

***EUROPEAN WOMEN'S LOBBY***

***STUDY***

***"UNVEILING THE HIDDEN DATA  
ON DOMESTIC VIOLENCE IN THE  
EUROPEAN UNION"***

***FINAL REPORT***

November 1999

***"Throughout the EU the total human,  
social and economic costs resulting  
from violence against women are enormous.  
Any action to reduce them must be supported."***

Commissioner Anita Gradin, addressing the preparatory  
meeting in view of the campaign against  
violence against women for 1999,  
Brussels 15 June 1998

***"It is no longer acceptable to claim that  
abuse and mistreatment of women is  
cultural. It should be called what it is,  
criminal."***

USA First Lady Hillary Clinton, addressing  
the United Nations, International Women's  
Day, 4 March 1999

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Researcher: Mary Collins; research assistant: Simona De Lisi; co-ordinator: Colette De Troy

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# PREFACE

## Denise Fuchs, President of the European Women's Lobby

There is not one single country in the world where women are free from violence. There is not one single area in any woman's life where she is not exposed to the threat or actual acts of violence against her. Violence against women knows no geographical boundary, no age limit, no class distinction, no race, no cultural difference and manifests itself in many different ways:

- In the home – known as domestic violence;
- In the street and in communities;
- In public – in the media and advertising where women continuously are portrayed as objects;
- In pornography – where women's human dignity is violated;
- In organised and informal circles of prostitution;
- In trafficking of human beings, in which women and the girl child are particular targets for the purpose of sexual exploitation;
- In what is named as “traditional cultural practices”, the most frequently practised in all countries is genital mutilation;
- In war and conflict – in which rape is systematically used as a weapon of war;
- In birth selection (son preference) which results in the abortion of female foetuses and female infanticide: it is estimated that up to 100 million females are “missing” from the world population and in some countries men outnumber women by 5 in every 100;
- In political dictatorships, the most striking current example is that of the Taliban regime of Afghanistan;
- In the work place, referred to as “sexual harassment”;
- And, most recently, on the Internet.

We are faced with a very daunting reality: violence against women tends to be the norm and not the exception. Protected by the reign of silence, it is prevalent even in societies, which appear to have a high degree of equality between women and men.

The European Women's Lobby has drawn attention to the reality that domestic violence is probably the most frequent of all forms of violence, and that women are more likely to be victims of violence from men known to them. Thus the intimacy of a relationship between adult women and men carries risks.

Violence does not always leave visible scars. In intimate relationships, it is hardly ever a one-off act. It takes place within relationships and includes deeds for which no physical evidence can be produced. Therefore, it does not always constitute what has traditionally been defined as a crime. The physical evidence is often the result of a grave criminal act, to which this study bears witness. The reluctance of state institutions and society to respond adequately to the problem is also highlighted. 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?

Violence and inequality are intrinsically linked. Domestic violence is an expression of the continuous imbalance in gender relations, in which men continue to resort to this form of behaviour as a way of claiming control over women. This study is intended to contribute to the development of European strategies to combat this violation of women's human rights.

Violence against women impedes upon their full and active participation in society, thus undermining women's contribution to shaping the kind of society they want to live in. So everybody loses. We may think that advanced employment policies enabling women's integration into the labour market are indicators of a state's commitment to equality. But, in fact, the true yardstick with which to measure real equality is the state's commitment and actions to combat violence against women - in all its forms, and in all areas of life. For as long as violence against women persists and is condoned, true equality will never be attained. This is the challenge we face for the next millennium.

It is not enough to be satisfied with strategies which simply address the issue by providing intermediary, short and medium term measures that attempt to repair the damage and suffering caused by violence. The ultimate objective must be to contribute to the debate which renders male violence an unacceptable form of behaviour: acts which men use, individually and collectively, to secure their power, maintain control and safeguard their domination over women.



## INTRODUCTION

*"Unveiling the hidden data on domestic violence in the European Union"* provides an overview of information and data on domestic violence in the 15 Member States of the European Union (EU). The questions that guided this study have been:

- How is domestic violence perceived and dealt with in the different countries of the EU?
- What type of data is collected in order to inform the police, the judicial system and policy-making bodies?
- Who is responsible for data collection?
- Who actually provides information?
- How is the information used?
- What kind of evaluation is carried out?
- Are women more protected in some countries than others?
- Are there geographical differences or similarities among the various countries?
- Is there a basis for establishing comparisons among countries?
- Is it possible to identify common indicators for measuring domestic violence with the overall aim of providing long-term prevention and protection strategies and policies and improving provision of services?

In an effort to answer these questions, we proceeded as follows:

First, the Member States were requested to provide official data, mainly in the form of statistics, on the incidence of domestic violence in their respective countries and, failing that, general data on violence against women. As a rule, such data was obtained from the Ministries of the Interior, Justice, Social Affairs or Women's Rights, although this varied from country to country. The information and data obtained from each country were organised within an agreed framework for presentation as one of 15 country reports, which are annexed to this report.

Next, as concerns the EWL's contribution to study, a working group was set up within the European Women's Lobby, composed of members of the EWL's European Observatory on Violence against Women and the EWL's Board of Administration. In addition to the working group, a consultation meeting was held with other experts in the area of domestic violence. These experts were chosen for their particular contribution to innovative research into violence against women, and came from different institutions, including the Council of Europe and other institutes conducting studies on particular aspects of domestic violence, especially those focusing on gender-based statistics and the economic costs of violence against women.

Then, a questionnaire was sent to NGOs in the EWL database on violence against women. The NGOs that participated in Cologne Conference were asked to respond to the country report drafted for their particular country.

In this study, we will indicate the elements that point to data on domestic violence, and most importantly, we will point out the gaps and the lack of information that predominate over data.

We will begin by showing how legislation in the different Member States is changing. Under pressure from NGOs, various government bodies are making progress on the issue of domestic violence, promoting broader recognition of the scale of domestic violence and the seriousness of these attacks on women's dignity, and in some cases urging better protection for victims.

These changes in the legal framework point, if not to modifications, at least the possibility of modifications in statistical reporting of domestic violence.

The most official data -- crime statistics -- **reveal almost nothing** about domestic violence. What they do show -- but only in some cases -- amounts to the tip of iceberg: charges filed. Victims of violence perpetrated by their nearest and dearest do not press charges, or do so only rarely, and these "hidden numbers" concerning domestic violence can only be guessed at. Very few researchers have even tried to do so.

These estimates are based on major national surveys (due to time constraints, genuinely qualitative studies were not taken into account). Here again, it is interesting to note the very recent emergence of such studies, which enable us to advance a few figures, which despite the difficulty of making comparisons, nonetheless reveal that domestic violence is just as common in Finland as in Spain and that it crosses all class and cultural boundaries, thus confirming what NGOs have known for a long time. Our cautious estimate, based on these data, is that more than **one in five women (between 20 and 25% of all women)** have been subjected to physical violence by a partner.

While these statistics are still inadequate, they represent a first attempt to take into account something that is no longer limited to "home", to this private sphere that too often provides neither safety nor aid. They also reveal that this violence must be taken into account everywhere and that it affects women of all cultures and social classes. Finally, they reveal that this is not just a women's problem, but a social problem, and that it is high time something was done about it.

*"Today, I would like to tell you the story of a statistic that represents a life all by itself: a statistic with a past, a statistic that has attained great fame as well as a bad reputation and an impressively long life. A statistic that has become the focus for dialogue and political action. The figure to which I am referring is "one in ten...". One woman in ten is beaten by her husband or her partner each year in Canada. While most figures are viewed as tools for measuring, proving and clarifying a situation, this one is becoming a signpost and a catalyst for social and conceptual change.*

*As it happens, it attracted the attention of decision-makers, academics and the public at large. It was a major catalyst that brought people face to face with a way of looking at things that many would have preferred not to see. It was the statistic that forced people to reconsider the meaning of an intimate relationship, that obliged them to look again at women's inequality in broader terms and compelled us, as women, to reflect on our vulnerability and our mortal condition".*

(Linda MacLeod, 1994)

We hope that this report will have a similar effect and that it will spark reactions that will take the process even further.

