new law effective as from 1 January 2007 establishing some changes in the protection against domestic violence. For instance, the police will have the right to expel a perpetrator of domestic violence from the house for a period of 10 days if there is a risk of dangerous attacks against life, health, freedom or peril of very severe humiliation. The decision to expel the perpetrator will be based on evidence of violence, with stress on previous attacks. Expulsion can also include the surroundings of the house. The period of 10 days cannot be reduced, even if the victim would agree to this.²²

One could be surprised by this result, as domestic violence is now one of the most recognised forms of gender violence and has been tackled by Europeans and international campaigns. The most recent examples are those launched by the Council of Europe and Amnesty International.

Nonetheless, EWL experts are critical on legislation as the sole means of addressing the issue and the results of our mapping exercise concerning domestic violence legislation are worrisome. Of the 22 countries that have legislation against domestic violence, only six were assessed as having **adequate** legislation (Austria, Cyprus, Finland, Portugal, Spain and Sweden) and the majority consider it as insufficient or weak.

Interestingly enough, most of legislations on domestic violence are expressed in terms of gender neutrality and are mostly defined as “violence between partners” or violence in the family. But it is also interesting to know that for some experts, who have been deeply involved in the preparation, drafting and adoption of legislation, this is a consequence of a strategy:

Since May 1997 Austria has a Domestic Violence Bill including the power of the police to expel a violent person immediately from the home of the victim if there is any immediate danger to life, health or freedom of the victim. The law is protecting any person, the terms “violence against women” or “gender-related/based violence” does not appear. It was also not the goal of the women’s NGOs who participated in the drafting process to focus on VAW only. It was clear that women and children would profit most from such a law – the strategy was therefore to go for Domestic Violence in order to get a stronger law and broad support. (Austria)

²² Furthermore, the Law on Social Provisions makes the local government responsible for establishing Intervention Centers, which will be the main responsible units for multi-agency cooperation and providing help to victims (see law 135/2006)

However, all relevant laws and regulations have been (with full intent) drafted in gender-neutral terms. It is generally thought (among women's NGO's as well) that it is both more just and politically wiser to guarantee measures of protection and human rights for men, when they are victims, just as much as for women. (...) The choice of gender-neutral legal frameworks is possibly a lesson learned from the very bitter debates in the 1980's, when feminists argued that sexual abuse of children was abuse of girls and an extension of men's abuse of women. Feminist NGOs found themselves in the regrettable position of seeming to trivialize or deny the sexual abuse of boys, and it took them some years to find a tenable position. When proactive measures for better protection of women against domestic violence were developed, the beginnings of a backlash were effectively stopped by the strategy of ensuring that battered men, however few they may be, have the same right to intervention and protection. (Germany)

The Ukrainian legislation uses the expression family violence instead of violence against women. Furthermore legislation concerning family violence contains provisions about "provocative behaviour of victim". According to article 11 in "Prevention Violence in Family":

In the case of systematic (three and more cases) of provocative behaviour of family member, which create a situation that can result in accomplishing violence in family, district police inspectors or criminal police on juvenile can issue to this person official warning about impermissibility of provocative behaviour in relation to violence in family, about what this person is notified under a receipt²³.

In cases where the victim/woman has been issued an official warning on provocative behaviour, a protection order that prohibit the perpetrator to conduct violent acts against the victim will not be issued²⁴.

Such provisions clearly violate human rights of victim, and under conditions when according to the NGO estimations in prevalent number of cases of domestic violence victims are women and children, are discriminative against women (Ukraine).

Implementation of legislation on Domestic Violence

In the countries where there is legislation on domestic violence, very few experts assess the implementation as positive. Only two (Cyprus and Bulgaria) were assessed as having positive implementation of the law. In Austria, implementation is generally good, but the expert highlights that the implementation of the legislation still is not adequate for women when deconstructing the category of women and evaluating the category of migrant women:

In principle immigrant women are guaranteed the same protection by the law, but due to language problems they have difficulties in accessing the justice system; moreover they are often dependant on the violent husband regarding the residence permit and therefore cannot separate or get a divorce (Austria)

²³ Article 11, Law of Ukraine "About Prevention Violence In Family", non-official translation.

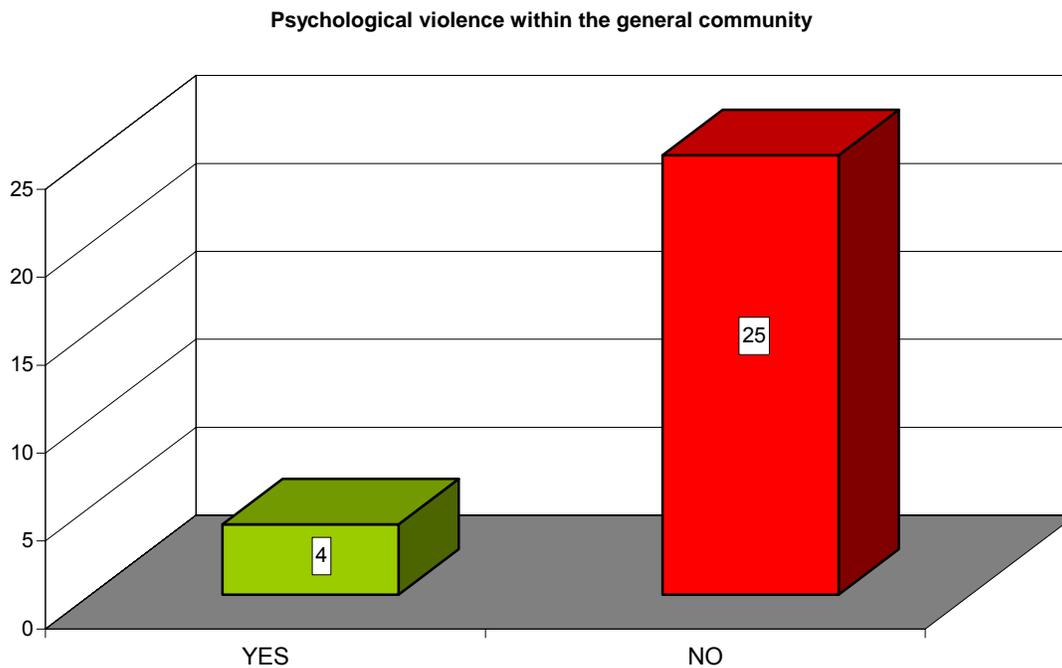
²⁴ Paragraph 39 of Instruction

What is highlighted here, and shared by all experts, is thus the need for legislators to understand and recognize the diversity and additional discriminations (disability, age, migrant status, etc) of women; i.e. the need to recognize in legislation as well as in implementation that women are not an homogeneous group and the different impact, consequences and resources for minority groups of women.

Half of national experts (15) assess the implementation of the legislation on domestic violence as directly negative or raising serious concerns. Examples include that officials (police, judges etc) are not aware of gender power structures, badly trained and simply lack knowledge on domestic violence. Further problems include a number of factors that impede effective implementation of the law. These include the fact that the perpetrators cannot be removed from his home, but the victim can. The lack of support structures and systems for the victims of domestic violence; lack of public general awareness of domestic violence; the judiciary that do not enforce the law in the first place; and the fact that victims are reluctant to report domestic violence. There are also examples of adverse effects of situations where the victim of domestic violence find herself being prosecuted for disturbing the general order, with offence against public peace and order or even with domestic violence offence when defending herself and hitting back (for instance Croatia).

2.2. Psychological violence against women in the law

Referring to the Beijing Platform for Action, which includes psychological violence, we wanted to know how this form of violence is considered and included in legislations in Europe. Psychological violence often lacks a clear legal definition. An understanding of what constitutes psychological violence is needed, as this form of violence against women is almost always present in all forms of physical abuse.



Only France, Spain, Slovenia and Sweden report that psychological violence against women is defined legally and recognizes legal repercussions for psychological violence against women within the general community.

Psychological violence in the family /intimate relationship is more commonly referred to though. In Austria the domestic violence bill includes a civil law protection order (in form of a temporary injunction) where victims/survivors can apply for a protection orders in cases of physical assault, threats or because of behaviour of the perpetrators that considerably infringes mental health. In such cases, psychological violence and verbal abuse – if it affects the health – is covered but not explicitly stated.

In the Czech Republic there is, since 2004, a paragraph in the criminal code regarding abuse of persons living in the same residence. This paragraph covers psychological violence, but there is no definition of it. In addition to the criminal code there are paragraphs of the penal code, which could be used in cases of psychological violence (“restraining of personal freedom or endangering moral upbringing of youth”). In Germany, there are various older legal categories such as “insult” or “coercion” that in practice may apply to psychological violence, but there are no specific legal categories developed for abuse in intimate relationships. Nor is psychological violence explicitly defined as a form of violence against women. In Poland, the law on domestic violence theoretically covers psychological violence, but there is no separate provision or any definition of what exactly is meant by psychological violence. In Ukraine, psychological violence is defined in the Law About Prevention Violence in Family as a form of domestic violence – not as violence against women:

Psychological violence is any verbal abuse or threat made by an individual against a family member to create in her/him a sense of fear, lack of emotional confidence, an inability to protect herself/himself, or cause her/him any other mental suffering
(Ukrainian Law About Prevention Violence in Family)

2. 3 Rape

All countries have legislation against rape, and for most countries (2/3), it has been revised in the last five year period, with the exceptions of Belgium (1999), Cyprus (1972), Denmark (1983), Germany (1997), Finland (1999), Italy (1996), Malta (1981), Portugal (1998), Slovenia (1995), and Spain (1995). Some experts find legislation needs to be improved as for instance they estimate the penalties too low (Bulgaria, Croatia, Slovakia) In Portugal, the system of proof makes it very difficult to prove rape because it is against the law to obtain genetic material from the alleged rapist against his will.