# 1. FRAMEWORK AND BOUNDARIES OF THE STUDY

A certain number of choices were made at the onset of the study, which are as follows:

## *1.1 A Feminist perspective*

*“On ne naît pas femme, on le devient”*. “You are not born a woman, you become one”, according to Simone de Beauvoir. The study is firmly set within a feminist framework. While it accepts that domestic violence can be approached from a number of different angles, the most frequent being that of family policy, this study has purposely chosen to understand the family to be a microcosm of wider society, in which the dynamics of gender inequality are reproduced daily. Inequality, therefore, is understood to constitute structural violence. The most notable statistic is that 95% of all acts of violence are perpetrated by men against women known to them. These acts of violence take place most frequently in the home.

While the EWL and its researchers recognise that men can also be victims, and that abuse also occurs in lesbian and male homosexual partnerships, this study does not focus on these issues. It concentrates on domestic violence as integral to assigned gender roles wherein women often become the main victims of abuse by their male partners. This abuse has to be understood in the context of the traditional power relations which endorse male gender roles to include abusive behaviour to gain or hold on to control over a woman.

### *Reference to the Beijing context (paragraph 113 of the Beijing Action Platform)*

Although this definition is very broad, it offers several advantages. First, it includes all forms of violence towards women and thereby reinforces the point of view adopted within the context of the present study. Furthermore, it includes certain forms of abuse that are becoming cause for concern, in particular psychological violence. Finally, it recognises that violence towards women, especially within an intimate relationship, is part of a continuum process and is rarely an isolated act. This type of definition can help and guide the Member States in developing policy concerning domestic violence. It will also contribute to the development of criteria for an inventory and assessment of cases, as well as the development over time, of domestic violence in the European Union. This definition is also open to development over time and consequently will make it possible for research results to be taken into account in the determination of intervention strategies. Moreover, this very open definition eliminates the separation between the private and public spheres, which has always been one of the main obstacles to preventing domestic violence from spreading.

### *Domestic violence as an issue for women within an intimate relationship with a man*

In this study, domestic violence has been examined within the context of either marital or cohabiting relationships between adult women and adult men. It is important to make this clear,

as in many countries the concept of “domestic violence” is unknown. Other terms are used to describe this form of violence within the home, in particular “family violence”. For the purposes of this study, the concept of “family violence” has deliberately been rejected because it implies that the perpetrator is part of a family system and that the system itself, rather than the person, generates violence. Responsibility for the violence is, therefore, removed from the perpetrator and placed within the context of family relationships. While domestic violence can be examined within this framework, it will not be included in this study. The concept of “family violence” also extends by definition to other dependent members of the family, especially children. This study, however, does not include violence against children. Nevertheless, within the boundaries of this study, the protection of women from domestic violence is a form of child protection. Women tend to seek external help once their children are affected by male violence within the family. Traditional methods of dealing with this usually result in removing the child or children from the family home. Women are left vulnerable and children confused if not psychologically scarred. Consequently, women and children oftentimes feel that the violence and abuse are their fault. Once again, responsibility has been shifted away from the perpetrator.

## ***1.2 Geographical Boundaries.***

While the EWL is very much aware that violence against women knows no geographical boundary, it has nevertheless limited the remit of the study to the 15 Member States of the European Union. Thus, countries applying to join the EU are not included, although the study could be extended to include these countries at a later stage. The reasons for this are twofold. Firstly, the EWL is an EU-based coalition, made up of women’s organisations spread across the 15 Member States, with a mission to address its actions to the European institutions. All the EWL’s work is conducted within its own democratic structure, and while not all EWL member organisations were directly involved in the study, members of the working group came from within its structures.

Secondly, the recommendations made in this study are addressed to the political institutions of the EU, in line with the EWL’s mandate. Given that the European institutions are gradually beginning to focus on some dimensions of violence against women -- the Daphne initiative for example, and trafficking in women -- it is important that issues of domestic violence be integrated into policy-making at EU level. Some of the recommendations in the study which are addressed to national governments can also function as prerequisites for a more harmonious overall European strategy, for example in the use of statistical criteria.

## ***1.3 The data***

This study maps existing official data on domestic violence in the different Member States, meaning data from governmental bodies and associated institutions, such as research departments within different ministries, as well as national or other official statistical bodies. In other words, those institutions which are responsible for collecting and collating data using predetermined criteria on what constitutes criminal activity, and can be influenced to redefine these forms of activity as they evolve.

The mapping exercise brings together, as comprehensively as possible, the leading governmental bodies tackling violence against women in general, and domestic violence in particular, to ascertain how these issues are being treated at Member State level.

We asked what information and data were available in the different countries, and more importantly, what do they tell us? The answers are crucial, as they constitute the first step in a process of establishing longer-term mechanisms for recording domestic violence in the European Union. The study, therefore, points out the existing data in the 15 Member States, but it does not analyse it other than to indicate the sources of information, and whether -- and how -- this has influenced data collection and recording in any particular country.

The official data provides clear evidence that existing means of data collection are limited and need reforming, which are covered in the third section of this report on Recommendations.

The national data analysis constituted the main body of this study. As one of the objectives of the study was to map existing data on the issue of domestic violence, the choice had to be made to limit this to data collected and collated by governmental bodies and to official research. The source of the data is pertinent because it is informative about the ways which the issue is being addressed at Member State level. While it is not the only criteria, this is obviously important to the call for common European actions and policies to combat violence against women in general, and domestic violence in particular.

Therefore, the objectives of the national analysis are twofold: first, to take stock of how the issue is being addressed at national level and secondly, to identify significant milestones which can be used to measure progress over time and correspondingly develop follow-up actions as a European response to the issue of violence against women within the European Union.

We have attempted to establish, for each Member State, a report containing the following data:

- A table, as up to date as possible, describing the legal framework concerning violence against women and domestic violence in particular.
- The **sources of official data**, in other words, who is providing what? This section is divided into two sub-sections. The first names the different ministerial bodies that have undertaken particular studies, research or any other significant measure on the issue of violence against women, and establishes which ministry takes responsibility for implementing measures to combat violence against women. The second sub-section relates to other official sources of data consulted for this study. In some countries, overall reports on equality to which governments have committed resources, for example, contain chapters on violence against women with an accompanying action plan. While further follow-up is necessary to check if these promises have in fact been implemented, this does not figure in the country reports. By pointing out the materials available, this study should help NGOs carry out such follow-up work in their respective countries.
- The official annual data provided by each Member State on crime statistics was assessed for each country. No year of reference was decided upon in advance, but the most up-to-date data was requested. The objectives of assessing crime statistics were twofold. Firstly, to ascertain whether changes in legislation were in fact being recorded in official statistics, and secondly, to determine if the statistics were able to provide adequate information on the interrelationship between different categories of crime -- and to determine where other hidden data need to be “unveiled”.

Other significant information was sought, usually using the **Fourth World Conference on Women held in 1995 in Beijing, China**, as a benchmark from which progress can be measured

over time. As well as negotiating as a common political block in Beijing, the governments of Member States of the European Union also presented National Reports to the plenary sessions, in which more specific commitments were made about a number of areas of priority for greater gender equality. Some governments made specific proposals on violence against women. These are documented in two reports drafted by the European Women's Lobby and in the annexed national reports which include, in so far as possible, information about the five-year review (in preparation for the year 2000).

## 2. STATISTICS ON DOMESTIC VIOLENCE

### *2.1 Does the law reflect attitudes?*

By and large in most Member States, laws in the area of domestic violence have improved. In the majority of cases, however, the law on compensation for victims of crime does not extend to victims of domestic violence, nor does it cover any offences against the person in general. Usually, compensation is attached to the loss of material goods. Law in Member States derives from two main bodies: criminal law and civil law. Criminal law defines the crime, and corresponding punishment, while civil law provides the remedies for protection and safety.

As a general rule, legislation is much more specific and much more stringent as concerns crimes against property than crimes against people. A Belgian deputy public prosecutor was heard to say that: *"Issuing a warrant for someone's arrest for assault and battery is not always possible. It takes a broken arm or injuries requiring hospitalisation before the authorities can intervene and remove the victim to safety. (...) (In contrast), all forms of damage to someone else's property are punishable, in some cases very severely. Slashing your partner's tyres is much more serious than giving her a black eye, under our laws!"* (G. Jonnaert, p. 21).