Marital rape

In most of the countries the definition of rape includes marital rape and marital rape/rape have the same prosecution procedures and the same sanctions. France and Malta have aggravated sanctions. There are still countries where **marital rape is not explicitly defined**. By this is meant that in

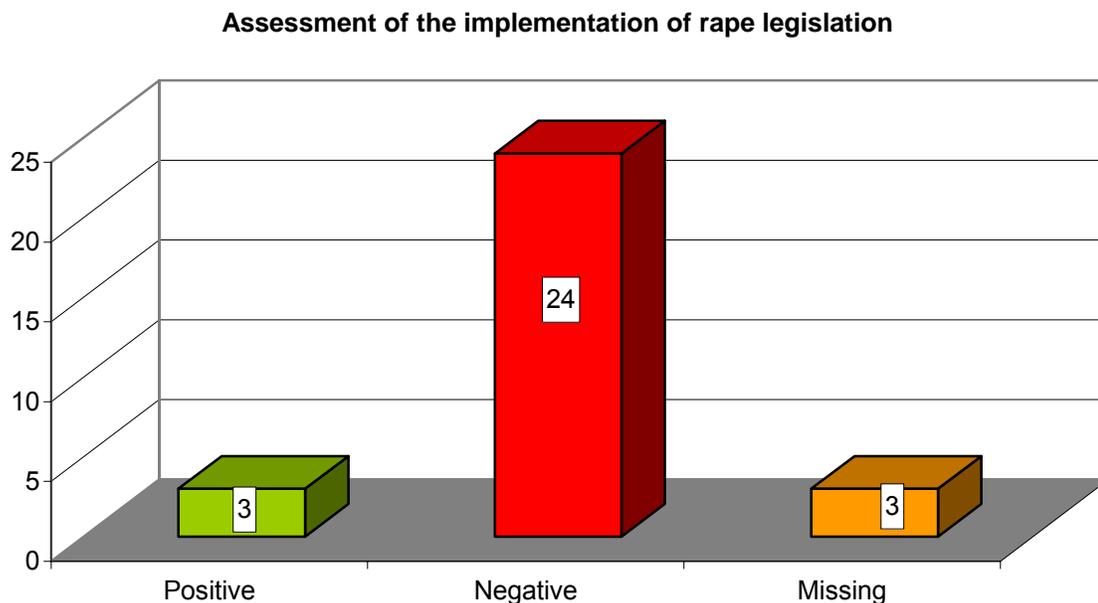
legislation, marital rape is not specifically mentioned even though the general legislation on rape implicitly covers marital rape (see for instance Bulgaria and Estonia). In Croatia, where marital rape was included in the penal code of 1998, the procedures dealing with rape and marital rape differ, but the sanctions are the same:

Whosoever coerces another by force or by threat of immediate attack upon life or limb, or the life or limb of a close person, to sexual intercourse or an equivalent sexual act shall be punished by imprisonment for one to ten years. If the perpetrator is married to the person against whom the criminal offence referred to in paragraph 1 of this Article is committed, criminal proceedings shall be instituted following a complaint (Article 188 of the Croatian Penal Code)

In Serbia, the Criminal Code, which was revised in 2005, penalizes rape whereas the Family Law covers marital rape; the Criminal Code does not contain marital rape as special case. And according to the Bulgarian expert:

... there is not such a term [marital rape] used in the Penal code. Marital rape, though not specifically addressed in the law, can be prosecuted under the general rape statute; however, it was rarely prosecuted in practice (Bulgaria).

Implementation of legislation on Rape



From this chart, it is clear that implementation of the legislation of rape is a problem as the majority of experts expressed a negative assessment of the implementation. The reasons cited are often very similar in most of the countries. The rights of the victims in the investigation phase /and also in the

court phase/ are often infringed. Due to all the shortcomings and to the lack of specialized services for rape victims, a large portion of rape cases are underreported- according to estimates of NGOs- a very low percentage is reported. . Experts report how it is still difficult for women to report rape because of various prejudices and inadequate, hostile or even sexist reaction of the criminal justice system - this has been highlight by experts from all countries. The secondary victimisation, i.e. that women victims are often treated as if they were the accused (Poland, Slovakia), irrelevant and prejudicial evidence continues to be introduced in rape trials (Poland, UK, Ukraine) and difficulties to get evidence or proof for the crime (Denmark, Germany, Ukraine, Portugal). The fear experienced by victims and lack of confidence in the justice system has also been pinpointed (Czech Republic, Ireland, Latvia, Lithuania, Sweden) and the fact that cases are dropped by prosecutors (Finland). The lack of protection, the lack of knowledge about victims rights and the procedures (Turkey, Ukraine) or the general culture in society (Italy, Malta, Poland) are all elements contributing to the low reporting rate.

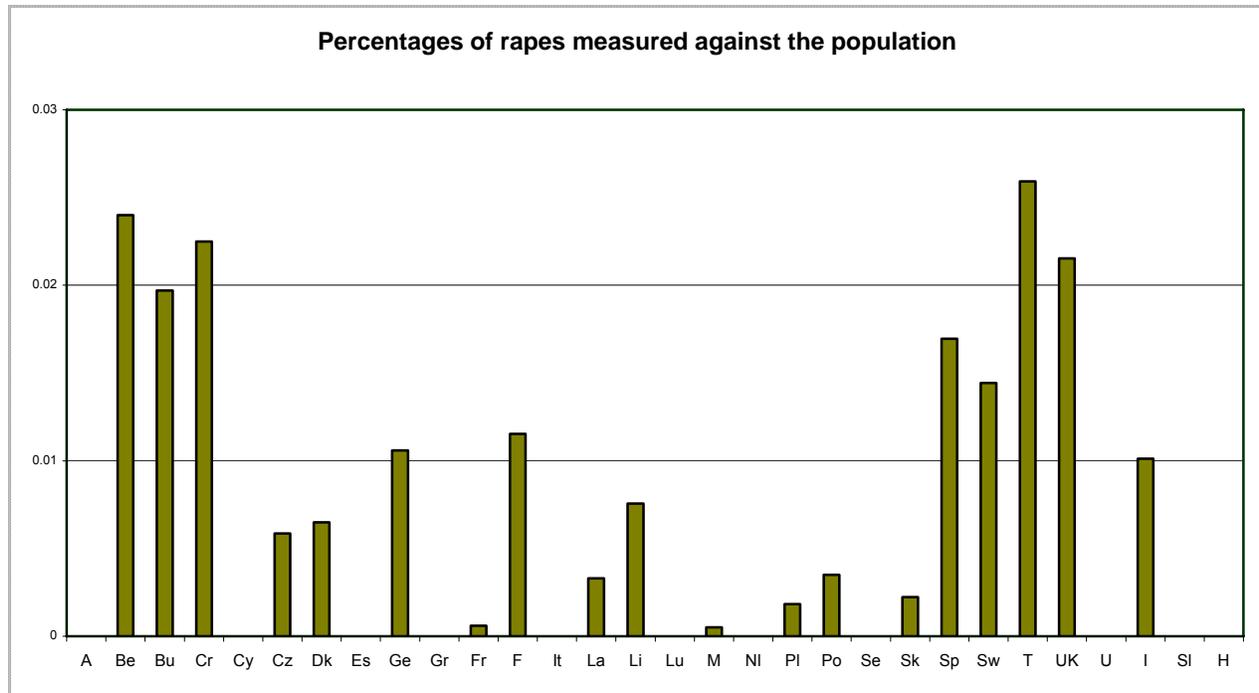
Everywhere, there is a need of psychosocial and legal support in criminal proceedings and it is interesting to note some countries have progressed on this issue (Austria, France, Germany) or are in the process of improvement (Belgium). Also highly important is to educate legal practitioners, public prosecutors, police officers and judges in this area, and to sensitise the public.

When trying to get data on rape, this turned out to be quite difficult. In none of the countries taking part in this study was there a belief that the official data on rape actually corresponded to the real numbers of rape. In for instance Poland, just to mention an example, the only data available is that on the number of filed charges, which is separate from the number of reported rapes (not to mention the number of actual rapes.) The number of reported rapes is not available in official statistics.²⁵

The available data on the number of rape in the EU is surprisingly varied, so varied indeed that one might assume that the correct data is actually not there. Even when measured against the number of population in each country, the spread, or variation, the number of reported rapes couldn't be explained. In Turkey there were no less than 18 478 reported rape in 2005, whereas in Denmark for the same period, the figure was 350. In France, official figures for 2005 indicate 4412 rape cases against adults while women associations estimate the number to be more than 25 000. In Germany, with a total population of approximately 82.5 million 8766 reports of rape were received by the police, whereas in Spain, with half the population of Germany, almost the same number of rapes, 7207, were reported to the judicial authorities/the police. This leaves us with unsatisfying speculation and ad hoc hypothesis. And, as one expert report:

I don't like giving figures, which are always questionable. Discussion then focuses around statistical debate and forgets the core problem, i.e. one rape is always one too much! (France)

²⁵ In addition to the data reporting issue, the Polish experts also underlines the problem that rape is not publicly prosecuted in Poland.



A hypothesis to the remarkable spread in statistics on rape is to start asking questions about the **reporting mechanisms** of each country. All Observatory experts question the number of reported rapes and state that the real number of rapes is far higher than the reported number. This is not a controversial conclusion as for years women's NGOs have highlighted this fact. In Germany for instance, in the 2004 national prevalence study, 13% of all women have experienced a rape or attempted rape or serious sexual assault at least once since the age of 16. Extrapolated to the adult female population aged 18-74, this would mean at least 270 000 rapes (including attempted rape) take place each year. At the same time, the official German data on rape states that 1% of the population have been a victim of rape.

Clearly, women do not report rape (according to a German victimization survey, only 8% of the women turned to the police). One of the major obstacles to turning to the police is the lack of specialized and trained personnel within the authorities/the police and the lack of awareness of the fact that the woman victim *is a victim* of violence. How then, can we shape support structures that will enable women to report rape, in the same way as reporting on other forms of violence? According to the national experts, in order to enable women to report on VAW, the woman victim of rape or other form of violence needs services of support including the actual accompanying of the victim to the police station, a change in attitudes of the victims themselves – an objective where the media can be and has been an ally. Other measures include awareness-raising and training of professionals in all relevant fields – including police, health care services and especially medical professionals, and also the development of specialized services- more specific for sexual violence, special advice and legal and social services, and specialized crisis centres and shelters.²⁶

²⁶ Cf. Kelly, L. And Regan, L. (2001) *Rape: The Forgotten Issue? A European Research And Networking Project*. London: Child and Woman Abuse Studies Unit, University of North London.

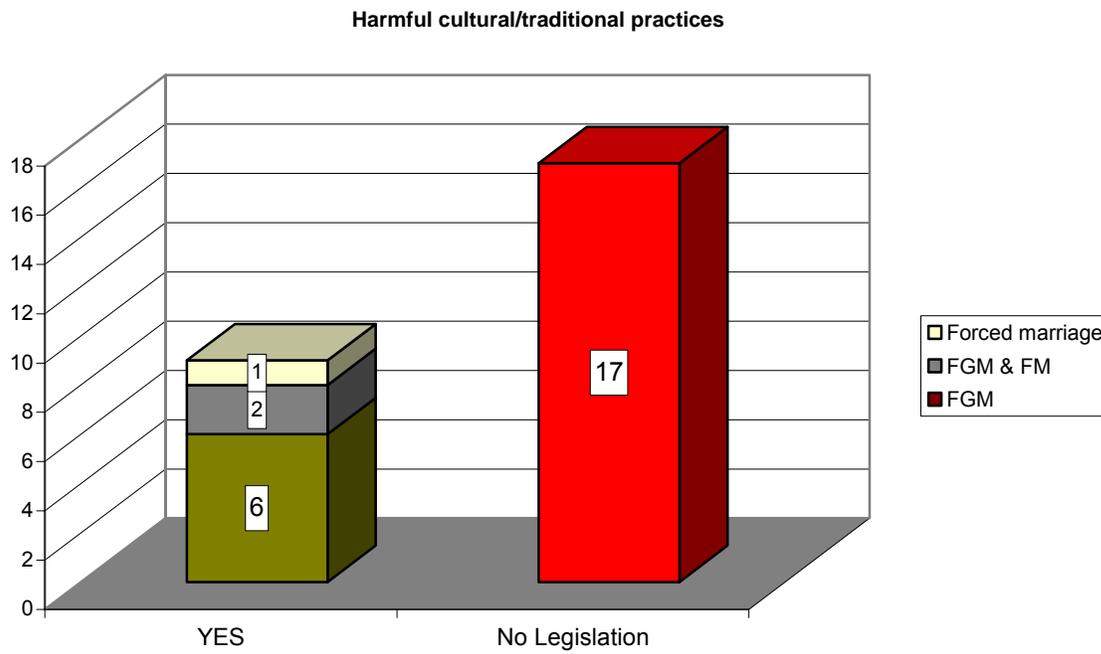
2. 4 Harmful cultural/ religious practices²⁷

When it comes to harmful practices carried out in the name of religion, culture and/or traditions, all experts felt there is not enough research/ information on the subject, and only nine countries have legislation against one or more specific form of cultural/ religious practice (Austria, Belgium, France, Italy, Netherlands, Portugal, Sweden, Turkey and the UK). The most common legislation is that against protection and prosecution of female genital mutilation (FGM) (all of them except Turkey). Three countries report that they have legislation against forced/early marriages (Belgium, France and Turkey) and only Turkey has specific legislation against honour killings (Turkey).

Still the experts do report on prevailing harmful cultural/religious practices in their countries, such as honour related violence (Bulgaria) and early marriages of Roma girls (as young as 12 years in Poland). In Roma and Albanian (from Kosovo) communities there are different forms of practice of forced marriages/child arranged marriages, “selling the bride”, dowry related violence. A woman who refuses to marry a man arranged by her family is being persecuted by her family members, under threats of some forms of bloody revenge (Croatia). Forced marriages are common; six countries explicitly report on prevailing practices of forced/ early marriage of Roma girls, honour killings or FGM (Croatia, Finland, Poland, Slovenia, Sweden, and Turkey) and threats of honour killings (Finland).

²⁷ The single question in this entire survey that received least answers was the question asking the experts to assess the adequacy and implementation of legislation against harmful cultural/ religious practices. The most common answer however, is either that there are no special provision or legislation on harmful cultural practices since the general penal law applies without specific provisions or that there simply is little/no experience with implementation, no research etc. The only expert who explicitly expresses concerns is the Turkish expert stating that the laws are adequate – but that the practices will persist unless feudal relations are broken

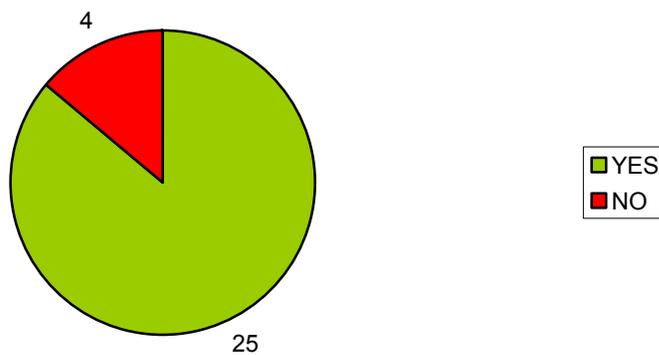
Existence of legislation against harmful cultural/ religious practices



2.5 Trafficking in women

Existence of legislation against trafficking in women

Legislation against trafficking exists



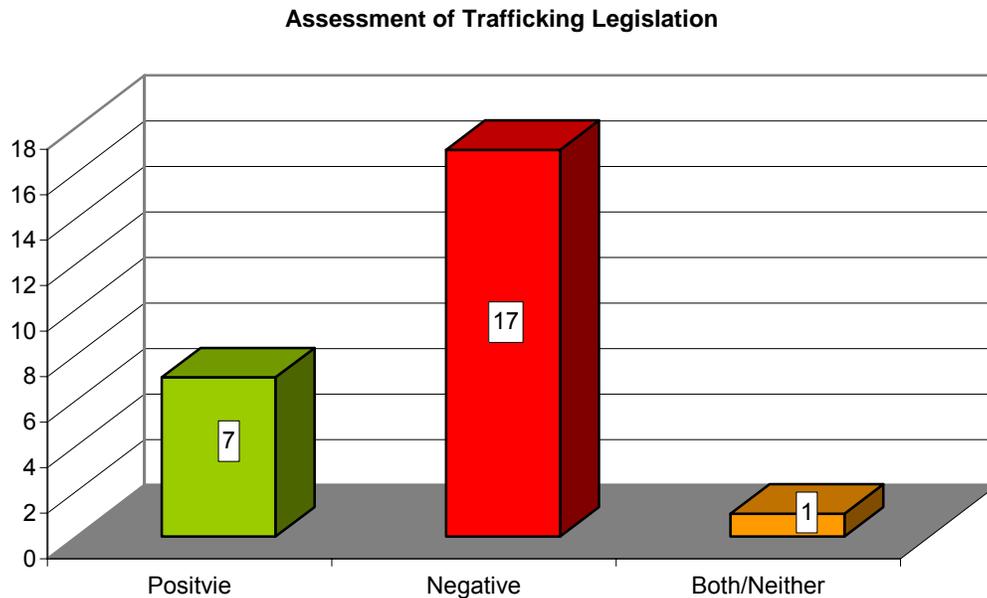
The existence of legislation against trafficking in human beings is widespread in Europe. This is certainly the consequence of EU legally binding instruments (Framework Decision of 19/7/2002 on combating trafficking in human beings and Directive 2004/81/EC). Only Slovenia, Portugal and Estonia lack specific legislation this issue. In Portugal however, the Penal Code contains provisions that may serve as a legal ground to prosecute traffickers.²⁸ In Turkey, trafficking is covered by the 2002 Turkish Penal Code, article 79 and 80 entitled “Smuggling of immigrant and trading in human being”. Trafficking is also legislated under the provision/title of ‘Prostitution’.

However, these legal provisions often lack a gender dimension and therefore the impact on using them as an instrument to combat violence against women is doubtful.

There is although changes occurring in some countries, notably penalising the “use of victim of trafficking”. In Croatia, the amendments of Penal Code past in Croatian Parliament on 9 June 2006, came into force October, 1st 2006 included in Article 175 “Trafficking in Person and Slavery” a new § (4) : “Whosoever knowingly that a person is a victim of human trafficking uses that person's position or enables that person's usage for forced labour or services, sexual exploitation, slavery or practices similar to slavery, prostitution or prohibited transplantation of parts of human body, shall be sentenced to prison from three months to three years”. In Finland, under the new law, which came into force on October 1st 2006, it is illegal to buy sex from victims of trafficking (or procured) women. A similar legislation is in preparation in Estonia. And in Portugal in July 2006 the Unit created by the Portuguese Government for the Reform of the Penal Code, delivered to the Government a pre-proposal which has to be appreciated firstly by the Government and secondly approved or not approved by the Portuguese Republic Assembly. In some information that came to the public opinion we know that in this Unit it was discussed some changes in the legislation about prostitution specially regarding minors prostitution and the demand, trafficking of women for sexual exploitation and FGM.

²⁸ According to the Portuguese expert, the loopholes and shortcomings in the legal framework are being addressed and new legislation is under discussion.

Assessment of adequacy & implementation of trafficking in women legislation



Most experts (17) consider legislation on trafficking in human beings and its implementation as inadequate in regards to the situation of women victims of trafficking for sexual exploitation. The major problems of the inadequacy of legislation include the lack of concrete provisions on trafficking in the legislation, the lack of witness protection, which means that women do not dare to report or to stand as a witness. The legislation is too vague and it is not possible to prove cases of trafficking or the legislation simply does not meet European recommended best practice - notably stated in the EU Plan on best practices, standards and procedures for combating and preventing trafficking in human beings²⁹ and the Council of Europe Convention on trafficking - in that it treats the trafficked woman as an illegal immigrant and aims to remove her from the country as soon as possible (UK, Denmark).