While the laws have been amended in recent times, mostly since the beginning of the 1990s, the changes have not been uniform in the same areas of law, nor similar in direction. Some countries have reaffirmed the **seriousness of violence between two adults engaged in an intimate relationship**, without explicitly using the term “domestic”. In these countries, France and Belgium for example, particular attention is paid to aggravating circumstances that accompany the crime.

In France, violence perpetrated on a pregnant woman is considered a serious offence if the perpetrator is aware of the pregnancy beforehand, liable for punishment equivalent to murder. This legislative change, which was adopted in 1992 and which took effect in 1994, is beginning to be reflected in statistics.

In many of the Southern European countries such as, Portugal, Spain and Italy, violence within the family context is considered a serious offence that carries heavy penalties and can constitute the basis for divorce, as in Portugal. Italy, for example, which once referred to sexual violence as an offence against “morality”, now recognises it as an offence against the dignity of the person.

In other countries, the law extends to include past intimate relationships, thus recognising that the violence does not end with the relationship. This is very important because studies carried out indicate that the level of violence committed by ex-partners is extremely high, showing that the end of the relationship does not necessarily stop violence. This is true for partners who were abusive within their relationships as well as for those who were not, but in the latter case the percentage is lower.

In Sweden, new legislation that took effect in 1999 refers to violence as a threat to the “dignity of women”, or to the “dignity of the person” if directed towards other members of the family. In this particular example, it is the victim who determines whether the behaviour is acceptable or not, and other forms of violence are also recognised - and punished - including those for which there may be no physical evidence, notably psychological violence. "Habitual" psychological violence has also been recognised as a serious form of violence by Spanish legislation since 1999.

Extreme forms of violence, especially attempted murder, murder and grievous bodily harm, are issues for the criminal justice system. As such they are dealt with in the same way as other extreme criminal offences.

It is in civil law where most of the changes have taken place, offering a wide range of remedies to victims of domestic violence. In many countries, like Ireland and United Kingdom, civil remedies have been strengthened by protection and safety measures, to include protection from ex-partners (UK), whereby the courts have the power to arrest if protection measures have been breached by the perpetrator. In many countries, other laws recognise the particular vulnerability of women and children as a direct result of domestic violence, and social welfare legislation (Sweden) and housing and homelessness provisions (UK) have given priority to them.

Family law in Austria authorises the police to remove a perpetrator from the family home for a limited period of time, thus enabling the victim and dependants to remain there until other solutions are found. This is a model that other countries like Germany are considering and which has been applied in Finland since 1999.

In a number of countries (Sweden, Portugal and Spain,) the victim is not obliged to press charges on her own as a third party; however, the police and/or public prosecutor have the power to intervene and file a complaint on the part of the victim. It is important to note that it is “on the part of” and not “on behalf of” as the victim does not have to be consulted or give her permission to do so; she is simply informed. While the right to file a complaint applies to any form of domestic violence, complaints are more likely to be lodged and pursued in cases of extreme violence, such as grievous bodily harm, attempted murder or murder. However, in some cases these are not filed and therefore left unrecorded. More frequently yet, complaints are withdrawn by the women themselves, and are not recorded.

Although in most countries mandatory police reporting is in place, it is very difficult to trace evidence of reports in the official statistics, particularly those that are collated annually in most countries by the Ministry of the Interior using figures on crimes brought to trial.

A fair number of countries have begun to recognise domestic violence as an infringement of women’s dignity. In a change from the past, domestic violence is more and more considered to be a public problem. Yet, there still is a considerable need for legislation to address violence against women, as well as an evaluation of the gaps in current legislation.

### ***Application of the law?***

The transposition of these legislative changes into practice, i.e., enforcement of the law, poses another problem rarely studied in this area, which is very new for "officials". A few pioneering studies, conducted in Ireland (Kelleher and O'Connor, 1999) and in Spain (Themis, 1999), illustrate how few men arrested for domestic violence are actually punished. Women do not feel safe and should be given more support when they decide to press charges. This explains the very high number of women who withdraw their charges.

An Irish study by Women's Aid reveals that a number of changes have taken place in the police and justice systems. It indicates in particular how domestic violence has become more and more visible. The type of information recorded in the area of civil procedure and taken down by the police shows that violence against women is serious in nature: 50 to 60% of civil complaints involved physical violence. Many women had previously been hospitalised for their injuries. The authors present a series of recommendations for improving this system at all levels of intervention and further appeal for better statistics.

The Spanish study conducted by Themis, an association of women lawyers, monitored the follow-up and handling of domestic violence complaints over a period of five years (from 1992 to 1996) in the Community of Madrid. According to the authors, the results of this in-depth analysis of legal cases correspond to the situation described by women's NGOs with experience in this area. Most violence against women occurs in the home (74%). Which, according to Themis, "is not surprising, since the home is the area of greatest impunity". It is also the scene of 50% of violence between separated and divorced couples. *"The fact that violence occurs even after separation reinforces the equivalence between domestic violence and violence based on gender, and the man's need to maintain control and authority over his victim, even after the emotional ties between the couple have been damaged"*.

The legal system is a long way from taking into account the seriousness of acts of domestic violence and the options provided for in the law. The study further reveals that when women withdraw charges, judges close the vast majority (94%) of cases, "thus weakening the law" that allows them to prosecute anyway. Worse yet, "in some cases, judges invoke justifications not provided for in the law to close a case" (p. 90).

If, as most studies indicate, application of the law lags behind its adoption, the same is true for collection of statistics concerning changes to legislation. For example, official French statistics on domestic violence were produced for the first time in 1996, although the legislation in question was adopted in 1992 and entered into force in 1994; the figures for 1996 are based on criteria related to lost workdays<sup>1</sup>.

Documentation consulted in different Member States emphasises the difficulties encountered by the judicial system, particularly in case of domestic violence. As Themis notes, "criminal sanctions for domestic violence are not a problem of specific standards or harsher punishments, but more fundamentally of a real determination on the part of judicial actors to apply existing standards" (op. cit., p. 91).

## ***2.2 Official statistics/data***

Sources vary considerably from one country to another. A substantial part of the time given to the study in the initial phase was spent making links with governmental and other official sources. Clearly, violence against women in general, and domestic violence in particular, is more often than not considered an issue related to women's rights, or more broadly to social affairs, or the province of a specific unit attached to or distinct from other portfolios. It is rare for the issue of equality to have its own ministry; very often it is merged with other policy areas such as

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<sup>1</sup> Although these figures are interesting, they completely ignore information about women subjected to violence or employed in atypical jobs. Moreover, they overlook women who are not in the labour market, because they are either unemployed or homemakers. This gap is significant, as such women are particularly dependent on the abusive partner.

employment, environment, consumer affairs and family policy, including the elderly, young people and the handicapped. This is significant as it presupposes that gender equality, and all areas that relate to it, are relegated to government departments which deal with the “social conditions” of society. There is no country where gender equality is part of the economic, financial, foreign affairs or justice departments. These areas are still reserved for men. In this way, gender inequalities are perpetuated. It is interesting to note that in many countries, despite the presence of many women in the judiciary, the system remains patriarchal. It is not surprising, therefore, that violence against women, and domestic violence in particular, is considered a lesser type of crime.

### *Crime statistics*

In all countries, the classifications used in collecting, collating and presenting official crime statistics are similar. Crime statistics relate to offences committed under criminal law and are divided into two main categories, **offences against the person** and **offences against property**. As a general rule, information and subsequent crime statistics, are collected at two different times, before and after the judicial process. The first relates to crimes recorded by the police on the basis of complaints received and/or investigated, for example, fraud and drug-related offences; the findings are recorded according to an established classification of crimes under the two categories above. The second concerns the outcome of the judicial process, in which the same classification of crimes is used detailing how the courts judged the offences by ordering suspended sentences, convictions or imprisonment. While the classifications of crime are similar, they do not count repeat offences by the same perpetrator within the same year. As a general rule, the judicial process is very slow in all countries.