Only in Austria, Cyprus, Czech Republic, Lithuania, Latvia and Turkey is the assessment of implementation of legislation in trafficking in women considered to be positive or fairly good. From Ukraine as well as from Latvia, both report an improvement in the implementation of legislation.

In the majority of other countries, experts deplore the lack of support to victims in general and of witness protection in particular, the lack of concrete provisions and a general gender insensitive interpretation of existing laws, which is related to the lack of training of police and judges. They state that the victims are considered to be illegal immigrants and thereby are treated as criminals rather than victims. Corruption among law enforcement agents and court system are also denounced (Croatia

²⁹ 2005/C 311/01 – see OJ 9.12.05

Ukraine). The Criminal procedure, law enforcement and the courts focus on the punishment of traffickers and not on protecting the rights and interests of victims.

Experts expressed concerns on issues related to women victims of trafficking for sexual exploitation. As we will see in the next section on prostitution, the policies regarding all sectors of the sex industry are strongly related to the protection of victims. As stated by the expert of Finland,

The focus is still much on the women who sell sex, rather than on those who organise the sex trade and buy sex; for the latter, there is a need for law amendment in order to change attitudes of general public but also of authorities; the interpretation is much more based on the idea of 'voluntary and consenting adults. With the new legislation (entered into force 1/10/06), making illegal to buy sex from victims of trafficking, it is hoped it could change (Finland).

The (male) gendered culture in many authorities impact on the intensity of investigations of prostitution-related crimes, often interpreted as not 'real crime'. The Observatory experts also highlight the fact that there are few or no possibilities for women victims and survivors of trafficking to reintegrate in the community. Once again, the lack of funding of voluntary managed shelters or temporary homes, victims support etc keep women survivors of trafficking from accessing social necessities and goods.

Statistical data are generally missing, even more than for other forms of violence against women. For example, according to Croatian official statistics, there have only been six identified victims of trafficking in 2006. A number that is highly contested by the Croatian NGOs and one which does not reflect the reality of trafficking in Croatia. The Observatory expert highlights the geographical position of Croatia and the NGO estimation of victims of trafficking to underline the serious lack of training and identifying measures. Existing educational programs for the police, prosecutors and judges are simply not enough. An opposite example can be found in Ukraine, where the 1998 law introduced responsibility for human trafficking. The tendency is that an increasing number of victims of trafficking are being identified. From 2 cases in 1998, 11 in 1999, 42 in 2000, 90 in 2001, 169 in 2002, 289 in 2003, 269 in 2004 and 415 in 2005. Also the number of referrals of victims of trafficking is increasing in Ukraine, in 2005 there were 446 referrals, which is an increase by 75% compared to the previous year. Also since the introduction of Article 149 in the Ukrainian criminal code, more than 3200 cases of transportation of a minor by a stranger without the permission of the parents have been revealed.

There is no lack of recommendations, those from the Observatory experts; official recommendations from the international, EU and Council of Europe are abundant. To improve the prevention and protection of women victims of trafficking, cooperation between authorities and civil society, especially women NGOs working at grassroots level with victims of sexual exploitation, is vital, as well as developing service provision for the protection of victims. As stated in the EU Plan of action on trafficking (see note 13):

EU institutions and Member States should promote gender specific prevention strategies as a key element to combat trafficking for women and girls. This includes implementing gender equality principles and eliminating the demand for all forms of exploitation, including sexual exploitation and domestic labour exploitation." (§ VI)

Box 1: Good practice - the Italian model

To contribute to the realization of the recommendations of the EU and of NGO's operating in this field, the Italian Government has introduced art.18 and its policing (D.P.R. 31.8.99 N. 395) that is intended as an efficient measure to the alarming increase in the trafficking of people. Art. 18 and the disposition concerning the discipline of immigration and norms on foreigners provides the possibility of legal permit for living in the country (permesso di soggiorno) for reasons of social protection; to consent that the foreigner may escape violence and conditioning of the criminal organizations and at the same time may participate in a program of assistance and social integration.

The most relevant characteristic of this kind of permit is the precise intention of the legislator to help the victim of trafficking. In this prospective it gives the victim the possibility to escape the boundaries of her condition and allows the possibility to start a new social integration project. Article 18 has been recognized nationally and internationally as an effective measure to contrast trafficking. More in detail this measure introduces a very new element activating two different routes: the juridical and the social system without interference of one on the other. In fact, the release of the legal permit for living in the country is NOT linked to pressing legal charges against the exploiters, consenting the possibility of a social and psychological recovery that may eventually lead to a trusting position in which collaboration with police forces may be possible.

The proposal of legal permit for living in the country may be asked not only by standard normal procedure, but also by social services or by credited associations working with trafficked people.

The length of the permit is of six months and can be renewed up to a year.

Some figures:

448 projects were provided with governmental funding in 2000-2006.

In 2000-2004:

29.097 women accessed social, health care, psychological and legal services

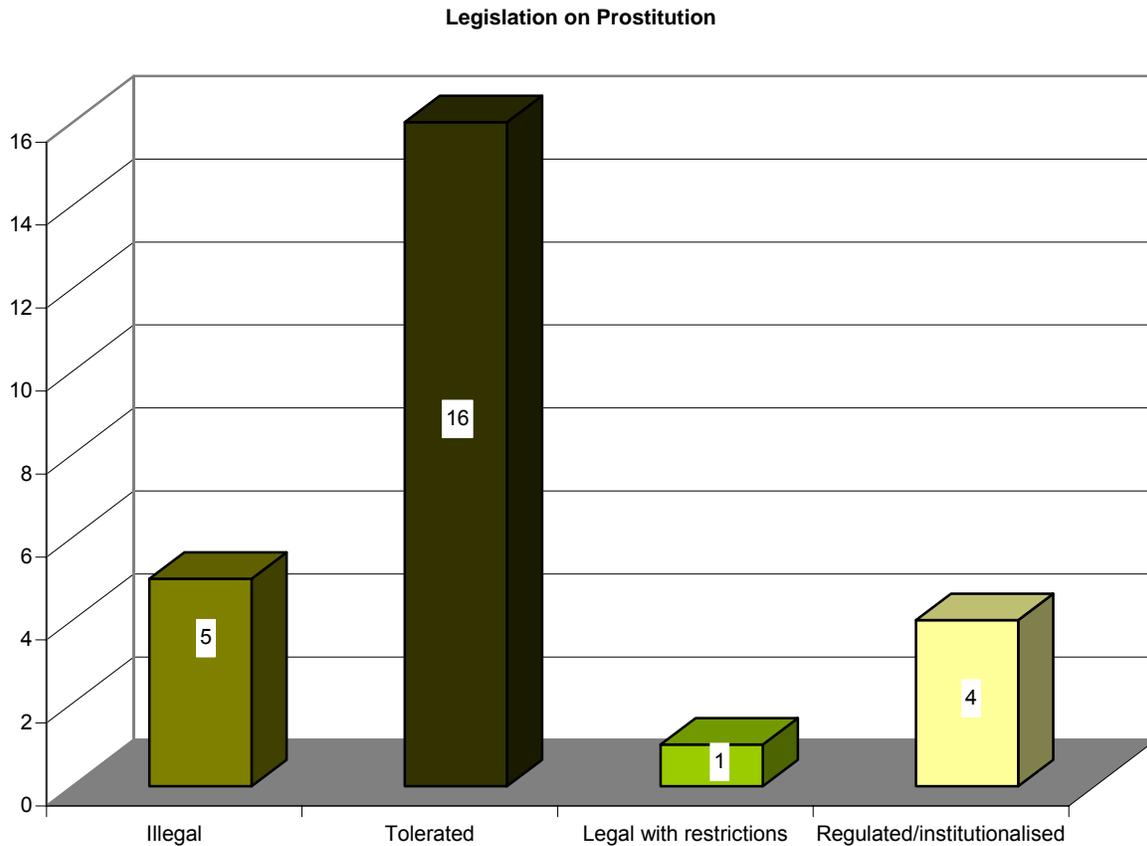
7.359 (343 minors) women have been included in social protection projects

5.865 victims were included in language courses, educational and vocational projects

3.734 women included in work projects

418.689 calls were received by the National hot line

2.6 Prostitution³⁰



Prostitution is illegal in five countries, (Croatia, Lithuania, Malta, Serbia and Ukraine). This does not mean however that prostitution is legal in the remaining 26 countries, but rather, “prostitution is tolerated” and neither legal or illegal (Belgium, Cyprus, Denmark, Estonia, Finland, France, Ireland, Italy, Luxembourg, Portugal, Poland, Slovenia, Spain, Turkey, UK) or there is a legislative vacuum (Czech Republic). One expert say that prostitution is legal, but with restrictions (Austria) or legal but under debate (Bulgaria). In four countries, prostitution is either regulated or institutionalised (Latvia, Germany, Greece, and the Netherlands). Sweden is the only country in which the demand side of prostitution is directly addressed and where the buying of sexual services/ women’s and men’s bodies is criminalized but not the seller, hence, considering prostitution is a form of violence against women. Scottish legislation has also included prostitution as a form of VAW and is on the eve of adopting a new law to penalize the buyers of sexual services. In France, while legislation still focuses on the exploitation of prostitution and procurement, and changes have occurred to

³⁰ In the figure below there is data missing from 4 countries.

criminalize the use of minors or vulnerable persons prostitution has been recognized as a form of violence against women by the Minister of Equality but this has not been transposed into law.

The debate is moving forward in some countries. In Finland, there was a long debate in the Parliament on the law amendment concerning criminalisation of the buying of sex, even though the general discourse still addresses the women who sell sex rather than on those who organise and buy sexual services. In Lithuania, there are fines for both prostitutes and the users of prostitutes. In some countries, women NGOs are very active in pushing the issue to counter-balance proposals for the legalisation of prostitution (Bulgaria, Croatia, Latvia, Lithuania, France, Spain, UK). In Denmark, there is no legislation on its way criminalizing the demand side, but the issue is however addressed through campaigns, media discussions and in parliament hearings that may result in new legalisation.

Assessment of adequacy & implementation of prostitution legislation

The implementation of legislation on prostitution is strongly criticised by most of the Observatory experts. In general, authorities and public bodies working to fight exploitation of prostitution do not recognise the exploitative side of prostitution and remain tolerant, partly because of un-clarity of the legislation and because of the lack of knowledge and training. In most countries, very few pimps or others exploiting women in prostitution are actually prosecuted and/or charged.

Furthermore, the act of prostitution is in itself not punished, i.e. neither the selling nor the buying – but the exploitation (procuring). These kinds of formulations need to give rise to serious discussions on what exploitation of woman really is. As far as empirical evidence suggests and the conviction of the Observatory goes, the buying of a woman's body is in itself an act of exploitation and a form of violence against women. Therefore, as in the example of Portugal, where “prostitution is not punished, only its exploitation and/or the facilitating of it are penalized – the existence of pimps, the owners of the brothels” is, at the very least, problematic.

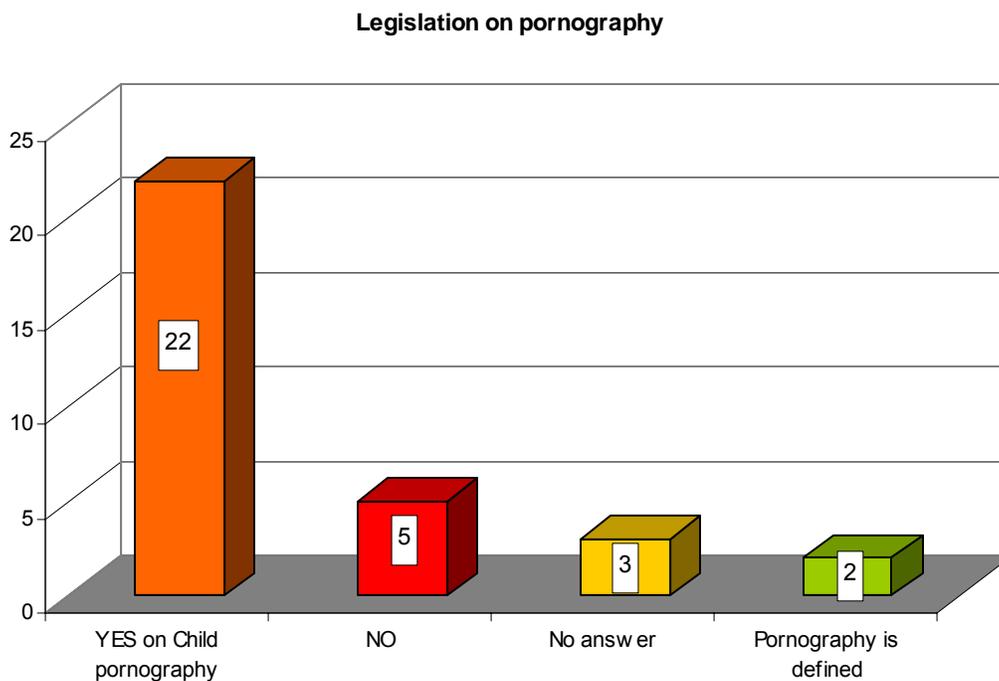
Laws legalising prostitution should not be interpreted that prostitution is “a normal job” like any other. The example from the Netherlands demonstrates this clearly. While the law intends to provide protection to women selling sexual services and where prostitutes are protected in terms of social security and taxation, implementation is in practice not functioning the way the legislators intended. Prostitution in reality is not a publicly accepted profession and it is almost impossible to get wide-range insurance cover accepted for these women who proclaim prostitution as their profession (Netherlands). According to the expert from the Netherlands, prostitutes are still vulnerable to illegality, stigmatisation, and discrimination.

In some countries there are other provisions available to address prostitution but these are rarely or seldom implemented. In Finland for instance, the Ordinance Act could be used to arrest the buyers of sex, when the buying is taking place in public places. However, according to the Finish expert, the authorities have not focused on the buyers of sex in the public places, thus the Ordinance Act has been used mainly against the sellers of sex. In addition, there is the Aliens Act, which has only been implemented by focusing on women selling sex, instead of the obligation of authorities to focus on the organizers of the sex trade. According to the Swedish expert, the police are yet not familiar with the legislation criminalizing buyers but are getting better in understanding the issue and how to

implement the law. In England and Wales, a recently completed government consultation decided against what has been called ‘tolerance zones’ which then means that a shift in emphasis, blaming the user or the pimp, will be put into practice.

The debate initiated by NGOs to address the demand side of prostitution and consider the buying of women’s bodies as violence against women is not held in all countries. Although everywhere women NGOs are asking to stop criminalizing women in prostitution and to give them better protection from violence and vulnerability, the debate in Germany or Austria focuses to improve their rights and conditions, and to combat only “forced prostitution” - this was clear during the World Cup campaign in Germany, Summer 2006.

2.7. Pornography³¹

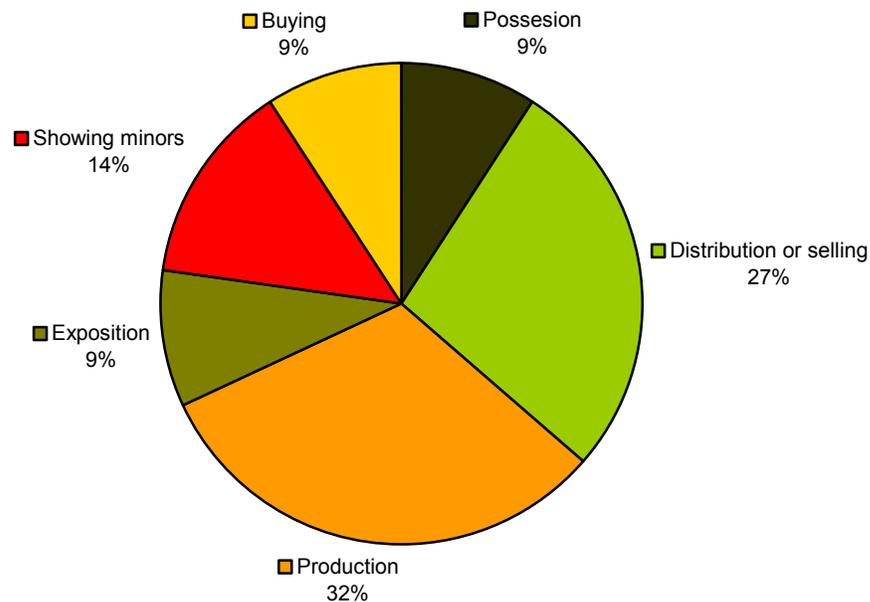


Most countries have some form of legislation on pornography, albeit limited to child pornography. Only 2 countries have legislation against pornography in general (Malta and Slovakia) and therefore the only ones to actually define pornography. In the case of Malta, pornography is defined as something where “its dominant characteristic is the exploitation of, or undue emphasis on, sex, or any one or more of the following subjects, namely, crime, horror, cruelty and violence; or it directly or indirectly advertises or gives information on any article considered to be pornographic or obscene under these regulations.” And in Slovakia, a pornographic product “is such depiction of sexual

³¹ The total amount of units in the figure below is 32 because countries can belong in several categories.

intercourse or depiction of naked parts of body that evokes sexual excitement or sexual satisfaction” (§ 132 of Criminal Code (Law 300/2005 Coll. effective from 1st January 2006). Child pornography is defined in a similar way. The Slovak Criminal law penalizes production, buying, importation for the purpose of selling, borrowing, distributing and the publishing of pornography products and when it comes to child pornography, the production, distribution and **possession** is illegal. In Poland there is an article in the Penal Code (art. 202) forbidding the public display of pornography when imposing on people who may not want to be exposed to pornography.

What exactly is illegal? Share of legislation against child pornography



The actual buying and possession of child pornography is only illegal in 9 % of the countries, whereas production is illegal in 32% and distribution and selling in 27% of the participating countries. This is interesting since it highlights, as in the case with prostitution, how the demand side is rarely addressed. It would be most interesting to investigate the correlations between the different demand sides here and to further discuss possible understandings of the ‘forgiving’ attitudes apparent in legislation when it comes to people’s/men’s demand for child pornography and prostitutes.