Also, crime statistics tend to provide information on the nature of the offence, with more or less detail, but only tend to identify the perpetrators of crime, where data is differentiated by sex. As a general rule, no information is provided on the victims or the outcome of the recording process although there are some exceptions. As one civil servant expressed it, “the objective is to record the number of offences committed, not how the crimes were committed nor who the victims were and the possible consequences.”

This system of recording forms the basis of official crime statistics in all countries in the European Union. This study has shown the analysis of data **reveals very little if anything at all** on the issue of domestic violence. In addition, there is a delay in classifying new forms of crime, for example, as to whether they constitute an offence against the person or against property. Crime statistics, therefore, do not provide adequate information or data on domestic violence. Better statistical data on this often come from other sources that are not always integrated into the mainstream crime records of any country of the EU.

Some exceptions do exist, however, one of the most interesting being that of Spain, which began keeping statistics on the consequences of domestic violence, including the seriousness of injuries and resulting deaths, for each region in 1998. Accusations of domestic violence are also tracked by region.

The Ministry of Employment and Social Affairs, in collaboration with the Instituto de la Mujer, has conducted a study providing statistics on crimes involving sexual violence, accusations of domestic violence, accusations of domestic violence region by region (each year since 1995) women killed as a result of domestic violence.

France has begun maintaining more precise information about domestic violence. In addition to

the number of lost working days, which are tracked in judicial statistics, the number of sentences handed down for violence between partners has been monitored since the law took effect in 1996: more than 5,000 in 1996 and more than 6,000 in 1997.

We also noted that some countries have **announced** measures to improve their statistics, which should lead to clearer understanding of the issue on the part of the public.

This is the case in the following countries:

- **Belgium** should soon have statistics reflecting changes to the law on violence between partners enacted in 1997.
- **Denmark** has announced that the Ministry of Justice and police force will cooperate to provide statistics indicating the sex and age of perpetrators and victims.
- **Germany** has announced that as of 2003, statistics will indicate the relationship between the perpetrator and the victim. Currently, statistics produced by the Federal Bureau of Criminal Research specify the sex and age of the victim and the perpetrator.
- **Sweden** has also declared that the National Council for Crime Prevention will make efforts to improve official statistics, in particular by allowing indication of the perpetrator's and the victim's sex, and the victim's age and relationship to the perpetrator.
- **Finland's** statistics will also reflect the changes to the law of 1999.

Referring to the statistics analysed within the context of this study, we noted the following important points as concerns the manner in which a crime is defined in the various Member States:

➤ **How is a crime defined?**

The division between “persons” and “property” gives the best indication as to how crime is defined. Very often, the section on property is extremely detailed, while information concerning offences against the person is vague; for example, the majority of crimes against the person are recorded in the sub-category “unintentional bodily harm”. Clearly this crime is perceived as a single event which can be counted. Priorities can also be traced through the ways the crimes are named and subsequent associations are developed between different categories of crime; for example, drug-related offences are linked to homicide in “revenge attacks” among organised crime rings. This type of association shows the potential for cross-referencing different areas of crime; it also offers the possibility of linking different factors to ascertain the interrelationships between different categories of crime. An exercise of this kind could very well be used as a model for developing links between different offences, and how they relate to domestic violence. In many countries, sexual violence offences are linked with minors thus demonstrating that sexual abuse of children and minors is considered a priority.

The failure to refer to the relationship between perpetrator and victim, in all forms of crime, is a serious deficiency and hides the full extent of crimes committed against the person. Within the definition of domestic violence and other forms of violence, which is used in this study, the failure to cross-reference different crimes is a serious hindrance. Together with the omission of references to the relationship between the perpetrator and the victim, it contributes to the veiling of domestic violence as an offence against the person - that is, against a woman.

Statistical tables providing data over a period of years show how crime evolves, and indicate where resources are invested to fight particular forms of crime, for example drug trafficking. This is often confirmed by conviction rates which demonstrate that some crimes are clearly punished more than others are. It should be noted, in the context of this study especially, that conviction

rates for all crimes are relatively low compared to the number of crimes recorded. As crimes against women will, it is hoped, be taken more seriously and systematically into account, the absence of both penalties and follow-up must be given central importance in the debate.

➤ **Who are the perpetrators of crime?**

Where information has been provided on the sex of the perpetrators of crime, in police and court conviction records for offences against the person or property, men form the overwhelming majority. Women's involvement in crime tends to be concentrated in certain areas, such as fraud. In some countries women are recorded as the main perpetrators of offences such as prostitution (in Belgium particularly), particular as concerns hiring of prostitutes and other activities linked to the organisation of "sexual services". The actual buying of these services is not considered an offence, except in Sweden (since 1 January 1999).

➤ **Who are the victims?**

As has already been said, in most countries no information is provided on the victims of any form of crime. However, some countries, notably the Netherlands and Sweden, have established systems for integrating details about victims into the official annual crime figures. However, caution must be exercised as the numbers of male victims, which include some categories of bodily harm and harassment, are sometimes greater than the number of women victims; only in sexual violence, where rape constitutes the main offence, do women constitute a majority of victims.

Without knowing the context, this type of data could be used against women, challenging the newfound awareness that women are the main victims of crime. This is not to say that men cannot be victims of crime in general, nor of crimes against the person. Where data on victims does show the relationship between the perpetrator and the victim, it is interesting to note that, more often than not, men are victimised by strangers rather than persons known to them. Swedish and Dutch data also show that crimes involving a stranger are more likely to be reported than crimes committed by a person known to the victim. Here again, an analysis of the judicial or pre-judicial process may reveal useful information. The number of complaints, which is assumed to be very low where it involves filing charges against a spouse or partner (as the studies we shall look at farther on reveal) is even lower the farther along in the procedure we look. A study conducted in Spain shows that in 63.5% of cases, victims of domestic violence withdraw charges (Themis, op.cit., p. 89).

The manner in which data is collected from the outset (such as the conditions under which the police interrogate victims, to cite only one example) is essential, as it determines the number of complaints that may in the end be lodged.

Table 1: Domestic violence in the European Union: main and recent changes in legislation, crime statistics, national investigations and studies concerning domestic violence and their potential political consequences.

<i>Country</i>	<i>Recent changes in legislation</i>	<i>Crime statistics</i>	<i>National studies on domestic violence</i>	<i>Political consequences/application as concerns violence</i>
<b>Austria</b>	May 1997: police may remove perpetrator from the home	Crime statistics indicate sex of perpetrator of crime but not of victim. In 1998, 2,673 cases of removal from marital home		Parallel to the law, five new agencies against violence in the family created; others to be created in 1999.
<b>Belgium</b>	Change to law in 1997 recognising violence between partners as an aggravating factor	No sex-differentiated data by statistical office; police have records of complaints and prosecution but do not truly report on domestic violence; new law to incorporate statistics on violence against a partner	Study on physical and sexual violence towards women in 1988; more in-depth in 1991. Another study conducted in 1998 for purposes of comparison with 1988 study.	Recognition of the scope of family violence and implementation of information campaigns for general public and professionals (social and medical)
<b>Denmark</b>	Amendments to law in 1997, improving support to victims		Crime Prevention Council in 1987 on violence in general (2,820 interviews) and 1995 (13,757) In 1998, general study on violence in the street, at home and at work (26,178 people interviewed)	Improvements to victim services
<b>Finland</b>	Changes to penal code in 1999; introduction of option of order for removal from home		" <i>Faith, Hope, Battering</i> ", study on violence against women (7,100 women interviewed) reveals that 22% of married or	Creation of a five-year intersectorial programme to fight violence, including development of sex-differentiated studies and

<i>Country</i>	<i>Recent changes in legislation</i>	<i>Crime statistics</i>	<i>National studies on domestic violence</i>	<i>Political consequences/application as concerns violence</i>
			cohabiting women suffer violence by their partner; 50% of separated women have been subject to violence/threats from their ex-partner	research on violence against women
<b>France</b>	Changes to penal code in 1994 to introduce harsher penalties if violence (including rape) is committed by the spouse or partner and to facilitate lodging of complaints for domestic violence	Since 1996, crime statistics reflect changes to legislation; indicate working time lost due to domestic violence but also sentences for violence between spouses or partners: > 5,000 cases sanctioned in 1996, > 6,000 in 1997	Pilot study conducted in 1997-98 on violence against women (ENVEFF) within sample of 484 women	National survey of 7,000 women concerning violence against women (ENVEFF)
<b>Germany</b>	Changes to penal code in 1997; stricter penalties for "crimes against freedom and dignity"; rape within marriage put on equal footing with rape outside marriage. Modification of Aliens Act to drop three year residence requirement for leaving violent husband.		In 1995, a survey on sexual violence against women in the public and private sphere (5,832 women interviewed, 2,104 responded to written questionnaire) reveals that 2/3 of sexual violence occurs within the family	Inpol Neu to integrate data on relationships between victims and perpetrators; figures available only in 2003
<b>Greece</b>	No particular sanctions for violence between spouses	No crime statistics on domestic violence		Committee of experts created by Secretariat for Equality to determine

<i>Country</i>	<i>Recent changes in legislation</i>	<i>Crime statistics</i>	<i>National studies on domestic violence</i>	<i>Political consequences/application as concerns violence</i>
				measures to be taken
<b>Ireland</b>	1994: Creation of specialised Garda Siochana Police (amended 1997); Domestic Violence Act of 1996 provides for joint work with NGOs and two main options: safety order and banning order	Since 1994, annual data from Garda Siochana on reported acts of domestic violence: 5.9% increase in complaints between 1994 and 1997. Garda Siochana receives > 4,000 calls/year	"Making the Links": national survey conducted in 1995 by Women's Aid (679 women): 18% victims of violence during their lives; 7% of violence from partner during the past year. Safety and sanctions: study on domestic violence and application of the law.	1997: establishment of a Task Force on violence towards women and domestic violence specifically
<b>Italy</b>	1996: New law recognises sexual violence as a crime against the individual		1997-98: ISTAT survey on safety: 20,064 women between 14 and 59 interviewed by telephone: 51.9% of women subjected to sexual violence at some point in their lives. Telefono rosa: 1996 (1,722 questionnaires), 1997 (1,800)	Proposal by Ministry for Equality of Opportunity for development, with ISTAT (statistical institute) of sex-differentiated statistics.
<b>Luxembourg</b>		No crime statistics on domestic violence; police keep statistics (1996-98) on violence towards women (rape and assault)		
<b>Netherlands</b>		Statistics indicate number of victims of violence (sexual, physical) by sex	1989: study on domestic violence (Renée Romkens): 1,016 women (age 20-60): 26.2% women	Health and Social Affairs Ministry distributed study widely to social, health and police professionals.

<i>Country</i>	<i>Recent changes in legislation</i>	<i>Crime statistics</i>	<i>National studies on domestic violence</i>	<i>Political consequences/application as concerns violence</i>
			<p>suffered violence at the hands of (ex-) partner; 43% of divorced women attacked by ex-husband.</p> <p>1997: Study on domestic violence commissioned by Justice Ministry: 1,005 people (age 18-70) interviewed: 46% of women subjected to domestic violence; 26% of perpetrators are (ex-) partners</p>	<p>Project on "police intervention in domestic violence cases, Utrecht, 1993-97"; 1997 study to be conducted on immigrants.</p> <p>1998: Justice Ministry announces creation of a joint platform for coordination of activities of Health, Justice and Social Affairs Ministries and NGOs</p>
<b>Portugal</b>	Revision of penal code in 1995 to reinforce sanctions for family violence; 1998 revision allows women to file police complaints concerning violence by spouse.	Justice Minister publishes statistics including information about family violence (no details on sex of victim or perpetrator)	<p>1992: image of violence</p> <p>1994: study on victimisation by Justice Ministry (section on violence against women)</p> <p>1995: violence against women, Commission on Equality</p>	
<b>Spain</b>	1999: introduction of changes to criminal code, in particular recognition of seriousness of habitual psychological violence; perpetrator may be barred from marital home.	Judicial police statistics show consequences of domestic violence by region and charges of domestic violence (by province and type of crime). Statistics from Instituto de la Mujer.	1997: Ombudsman's report on domestic violence in Spain, with figures from Interior and Social Affairs Ministries and NGOs. Themis study on legal procedures concerning domestic violence in	1998: national action plan against domestic violence

<i>Country</i>	<i>Recent changes in legislation</i>	<i>Crime statistics</i>	<i>National studies on domestic violence</i>	<i>Political consequences/application as concerns violence</i>
			Madrid region.	
<b>Sweden</b>	1998: important changes to criminal law, with introduction of new category of crime: "violation of woman's dignity" and ban on purchase of sexual services	Central Statistical Office unit procedures sex-differentiated statistics on all issues related to equality between men and women, including violence and crime. Crime statistics incorporate precise data.		National Crime Prevention Council is currently working to improve official statistics. Body responsible for compensation and support for victims responsible for study on violence against women. Immigration Council mandated to disseminate information to new arrivals in Sweden.
<b>United Kingdom</b>	Changes to Family Law Act of 1996 provide broader protection for women and procedures for removing violent (ex-) spouse from the home	British Crime Surveys indicate that in 1996, 43% of recorded acts of violence against women were acts of domestic violence.	Crime Concern 1998: Counting the costs: estimating the impact of domestic violence in the London Borough of Hackney: Home Office, 1999: Domestic Violence Matters (DVM): evaluation of a development project	Violence Research Programme (VRP) extends from 1997 to 2002 and will establish a national database on research into violence and involving 20 research projects, including several on domestic violence.

### 2.3. The NGOs

The majority of the NGOs working with women victims of domestic violence have been keeping records on the women who use their services since the beginning of the 1990s or before. Data and information on both the victim and the perpetrator are usually recorded, including age, nationality, profession, income, status (married, cohabiting, etc), as well as the type of abuse and the woman's first reaction. They also provide information on who was contacted: the police, doctors, social workers, family, friends, etc. NGOs providing crisis telephone services keep records on the number of calls, personal information on the callers, as well as geographical region. Most NGOs keep records for a variety of other reasons, particularly for funding purposes, public awareness, or lobbying locally or as part of a broader coalition at regional and national levels. Some NGOs use the data to lobby for extra bed spaces (as in most countries, space does not meet demand) or additional service provisions, and for policy development and strategic operational planning.

However, due to the difficulties these NGOs face, such as lack of resources and therefore of time and staff, these working notes are rarely used for any other purpose and, although this is not the intention, a certain excess of discretion results.

NGOs are currently recording data which provide a wealth of urgently needed information. The majority of NGOs involved in this study are prepared to share their data with other agencies, and particularly with policy makers in different areas of intervention, so as to strengthen strategies to combat violence against women. Other than using the data provided by NGOs for the purpose of funding, policy-makers should make use of their expertise.

NGOs often regret the lack of follow-up to their actions; the results, in particular the results of police intervention and judicial procedures, are rarely communicated. Some NGOs have stressed the need to join forces with other services that are not at the forefront in dealing with domestic violence, such as hospital emergency services. Several NGOs have therefore requested closer co-operation with other agencies, and specifically to be kept better informed of the work of the police and other services and in general to be provided with information that would help them improve their services to the women they deal with. These requests are very much in line with the Recommendations adopted by the Conference of Experts in Baden, during the Austrian presidency of the EU (30 November-4 December 1998), and particularly the following Recommendations:

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

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

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

## ***2.4 National studies/surveys***

In many countries, specific research has been commissioned by those governmental departments responsible for equality or women's issues. In a number of cases, research is carried out by universities or related institutions. It is within this area that additional information and the main body of substantial data are collected and made available. Data is rarely incorporated into official statistics and very often the information cannot easily be slotted into the categories used for these statistics. These surveys collect information about women who would not under normal circumstances indicate cases of domestic violence. The information obtained is therefore very different from crime statistics, which as we have seen do not provide a quantitative picture of violence against women and furnish even less information about domestic violence.