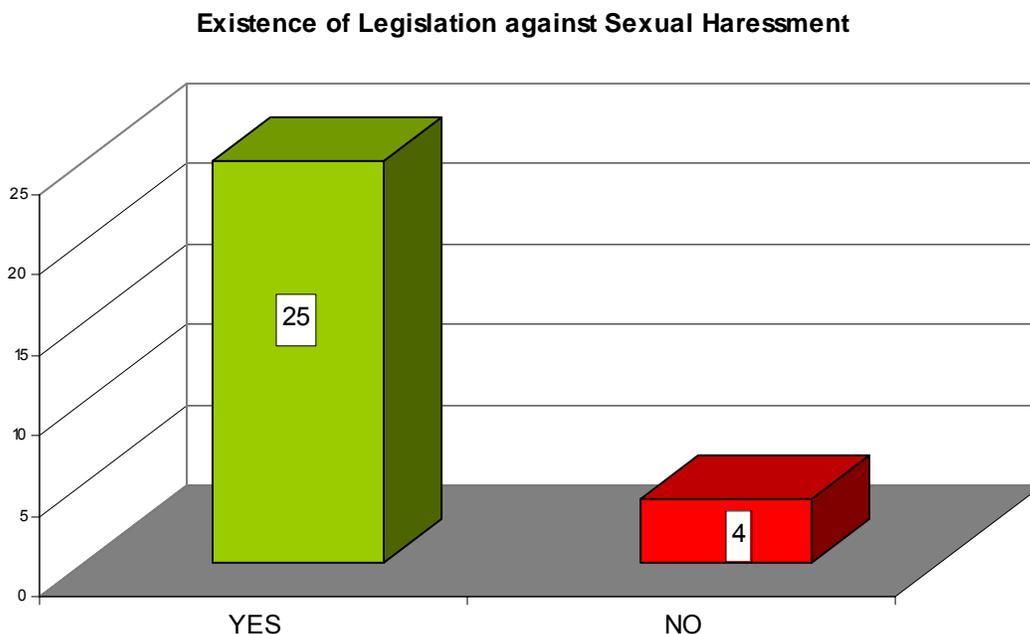
Assessment of adequacy & implementation of pornography legislation

Three countries are assessed as having a positive legislation on pornography and its implementation (Cyprus, Czech Republic, and Slovakia) but out of these three, only Slovakian legislation actually includes a definition of pornography. In the cases where assessment is negative, experts report that there is no definition or criteria of pornography (Belgium, Bulgaria, Croatia, the UK). Judges proceed case by case (Belgium), perpetrators succeed to avoid the criminal justice system and get off on technical faults (the Netherlands), the legislation does not penalize the making of pornographic material that includes rape and other forms of violence if it is adult women involved since this presumes consent (Serbia). Bulgaria has no specific legislation on pornography to assess and there is no case law either (Bulgaria).

2.8. Sexual harassment

Sexual harassment is explicitly forbidden by EU Directive 2002/73/EC (amending Directive 76/207/EEC) on the implementation of the principle of equal treatment for men and women, as regards access to employment, vocational training and promotion and working conditions. This directive defines sexual harassment as “ any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment. Furthermore, harassment and sexual harassment within the meaning of this Directive shall be deemed to be discrimination on the grounds of sex and therefore prohibited. A person's rejection of, or submission to, such conduct may not be used as a basis for a decision affecting that person”.

Existence of legislation on sexual harassment



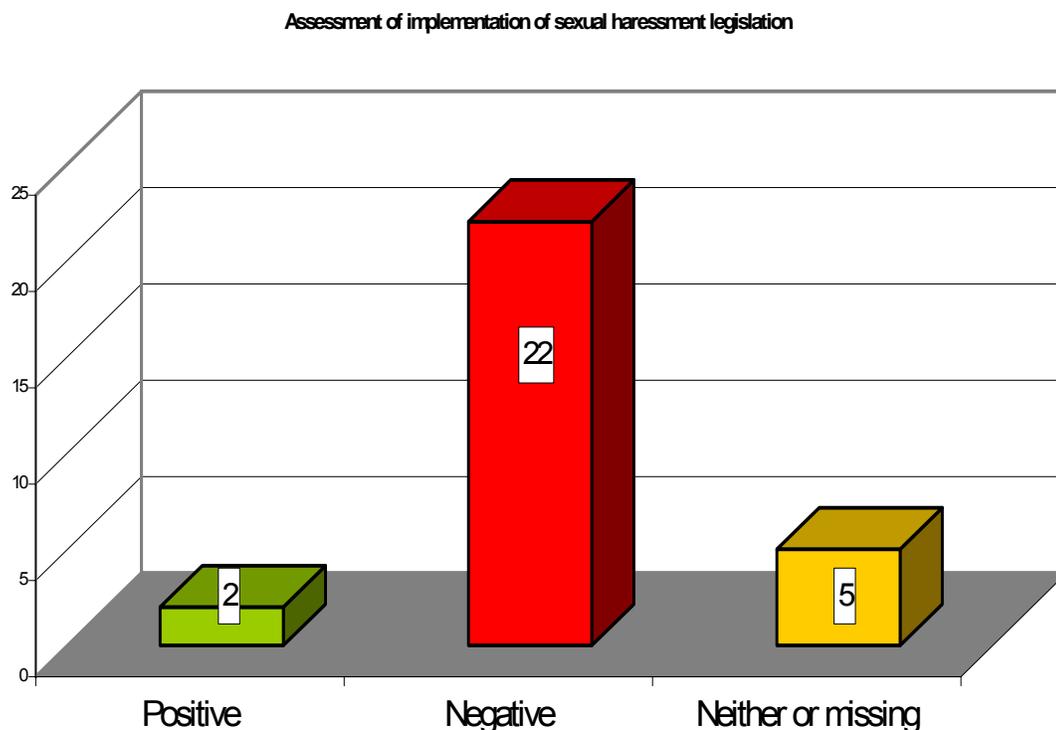
Despite the fact that all the European member states have legislation on sexual harassment via the EU Directive described in the previous section, four experts report that there is no legislation on sexual harassment, three out of which are EU member states: Ireland, Italy, Slovakia (although it penalises harassment, not yet sexual harassment). Serbia is the fifth country lacking legislation on sexual harassment.

Assessment of adequacy of sexual harassment legislation

Only three experts assess positively the adequacy of sexual harassment legislation as positive (Austria -in principle, Luxembourg and Malta). The twenty who are assessing the legislation as negative highlight a number of difficulties concerning the legislation – most commonly that sexual harassment legislation is too weak, too narrow and leaves the concept of sexual harassment undefined. Clarity could be achieved by a statutory definition as to what is ‘sexual harassment’ (e.g. Bulgaria, Ireland, Serbia, Slovakia, Slovenia, Spain, Sweden, the U.K.). Moreover, common limitations in the legislation also include that it does only apply to the work place, thus excluding public professional relations such as doctor/patient, social worker/client etc, as well as the entire educational system – if you are a pupil or a student (e.g. Estonia, France, Germany, the Netherlands, Poland, Sweden and Ukraine). In Estonian legislation, there also has to be the case of a specific form of power relation between the harasser and the harassed, as by definition, there can be no sexual harassment between employees/colleagues. Moreover, there is also the opposite situation where legislation on sexual harassment does not explicitly include sexual harassment perpetrated by the employer, which is one of the most common cases of sexual harassment (Bulgaria), or there are no penalties (Croatia).

The Ukrainian case is a quite an interesting example, the crime in relation to sexual harassment as defined in the Criminal Code of Ukraine is called “Compulsion to the sexual relation” and consists in forcing a person, female or male, to have sexual relations by a person from whom the woman or man is financially or professionally dependent. The crime is considered as committed from the moment of realisation of mental pressure on the victim, apart from this. There is however very little court practice on such crimes. In the 2006 law on “Ensuring Equal Rights and Opportunities for Women and Men” sexual harassment is considered as discriminatory actions and the law requires the employer to “take measures to make impossible the cases of sexual harassment”, i.e. preventive measures. According to the Ukrainian expert however, the law is weak in that “it does not determine what measures that must be taken, and does not set the responsibility for the given norm violation” (Ukraine).

Assessment of implementation of sexual harassment legislation



Only in Lithuania and Luxemburg is the implementation of legislation on sexual harassment considered positive. In Lithuania, a country with very few cases against sexual harassment (3-4 complaints per year to the Ombudsman on Equal Opportunities and a similar amount to the office of prosecutor), the implementation of the laws against sexual harassment have improved the climate in many working environments (according to the national expert). In Luxembourg, the other example of a positive assessment on the implementation of sexual harassment legislation, there is still a discriminatory structure since it is the victim that has to change post after being harassed. There is a further difficulty in actually finding other post for victims of sexual harassment, a difficulty that is reinforced in cases where the harasser is also the manager/boss.

Problems most commonly reported when it comes to implementation of sexual harassment legislation include the lack of case law (Bulgaria); the lack of preventive measures adopted by employers (Czech Republic); lack of awareness (Estonia); lack of institutional clarity on responsibilities in the work place/lack of responsibility (“employers tend to turn the matter over to the women’s equality office, and avoid clear rules and remedies”) (Germany); the definition of sexual harassment is missing or vague which makes it impossible to identify harassment and take preventive measures (Belgium, Germany); very little action is actually taken (Malta); difficult to

prove harassment (Turkey); or the implementation is patchy (the UK). In Slovakia, sexual harassment is not yet penalized.

Sexual harassment is still a widespread problem, even when the legislation is in place. In Bulgaria and Croatia, 40 percent of women have been subjected to sexual harassment in the workplace.

Box 2: Examples of good practice against sexual harassment

Specific institutional mechanism with responsibility for sexual harassment: in Austria there is an Equal opportunity advocate and a commission for equal opportunity monitoring dealing with violations of the law (specified institutional mechanisms also exist in several other countries, for instance Germany and Sweden). In Bulgaria, an employer who receives a complaint of sexual harassment is obliged to carry out an investigation and to take measures to stop the harassment. He or she is also required to impose disciplinary sanctions in cases where the harassment has been committed by another worker or employee immediately upon receipt of a complaint. The media can also be a powerful ally in the fight against sexual harassment, the very same media that in other circumstances is criticized for reinforcing gender stereotypes. The Lithuanian expert reports that, the very few cases against sexual harassment are all widely reflected and scandalized in mass media, in sending a very powerful message that such behaviour is inappropriate and punishable.

Part III: Other measures – Service provisions³²

Violence against women is a pervasive global problem with significant health consequences for victims, yet in many places around the world, available services do not meet the needs of survivors. All Observatory experts report on the lack of sufficient service provisions in Europe for women victims of violence.

3.1 Identified weak points in service provision

The most widespread problem is related to the lack of funding. Across the board, shelters and hot lines are under-funded and managed by NGOs on a voluntary basis. Insecure, inadequate or the actual lack of funding and budgets that are too small to provide what is considered as necessary are also mentioned by 23 experts as a severe problem in service provision (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Germany, Greece, Ireland, Italy, Latvia, Lithuania, Poland, Portugal, Serbia, Slovakia, Slovenia, Sweden, Turkey, UK and Ukraine). This problem is not only related to the amount of funding, but also to the fact that funding is given on a year to year basis which makes long term commitments and planning impossible (e.g. Germany, Ireland). Also, NGOs working with service

³² [The empirical result of this entire question is summarised in appendix 1.](#)

provision are competing for funding, which in some cases make cooperation between NGO extremely difficult (e.g. Estonia).