The statistical data we currently possess concerning violence against women and domestic violence all come from these sources, which gave us the well-known "One woman in ten" in Canada and "Among married or cohabiting women, one in five has been a victim of violence on the part of a partner" in Finland.

### ***Initial studies***

The first surveys were carried out in the United States at the end of the 1970s and early 1980s. This was the first time that the myth of the non-violent family was breached. However, while these surveys proved useful in bringing forward issues that American society (and others) did not want to acknowledge, they were subject to criticism as they assumed all members of the family unit were equal. Some suggested violence within the family was a means of managing conflict, and used the Conflict Tactics Scale (CTS) as a measure. This method also highlighted female violence against men, which at the time, as it still does, represented a minority of cases, although it nonetheless created awareness of the battered male syndrome.

The most significant survey to be developed on the issue of male violence against women was conducted in **Canada** in 1993, under the auspices of the Canadian government. A random sample of 12,300 women over the age of 18 was interviewed by telephone and asked a broad range of questions about their experiences of male violence in their current lives and their past. The results were astounding: 51% of Canadian women had experienced physical or sexual violence since their 16th birthday, one in four women had experienced physical or sexual violence in the context of an intimate relationship with a man, and one in six women was suffering this form of violence at the time of the interview. Moreover, one in ten had experienced violence in the year prior to the survey. The definition of "violence" used in the survey was limited to the acts of violence in the prevailing criminal code.

The Canadian survey was instrumental, not only in providing a model for other countries to carry out similar surveys, but also very importantly in helping to define a framework for the annual preparation and publication of statistics in the area of violence against women. It is interesting to record that the Service Bulletin of the Canadian Centre for Justice Statistics published a "Note of Appreciation" commenting that "Canada owes the success of its statistical system to a long-standing co-operation involving Statistics Canada, the citizens of Canada, its businesses and governments. Accurate and timely statistical information could not be produced without their continued co-operation and goodwill."

In Switzerland, *Domination and violence directed towards women in an intimate relationship (Domination et Violence envers les femmes dans le couple)* was published in 1995 and created an

outcry. A sample of 1,500 women between the ages of 20 and 60 who were living with a man were interviewed by telephone, while in-depth follow-up interviews took place with approximately 30 women. The survey revealed that nearly one in eight women experienced physical violence and one in nine sexual violence, while the incidence of psychological violence was high at 40.3%.

### *Surveys/studies in the European Union*

Since the 1980s and especially since the mid-1990s, many countries have undertaken large-scale nation-wide qualitative research to ascertain the frequency and level of violence against women. As in the area of legislation, and often under pressure from women's NGOs, government bodies have attempted to shed light on what is increasingly perceived as a social problem and to develop as realistic an image as possible of a reality that has until now remained behind closed doors, although it is in fact a public issue.

One of the objectives has been to provide a basis for developing strategies to tackle the issues at national/regional/local level. More in-depth research would be needed to determine whether links may be established between this type of data and progress in policy, in particular to establish links between research and its impact on the provision of services, legal protection and prevention.

Given the current status of research in the form of studies and large-scale surveys, it is impossible, at the moment, to establish comparisons of the results of different studies that have been conducted over the past ten of 15 years. Both the methodology and the population analysed as well as the very objectives of these studies, are too diverse. There is no way of collecting the studies carried out in different Member States, adding up the results and calculating a European average.

However, we have attempted to summarise the findings of the most important studies pertaining to a large number of countries (see Table 2: Main national surveys on violence against women). While the goal is not to make genuine comparisons, it is nonetheless interesting to examine the similarities, areas of overlap or differences, in particular as concerns the following elements:

- the sample selected
- the year in which the study was carried out
- who commissioned the study
- the focus of research
- the results.

We will not stop to discuss the methodology used, preferring to leave that to the specialists<sup>2</sup>. The methods used for collecting information for these studies generally include direct and individual contact with the designated sample population and may take one of several forms: telephone interview, personal interview, oral response to a questionnaire or filling up a written questionnaire. Naturally, the studies on violence conducted in the European Union used a range of methodologies including all those mentioned here.

One of the first surveys in **Europe** was carried out in the **Netherlands** in 1986 by R. Römken. A representative sample of 1,016 women between the ages of 20 and 60 years were selected at random. What is interesting about this study is that it combined qualitative and quantitative

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<sup>2</sup> See S. Walby, 1999.

methods, as concerns both collection and analysis of the data on a large scale, and that skilled interviewers were selected and trained to perform in-depth interviews.

Another example comes from **Finland**. For a much larger-scale study entitled "Faith, Hope and Battering: a Survey of Men's Violence against Women in Finland", a questionnaire was sent by mail to 7,100 women aged 18 to 74 during the second half of 1997. The rate of response to this questionnaire was 70.3%.

#### **a) samples**

We have taken into account here only the most significant studies carried out at national level, i.e., those with a sample of at least 1,000 people. But the studies were also highly diverse: survey samples range from 1,000 people, as in Belgium (1988, 1991, 1998) and the Netherlands (1989,1997), to more than 5,000 for a German study (1995) and 7,000 for the Finnish survey (1998), to a high of 26,178 in the general survey on violence in Denmark (1998). The type of sample also varies in its composition, whether in relation to the age of the individuals questioned or their sex (mixed or women-only). Finally, in some studies, the sample is already "biased" or selective, in so far as the questionnaires were sent to women who had contacted the researchers or who had already been affected by violence.

#### **b) dates of surveys**

Aside from the first studies carried out in Belgium (1988) and the Netherlands (1989), most national studies in Europe were conducted in the mid-1990s. As we noted above, it is interesting to note a parallel between changes to the law and the development of these studies aimed at collecting data about violence against women. The publication dates were as follows: 1995, Germany; 1996, the UK; 1997, Portugal and the Netherlands; 1998, Finland, Belgium, Italy and Denmark. Most recently, France has announced that a major national survey on violence against women will be conducted in 1999-2000.

Also in the late 1990s, parallel studies, such as those on the costs of violence published in the Netherlands in 1997 and in the UK in 1998, and on law enforcement in Spain and Ireland in 1999, began to appear.

#### **c) commissioning bodies**

Studies aimed at finding data specific to violence against women were conducted at the request of ministries responsible for equal opportunities, which are often part of employment ministries, or ministries of social affairs or the family. This was the case for Belgium, Germany and Portugal. The large Finnish study was a joint initiative of the Council on Equality, the Ministry of Justice and the National Statistical Office. Studies focusing on violence in a broad sense, concerning men, women and children, were usually instigated by the Ministry of Justice, as in Denmark and the Netherlands (1997). Finally, in addition to these national studies, some major studies were conducted at the initiative of NGOs themselves, such as the Irish study on application of the law (Women's Aid, 1999) and the study carried out in Italy by Telefono Rosa (1996-1997) on violence to which women are subjected.

#### **d) the focus of research**

As in the case of methodology and population samples, the focus of study and measurement is not truly comparable from one study to the next. Many studies seek to assess the severity and type of

violence women are subjected to throughout their lives, and place particular emphasis on domestic violence. This is the case of studies conducted in Finland (1998), Belgium (1988-91, 1998), the Netherlands (1989) and Portugal (1997). Others focus on a particular type of violence (such as the German study of 1995 on sexual violence) or take a broader approach and look at violence within the family in general (Netherlands, 1997). Some studies have an extremely broad focus and attempt to measure the degree of violence in various spheres of society (Denmark, 1995).

This analysis also includes studies that, while not investigating violence, nonetheless reveal significant and often hidden data about domestic violence, such as studies on the costs of violence or studies on the manner in which the law is enforced by judicial and police bodies.

### e) the results

Having already indicated the need for caution in interpreting this analysis at the beginning of this section, we would also point out the impossibility, due to all these differences and the lack of a standardised framework, of providing *European* statistics and data. On the other hand, it is very interesting to note that the results of these studies and surveys, while they cannot simply be added up as they are, **do not contradict one another**, and even complement one another to some extent.

#### *Violence towards women in general/within the family*

Some studies provide results concerning violence that women have been subjected to throughout their lives, encompassing all types of violence. The figures, no matter what the method used to collect them, the sample or the country in which the study was conducted, are high:

- The Finnish study (1998) showed that 52% of adult women had been victims of violence or physical or sexual threats since the age of 15, and 20 % had been within the past year.
- The Portuguese study (1997) revealed that 53.3% of women living in the suburbs of large cities, 55.4% of women living in cities and 37.9% of women living in the countryside had been subjected to violence; 43% of acts of violence were committed within the family.
- A Belgian study (1998) indicated that 68% of women had been the victim of physical and/or sexual violence.

#### *Violence on the part of the partner*

Some studies concentrated on domestic violence as we have defined it, i.e., violence by a man against a woman within an intimate relationship. Other studies, while not focusing on this particular theme, address violence by a partner.

Here again, the figures are astonishingly high:

- Netherlands, 1989: 20.8% of women questioned had been subjected to physical violence on the part of a partner or ex-partner (one-sided violence) at some time during their lives, and 26.2% involved in unilateral or mutual violence. 13% of women were suffering from sexual and/or physical violence at the time of the survey.
- Belgium, 1998: "Partners are the most dangerous perpetrators: they are over-represented as concerns moderately severe and serious acts of violence"; in 48.4% of cases of violence against women, the perpetrator was a partner.
- Finland (1998): 22% of married or cohabiting women had suffered violence or threats at the hands of their current partner, and 9% of them during the previous year.

- Portugal: 52.8% of women had been the victims of violence inflicted by a partner/spouse.

Surveys sometimes provide information about the **typology of violence**, in which women increasingly frequently identify psychological violence as the most insidious and most frequent form to which they are subjected. Violence is also being perceived more and more as part of a continuum composed of many forms of violence, from non-verbal to extreme physical evidence, and even death. In Portugal, for example, 50.7% of women suffer from psychological violence.

New legislation in Sweden recognises this continuum, as do new Spanish laws on violence, including psychological violence.

In Germany, 14.5% of women have suffered **sexual violence** at the hands of a member of their family. In Finland, 29% have been the victims of sexual violence or threat of such violence since the age of 15, or have been forced to have sexual relations. In Portugal, 28.1% of women have suffered sexual violence.

These extremely high figures contrast sharply with what crime statistics may reveal, as we have already seen. One reason for this discrepancy is the very low **rate of reporting to the police**. The Dutch study of 1997 indicates that 12% of acts of family violence are reported; in Finland, 10% of women lodge complaints for the most serious incidents (1998); only 4% of rapes are reported to the police when the attacker is known to the victim (ISTAT, 1998). The Finnish study also shows that the main reason given by women for not filing charges is that they do not consider the act of violence serious enough.

This rate falls even further during the ensuing legal procedures. Victims **withdraw their complaints**; the Themis study in Spain showed that victims decide to withdraw charges in 56% of cases. In Ireland, studies reveal that between 48 and 61% of complaints lodged are later withdrawn.

### *A norm that crosses class and cultural boundaries<sup>3</sup>*

These studies and quantitative surveys clearly show that violence against women tends to be the norm and not the exception. The data prove that neither culture, geography nor age offers any protection against male violence towards women.

### *Fighting stereotypes: neither poverty nor lack of education...*

Surveys conducted in Belgium and researching all possible links between violence and socio-economic conditions conclude that *"those guilty of acts of violence are ordinary people found throughout society. However, not everyone commits the same type of violence. Women, the elderly and those with less education tend to resort to violence against themselves; men, young people and those with higher levels of education are more prone to violence against others. These others, the victims, are most often members of the family"* (1998, p. 154).

In Ireland, a study by Kelleher and O'Connor (1999) reveals that while working-class men are more likely to be arrested and prosecuted for domestic violence than others, this does not mean that they are the most frequent perpetrators. The higher arrest and prosecution rate rather stems from a series of factors, including working-class women's greater willingness to call the police

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<sup>3</sup> All the results of studies presented here are in sharp contradiction to widely held stereotypes, as the latest Eurobarometer (1999) on domestic violence illustrates.

and a tendency on the part of judges to convict working-class men.

A 1997 Dutch study revealed that "*there is no correlation between income and domestic violence*" (p. 78). It also shows that people with the highest levels of education are not only more likely to know victims of violence but also more likely to commit acts of violence within the family themselves than less well educated people, contrary to all expectations. In Italy, 44.7% of perpetrators of violence towards their partner have a university degree. This finding was confirmed by the Finnish study, which shows that the highest rate of violence occurs *at the highest income levels*.

**... nor alcohol or drug use**

- In Portugal, 16% of women who had been victims of violence questioned in the 1997 survey indicated that acts of violence were committed under the influence of drugs or alcohol (in 84% of cases there was no link).
- In Spain, alcohol and drug use are involved in only one out of five cases of domestic violence (Themis, 1999).
- In Italy, 17.7% of acts of violence are committed while the perpetrator is affected by alcohol and/or drugs (1998).
- In Finland, among men who had been violent towards their partner during the past year, 10% were intoxicated at least once a week.

***Vulnerable times in women's lives***

In addition to statistics on the number of women suffering from male violence, several of these studies reveal other factors that would not otherwise be included in official data. Some of these factors reinforce a feminist viewpoint concerning male violence against women by identifying times in a woman's life when male domination tends to assert itself within a relationship. These periods include pregnancy and the postnatal period; periods of separation; and when children are very young.

The Finnish study is prime example in this regard, as it provides information on a large scale concerning a series of these elements.

The various sources from which this information was obtained must still often be co-ordinated at national level, as exchange of information among these sources is almost non-existent. Notable exceptions include the working group on violence against women in Ireland, which has established mechanisms for the exchange of information and optimum examination of ways of improving existing systems. Finland, Spain, Sweden and the Netherlands are also developing mechanisms for interministerial consultation and have also indicated their willingness to improve statistics and representation of these issues at national level.

Table 2: Domestic violence in the European Union: main national studies and surveys on violence against women in the European Union

<i>Country</i>	<i>Survey/study</i>	<i>Type of sample</i>	<i>What is being measured</i>	<i>Main findings</i>	<i>Body commissioning study</i>
A Austria	No national study, but the Federal Ministry of the Environment, Youth and Family has subsidised several research projects on domestic violence				
B Belgium	1988: “Les femmes confrontées à la violence physique et sexuelle des femmes. Prédominance et conséquences”. In 1991, continued and more in-depth research.	Sample of 956 Belgian women between 30 and 40	-The percentage of women who suffer acts of violence within their family environment -The relationship between violence and socio-economic status of the woman, her partner and her parents	-40% have suffered several acts of violence within their family environment, 6.3% among them have suffered repeated, serious physical and sexual violence from their partners during their lives. -Violence is not a characteristic of specific social groups of society, and there is no relationship between violence and socio-economic status.	Ministry of Employment and Labour, also responsible for equality
	1998, published in February 1999: “Prévenir, subir et recourir à la violence” (Centre Universitaire de Limbourg)	1,439 Belgians (783 women and 656 men) divided into three age groups: 20-29, 30-39, 40-49	Comparison of data on physical and sexual violence ten years earlier and in 1998	-Women suffering from several acts of sexual violence by their partners: 1988: 6.3%, 1998: 16.8%. -a larger percentage of women aged 30-39 made official complaints about physical violence in 1998 than in 1988.	Ministry of Employment and Labour, also responsible for equality
D Germany	1995 (results of interviews)	Oral interviews with 5,832 women; 2,104	Questions, among other things, on whether they have	-Two thirds of sexual violence against	Ministry of the Family, the Elderly, Women and Young People

	conducted in 1992): Sexual Violence Against Women in the Public and Private Sphere (Lower Saxony Institute of Criminological Research)	answered written questions (women 16 and older)	ever been victims of <b>sexual violence</b> within their home/family	women takes place within the family/home. - 8,6% of women stated that they had been victims of <b>sexual violence</b> at some point. - 14.5% of women had suffered sexual violence if sexual assaults occurring before age 18 are included.	
DK Denmark	1987: survey on violence  1995: idem  Jan 1998: "Violence in the street, at home and at work" (Police research department, Statistics Denmark, University of Copenhagen)	2,820 people (aged 16-74)  13,757 people  Between 1996-1997: 26,178 persons between 16-74 years	Degree and fear of violence  Idem  Extent of violence, number of victims and acts of violence, number of victims of violence committed by present or former partners	?  ?  Violence committed by an (ex-) partner: -97% of victims are women. - Violent acts by partners do not occur in isolation. - In more than 56% of the cases where single mothers have been subjected to violence, the perpetrator was an (ex-)partner.	Crime Prevention Council  Police Research Department, Statistics Denmark
E Spain	No national survey; report by Ombudsman ( <i>Defensor del</i>				