More specifically, a critical issue in service provision is the lack of, or very limited availability of intervention centres and women's shelters (Austria, Cyprus, Czech Republic, Denmark, Finland, Greece, Latvia, Luxembourg, Malta, Netherlands, Poland, Serbia, Slovakia, Slovenia, Turkey, UK, and Ukraine). In Latvia for instance, there are no shelters at all for women victims of violence. One organisation provides an anonymous flat on a voluntary basis. There is also the problem of shelters catering for women victims of a specific form of violence. In Finland for instance, there are no shelters or hot lines for women victims of trafficking and in Portugal there are no help lines for women victims of trafficking. In England and Wales there is no funding to set up rape crisis centres/shelters and in Scotland, the centres/shelters are mainly funded to deal with domestic abuse. The need for shelters in rural areas is emphasised by a number of countries.

NGOs, and their work, is not recognized enough nor supported by state/authorities (Belgium, Bulgaria, Croatia, Greece, Portugal, Poland, Sweden, Ukraine), despite the fact that in many countries, women NGOs have an extensive experience and expertise, for more than 25 years. The lack of systematic training and awareness among authorities and the lack of centres/providers of awareness raising measures are highlighted by the experts (Bulgaria, Ireland, Italy, Latvia, Ukraine and, especially in relation to trafficking, Lithuania, Luxembourg, Portugal, Serbia, Slovenia). Further, the lack of systematic training and education of service providers and/or low levels of professionalism (Croatia, Ireland, Latvia, Lithuania, Poland, Serbia, Slovenia and Ukraine) is also highlighted.

3. 2. Identified strong points in service provision

While on the one hand, help lines and hot lines are systematically under-funded and to a great extent based on voluntary work, they are on the other hand mentioned by 15 experts as the strongest point in service provisions to women victims of violence (Belgium, Croatia, Cyprus, Czech Republic, Finland, Latvia, the Netherlands, Portugal, Slovakia, Slovenia, Spain, Sweden, England, Wales and Ukraine). In Finland, for instance, hot lines are available in several languages, and in Spain 44 phone numbers are managed by public bodies and 15 by NGOs. 90% of these are free numbers.

When it comes to the number of shelters, Spain and Sweden are reported to have the highest number. In Sweden there are approximately 150 shelters with help lines, and 150 NGO run shelters (only 3 run by the municipalities). In Spain, there are 173 shelters for women victims of violence, and 26 shelters especially for victims of trafficking. In comparison, there are 15 shelters for women victims of violence in Turkey, one hot line and one shelter specialized for women victims of trafficking. The availability of shelters is paradoxically raised as both a strong and weak point in service provision. However, the paradox is less visible when considering that what is raised, as a weak point is mainly the quantitative side, whereas the qualitative aspects are raised as strong points. Moreover, some states have specialized shelters for victims of domestic violence and their children (Czech Republic, Cyprus and Luxembourg). State support to shelters are also highlighted as a strong point by 6 experts (Cyprus: State partly fund shelters, Denmark: shelters included in State national budget,

Ireland: recognition of the expertise and necessity of services the NGOs provide from time to time, Slovakia: shelters supported by the budget of State or local authorities, Scotland, and Turkey)

15 experts underline NGO capacities, both the long and strong experience they have, the qualified work they are doing and the fact that NGOs, without sufficient funding, manage to provide services year after year resulting in high levels of expertise (Belgium, Bulgaria, Croatia, Czech Republic, Estonia, Germany, Ireland, Italy, Latvia, Lithuania, Luxembourg, Serbia, Slovenia, Spain, Sweden, UK). Some experts highlight the “tradition” of autonomous women’s organizations: in Croatia, the first hot line in Eastern Europe was established (in 1988) as well as the first shelter (in 1990), both by a feminist group, on feminist principles; in Slovakia, the first hot-line was established by a feminist group in 1989 and the first shelter in 1997 with a feminist approach to the problem of violence. In Bulgaria, the relation with the police is also a strong point. Further, the mere existence of qualified and professionally trained staff is emphasized as a strength by two experts (Cyprus, Luxembourg). The networking between service providers is highlighted as a strong point by two experts (Estonia and Poland). The German expert also highlighted the overall empowerment approach, which means that most services are run by NGOs, that there is professional training in schools of social work as well as within the service provision.

3.3 Recommendations to improve reporting on violence against women

The questionnaire and consultation with the Observatory experts on violence against women in Europe includes a question on how to enable women to report on violence. We all know, state agencies, experts on VAW and women’s organisations working in the field of VAW that the actual number of cases of violence against women do not correspond to the officially reported number of incidents. The question then becomes: how do we enable women to report? What measures need to be taken?

In general, a more favourable environment for reporting on VAW is desperately needed. First of all the awareness about violence against women should be raised more widely, more information campaigns, media reports etc (as in for instance Denmark where the media quite paradoxically has become an ally). According to the Ukrainian expert, the main reasons why women do not report rape and domestic violence is the very low level of awareness of their rights and the possibilities available for protection among women. Furthermore, women do not trust law enforcement and are ashamed and afraid of public response.

Low level of trust to law enforcement usually based on low professional and cultural level of police officers that deal directly with the domestic violence cases and, according to the law, should do preventative work. In many cases, these police officers are not well educated, they are full of stereotypes about the acceptability of violence in the family or rape, sometimes they are the perpetrators themselves, and very often they are more sympathetic to male perpetrator than to female victim. So, raising awareness and education on issue for women is needed, as well as education for law enforcement (Ukraine).

Moreover, the state and local government should be more involved in the awareness rising as well as in the situation monitoring. Concretely this calls for sensitisation and awareness rising of the politicians, officials, civil servants, the police as well as victims themselves (e.g. Bulgaria, Estonia, Germany, Ukraine). Special attention should be paid to awareness among younger people i.e. introduced within the school curricula and education at all levels (highlighted by the Estonian expert).

However; awareness rising is not enough:

We are convinced that, along with awareness raising, securing an unbroken “chain of intervention” and training professionals in all relevant fields are essential to increasing reporting. Currently, considerable efforts are underway to reach and qualify all kinds of health care professionals, but especially physicians. Community-level intervention projects or multi-agency projects are important for ensuring that all elements of the intervention chain are in place and well informed and helpful. Creating a “climate of confidence” that allows women to report is a long process, because it has to work locally throughout the country. Germany

The development of specialized services – that is specifically for sexual violence, is emphasized as an expert recommendation. Women victims of violence need special advice and legal and social services from the very beginning, there should be specialized crisis centres and shelters (Austria, Bulgaria) and quite practically you need to have adequate services for women that support them and actually accompany them to the police to report (Austria).

Changes in the judiciary systems are also called for. A recommendation too is to minimize the resolution time of the judicial processes, in Portugal a single domestic violence process can take 2 - 5 years, which increases the risk of victims’ actual death during the process (Portugal). A further recommendation is to decrease the time for the application procedure and to increase the implementation of the restriction orders as well as penalties prohibiting any contact with the offended part, up to two years (Portugal).

Language is also an emphasized recommendation, not only in regards to migrant women but also in relation to ethnic minorities. However, migrant women victims of violence need additional assistance in doing the actual reporting. Language and cultural barriers further hinder migrant women to report to the police. Considerations to the ethnic composition and language proficiency of the population are needed. In Estonia for instance, with approximately 30% so called Russian-speakers, the State and local governments should taken into consideration and address this group in the language they understand, within the public campaigns and in providing support to victims.

Conclusions and the way forward

Only five European countries recognise that the different forms of violence against women constitutes human rights violations and have adopted relevant policies and legislation in order to overcome this obstacle to achieving gender equality. This fact has direct consequences on how national policies and legislation perceive the diverse experiences of women confronted with gender-based violence, resulting in over-whelming majority of policies and legislation being insensitive to these experiences, and

therefore lacking adequate responses for remedying the situation. The wealth of information gathered from the first stage of this mapping exercise, of which indications only are presented in this report, assures us of the on-going nature of the process of identifying gaps and demonstrates the huge potential that exists for further development and elaboration.

Recent developments in EU policy regarding gender equality that occurred during the first stage of the Observatory's mapping exercise (May-November 2006) inspired us to include relevant questions regarding national policy. In March 2006 the European Commission published its "**Road Map for equality between women and men 2006 - 2010**". In this, and strongly influenced by EWL's previous work, the European Commission commits under section 4: Eradicating Gender Based Violence And Trafficking "to support Member States (MS) and NGOs in their efforts to eradicate gender based violence (...) encouraging Member States to establish national action plans".

Not surprisingly, the issue that emerged from the exchange between Observatory experts during the training seminar as being urgent, and which confirmed as necessary our additional questions in the mapping exercise, was **the need for coherent and uniform national policies on violence against women**, as well as the **pressing need for filling the existing void in EU legislation regarding violence against women**. Consequently, during the discussion and exchange that took place in Budapest, it was considered important to develop with the experts of the European Observatory on VAW the main characteristics, criteria and conditions of a National Action Plan to combat violence against women (NAP), to examine what exists as good/promising practices and to start a discussion on the main elements to be included as guidelines, for what would be minimum standards or core principles that should underpin a national action plan for combating violence against women. Regarding the situation of existing NAP to combat VAW, the first data from our mapping exercise indicate how crucial and necessary this work is. And how important and valuable for the governments to take into account the expertise of NGOs, in assisting in both policy planning and in monitoring implementation thereof.

On 11-13 January, EWL presented an outline of the "Reality Check: When women's NGOs map policies and legislation on VAW in Europe" at the Regional European Consultation with the United Nations Special Rapporteur On Violence Against Women in London, organized by NAWO. On several occasions, the UN special Rapporteur and the participating NGO representatives raised issues they wanted or expected the EWL to take up action on. In sum, what was being called for was recognition of all forms of VAW, international standards and indicators to hold governments accountable, EU directive on VAW, and national cooperation. The NGOs, experts and researchers participating in the consultation had high expectations as to what should still be done. In her concluding remark, UN Special Rapporteur Yakin Ertürk, highlighted the role of civil society saying that no government will take any steps to combat VAW unless civil society demands it. Yakin Ertürk addressed the EWL and encouraged actions by emphasizing two concrete outcomes of the consultation: the need for a EU directive on VAW, and the need for international infrastructure (international standards/indicators on VAW). This is certainly a call that will be largely relayed and EWL will take up the challenge.

Annex 1: Experts opinion on strong and weak points of the national service provisions

	Strong point in service provision	Weak point on service provision
AUSTRIA	Intervention centres are established in every provinces to ensure implementation of the law on domestic violence (DV)	Not enough intervention centres, women's shelters, crises centres etc to support all women victims of violence and the funding is not secured
BELGIUM	Help/hotlines for women victims of violence. Shelters exist, although under financed Very experienced NGOs (more than 25 years)	To small a budget. Lack of specific structures with professional training NGOs and their work is not recognized
BULGARIA	NGO capacities Relations with police, authorities are good	Missing support from state and authorities for services, prevention and rehabilitation Inadequate attitude of authorities towards victims
CROATIA	Long-time experience of service providers (hotline since '88, shelter since '90) Public government statements Public support	Lack of funding No systematic training and education of service providers Confusion relating to status of NGOs
CYPRUS	Shelters available, partly sponsored by government. Qualified staff stationed at the shelter provide psychological support Legal aid and guidance Victims are provided with food and a place to stay with their children Help/hotlines.	Vocational training should be offered Only two organized shelters. Shelters only partly sponsored by government.
CZECH REPUBLIC	NGO work and motivation Specialized shelters for women–victims of domestic violence and their children. Specialized shelter services for women victims of trafficking and/or sexual violence. Help/hotlines	Services provided only by NGOs and mainly in the field of domestic violence. Lack of shelters – only four No permanent funding /finance sources for NGOs working in the field of violence against women. No help/hotlines is free of charge
DENMARK	Shelters are included in the state financial budget	Not enough free places in capital areas Time limit for staying in the shelters Lack of financial support for a number of projects. Difficult to find accommodation for the victims from other countries (ethnic problems)
ESTONIA	Network of service providers for the victims of violence Only shelters managed by NGOs	Lack of funding Competition between project of service provision prevents co-operation
FINLAND	One hot line operating in several languages for victims of VAW and one for victims of sexual violence.	No shelters for victims of trafficking; Out of 22 shelters most are run by child protection organisations, only 2 by feminists and seven by municipalities, none by state. None hot-lines for victims of trafficking
FRANCE	Good cooperation between centres in different areas to find secure places for women who need protection General and specialized hotlines	Lack of secure places in specialized centres Lack of centres in rural areas Lack of public awareness on issues of VAW
GERMANY	Overall empowerment approach; most services are run by NGO's; professional training both in schools of social work and as in-service	Year-by-year negotiations with the local authorities on funding.

	further training has been available for many years	
GREECE	N/a	No official recognition of NGOs. Very limited funding & infrastructure available
HUNGARY	--	--
IRELAND	Services in existence for over 25 years – very high levels of expertise in services. At times, appreciation by the public and state that these services are professional, necessary and have expertise. Some public awareness of where to go for help/support.	Analysis of VAW being under-mined by backlash – even staff in services worried about men’s equality – signifying also the impact of therapeutic/counselling approach which has minor amounts of systemic or contextual analysis and mainly sees “the individual”. Continuous under-funding. Ad hoc development of services and insufficient funding to enable cross-sector co-ordination and development
ITALY	Independence of NGOs shelters Flexibility, expertise of NGOs, hotlines Social support schemes for victims of trafficking	Scarce funding Uneven professional training
LATVIA	Help/Hotline for women victims of violence Resource centre for women (“Marta”) is providing anonymous flat.	No shelter for women victims of violence Scarce funding Lack of qualitative rehabilitation services Lack of qualified specialists who could work with victims of human trafficking. Only separate NGOs provide services to the victims of violence and these services are financed by international institutions
LITHUANIA	There is experience accumulated, e.g., Vilnius municipality shelter assists in establishment of other shelters in the country as well as abroad; Public awareness is growing, it is seen from the facts, that elderly women started to benefit from services of shelters and crisis centres	National Action Plan on elimination of violence against women still not adopted; There are no permanent finance sources for NGOs working in the field of violence against women; therefore development of them is not sustainable. Patriarchal attitudes.
LUXEMB.	Professional personnel dealing with VAW – professionally trained. Tools for children victims of domestic violence	Lack of shelters Lack of awareness raising centres/places Lack of information on legal aid and possibilities
MALTA	Sense of security Building of self-esteem Support to make their own decisions	Demand often higher than supply Limited space and comforts More support needed to set up new home/job
NETHERL.	Public shelters Help/hotlines	No shelters managed by NGOs Help/hotlines do not provide 24-hour support There are waiting lists, therefore women are multiple registered. Consequence: no clear facts and figures
POLAND	Relatively well developed network of organizations Social welfare agencies programs providing services to victims of domestic violence	Lack of strong women’s movement working on violence against women The number of shelters for battered women is far too low to meet the needs No shelters at all in some regions Strong connection of services to victims of domestic violence to programs related to combat alcoholism which reinforces stereotypes that DV is strongly connected to alcohol abuse Insufficient number of shelters offering specialized services to women victims of violence. Limited access to legal services and legal representation in the court Low levels of professionalism among the staff of shelters

		Only one shelter for battered women with secret address
PORTUGAL	There is a legal and social framework for the implementation of services in these areas All shelters managed by non-state associations are state sponsored, 5 shelters are managed by women's organizations. Hot-lines especially for women victims of domestic violence.	A small number of Counselling services to the community. There is a false feeling that everything is already done because there are a few services in these areas. No state managed shelters. No hot-lines for victims of trafficking
SERBIA	Mobile teams of representatives of police, centres for social work, justice, and whose task is to provide more efficient protection for women victims of violence (but still to improve as they rarely meet). NGOs working with women who suffer male violence have great experience and continual education for their experts.	No state support Lack of shelters Lack of hot lines Lack of funding for women's NGOs. State social work centres lacks adequate approach to victims; resist change of methods. Things are changing for the better very slowly and for now only in the capital. Process of licensing experts who work with women victims of violence that would recognize NGO experts and provide NGOs with resources from the state hasn't started yet.
SLOVAKIA	Most shelters are supported by the state budget through grants or from the budget of local authorities. Hot-lines/phone services for women victims of violence, including trafficking	Lack of shelters Lack of adequate victim approaches
SLOVENIA	"Tradition" of autonomous women's organisation Hot-line established by feminist group Shelters managed by women's NGOs and by state agencies. Feminist approach to the problem of violence Public consensus that the state institutions are obliged to offer support and help (at least by financing NGOs activities).	Feminist projects altered into social and humanitarian NGO institutions, i.e. offering help (hot-lines, shelters), but - Not working politically, Not addressing questions of law, public awareness, gender inequality as related to violence against women; Serious lack of knowledge about violence against women and adequate approaches to victims and offenders in public institutions (centres for social work, police, prosecutors, courts) Only 8 shelters (6 run by NGOs, 2 run by state) Shelters dependent on private donors (only co-financed by state/local communities)
SPAIN	Free help/hotlines 173 shelters for women victims of violence 26 shelters for victims of trafficking 168 NGO run shelters 125 state run shelters	
SWEDEN	Most shelter women are feminists and do good analysis of the situation of the woman seeking support. 150 shelters run by NGOs 3 shelters run by municipals. 150 shelters with hot lines.	Inadequate funding – NGOs are poor NGOs are not sufficient supported by the local municipalities Since the work in the shelters voluntary it is difficult to do a continuous good work
TURKEY	Hotline in Ankara Shelters run by Government, municipalities and independent women shelter foundation The building and necessary expenditure are provided by local government.	Inadequate services. There are no specialized shelters Lack of shelters and wide spread shelters, only 15. Lack of compensation to women who are subjected to violence. Lack of wide spread hot lines (only 1 hotline) Lack of housing and jobs for those women victims of violence. Only one shelter for trafficked women which is run by a NGO

UK	<p>Help/hotlines services for women victims of violence including trafficking</p> <p><u>England & Wales</u> Strong women's sector specialising in DV</p> <p><u>Scotland</u> Rape crisis centres have very recently received additional funding and several new centres have opened. National rape and sexual assault hotline to start in 2007. NGOs and Scottish government is working on strategy to combat all forms of violence against women.</p>	<p>Little or no mainstreaming of ANY services across public sectors. Majority of shelters are managed by the voluntary sector.</p> <p><u>England & Wales</u> Virtually no money for rape crisis centres or other forms of VAW.</p> <p><u>Scotland</u> Resources go mainly to domestic abuse, although rape crisis centres have very recently received additional funding and several new centres have opened.</p>
UKRAINE	<p>Professional services by NGOs on the rise</p> <p>Help/hotlines run by NGOs Anti-trafficking hotline run by Ministry of Internal Affairs.</p> <p>Shelters run by NGO.</p> <p>Growing number of NGOs providing professional services for victims.</p>	<p>Not enough services, lack of funding</p> <p>State funding for women's NGO is very rare and little.</p> <p>Number of shelters is very low, only run by NGOs.</p> <p>Not enough services in small towns and rural areas.</p> <p>Governmental institutions that declare providing services or suppose to provide it according to the law do not</p> <p>NGOs funding is not secure, so there is always a risk of cutting services.</p>

Annex 2: Observatory of the European policy action centre on violence against women. List of national experts participating in mapping exercise

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