	<p><i>Pueblo</i>) and statistical reports by the Instituto de la Mujer analyse statistical data</p> <p>Other study: THEMIS</p>	Courts of the Community of Madrid (1992-1996)	Legal procedures and responses to domestic violence		Women's Committee of the Community of Madrid
F France	1997-1998: Pilot survey on violence against women	484 women		This pilot project proved the necessity of further research in this area: in 1999-2000, a national survey questioning 7,000 women will take place.	Ministry of Employment and Solidarity
FIN Finland	1998: Faith, Hope, Battering: A Survey on Violence Against Women in Finland	7,100 women aged 18-74	The scope of violence against women in Finland	<p>-40% of adult women living in Finland has been victims of male physical or sexual violence, or threats, since their 15<sup>th</sup> birthday.</p> <p>-22% of all married and cohabiting women have been victims of physical or sexual violence, or threats of violence, from their present partner</p> <p>-This figure increases to 50% for all women who had lived in a relationship, which</p>	Ministry of Justice, Council on Equality

				had already ended. -Only 10% of victims reported the most serious incidents to the police.	
GR Greece	No national survey or large-scale study				
I Italy	1998 ISTAT Report on Violence Against Women	20,064 women (aged 14-59)	Incidences of rape, relationship of the perpetrator to the victim, reporting of rapes	-14.5% of rapes are committed by a husband or boyfriend. -Only 4% of rapes committed by a known person are reported (15.5% of those committed by strangers). - 77.7% of women say their partners are responsible for violence.	National Statistical Institute
	1996: Sexual Violence: 20 years for one law	Statistics taken from a 1996 study	Violence in intimate relationships	-17.7% of perpetrators are drug/alcohol users	"Telefono Rosa" , Commission for Equal Opportunity
IRL Ireland	1995: "Making the links, towards an integrated strategy for the elimination of violence against women in intimate relationships with men" (commissioned by the NGO Women's Aid)	Police and court records, court statistics, interviews	Analysis of how police and court system enforce law on domestic violence	This survey also points out the vulnerable moments in a woman's life (separation, pregnancy)  51.9% of women murder victims were killed by their (ex-) partner	Women's Aid  Women's Aid

	<i>Another study:</i> 1999: Safety and Sanctions. Domestic Violence and the Enforcement of Law in Ireland.				
L Luxembourg	No national survey. Ministry for the promotion of women's interests has proposed a framework for collection of data from shelters				
NL Netherlands	1989: "Gewoon Geweld?" (ordinary violence)  1997: "Huiselijk Geweld" (Domestic Violence) (Ministry of Justice)	1,016 women between 20 and 60  516 men and 489 women aged between 18 and 70	Experiences of domestic violence (not limited to male violence against women)	- 20.8% of women had been subjected to physical violence by a partner at some time during their lives, and 13% were suffering sexual and/or physical abuse at the time of the survey. - 45% of adults are victims of domestic violence. - 80% of domestic violence offences are committed by men	Ministry of Justice
P Portugal	1997: Violence against women (violência contra as mulheres)			-43% of acts of violence against women took place in a private setting, primarily the family.	
F	No national survey, but a series of sex-differentiated statistics on violence				
UK United Kingdom	<i>1996 British Crime Survey</i>	Based on crime statistics	Crimes committed	-46% of all violent incidents against women were domestic	Home Office

	<p><i>Other studies:</i></p> <p>1998: <i>"Counting the costs: estimating the impact of domestic violence in the London Borough of Hackney"</i></p> <p>1999: <i>Domestic Violence Matters: evaluation of a development project</i></p>	<p>Records from various bodies</p> <p>Study of 1,236 cases, 1,542 incidents in two police stations near London over 32 months</p>	<p>Assessing costs of domestic violence</p> <p>Assessment of an integrated intervention project</p>	<p>-60% of domestic violence incidents involved current partners and 21% involved former partners.</p> <p>-60% of women said that they had experienced some sort of abuse.</p> <p>-42% indicated that they had been afraid of a current or previous partner, and 30% of these said that they had often been afraid.</p> <p>-The vast majority of victims were female (99.4) and the perpetrators male (99%),</p>	<p>Home Office</p>
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## Conclusion: Where can the hidden data be found?

We have already emphasised that legislation has changed over the years to stipulate that violence is a crime when it is perpetrated within an intimate relationship. This concept was subsequently incorporated into the classification of crimes. But the evidence shows that this is not enough.

**Crime statistics** are generally restricted to certain forms of violence, essentially physical violence, requiring proof and a medical certificate. The doctor who issues this certificate is not allowed to interpret a woman's injuries as resulting from domestic violence. No indication is given as to the victim or the perpetrator of the violence. We therefore assume that the attacker is a man (as is generally the case in all forms of violence) and the victim a woman. While the classification of the crime may indicate the relationship between the perpetrator and the victim, it indicates only "spouse", which in English at least can mean either the husband or wife. This is a good example of the importance of clearly defining to whom the data refer. A better understanding of the actual extent of crimes related to domestic violence therefore requires a correlation with other crimes recorded.

We have identified certain areas in which this correlation was possible: crimes committed in the private sphere, breaking and entering, and violation of property. Examples from the United Kingdom show where the hidden data may be found using data collected for other purposes (in this particular case, housing records): *"In 1993, 17,000 households were approved for permanent rehousing by local authorities in England, the reason for abandonment of the most recent stable home being the end of a relationship with a violent partner"* (Department of the Environment).

Women's NGOs working with women victims of domestic violence possess invaluable knowledge of this field, knowledge that is generally ignored. They often have neither the time nor the resources to collate, systematise or make legible the data they have collected over the course of years and which could provide truly valuable insights.

Surveys, as they are beginning to develop, provide very useful information about a phenomenon that still tends to remain hidden. A series of feminist studies are also emerging, contributing to the debate on methodology in an effort to improve the focus of issues related to violence against women. As we have seen, the figures are impressive: we can say, without much fear of being mistaken, that in Europe **between 20 and 25% of women** experience physical violence at the hands of their partners. It is time this problem was taken seriously. Any studies and surveys we might undertake on violence against women can only help to bring this hidden data out into the open, break down stereotypes and provide a foundation for improving services and response.

## 3. RECOMMENDATIONS

### 3.1 The need for gendered statistics

This current study shows the shortcomings in the recording of statistical data relating to crimes of violence against women. Clearly there is a gap between legislation that recognises forms of abuse, which constitute domestic violence and the recording of the data in official statistics. Generally speaking, crime statistics only indicate the number of offences committed in a country for a given period of time (usually over one year) without giving any factual information. Therefore, the data provided in this format does not allow for nor provide adequate information on offences of violence against women and domestic violence in general. The current study also shows that the main body of findings on domestic violence comes from research institutes and NGOs and that some of the studies and research have been commissioned by governmental departments. Yet, the outcomes of these are not always integrated into the official Crime statistics and therefore remain marginal, circulated within closed circles. It is within this framework that the following recommendations are made in relation to statistics:

- \* The recording of statistical data needs to bring together information collated from a variety of sources, such as: police records, court judgements, particular services such as child protection agencies; health professionals: individual doctors as well as hospital and emergency units and other health services; women's NGOs: those providing direct services to women and children fleeing situations of domestic violence as well as services for prostitutes, along with counselling agencies (rape crisis centres, etc.); services working with homeless women; psychiatric hospitals and other mental health centres. The hidden data on domestic violence in the European Union are to be found in these services. Therefore, to achieve this type of data collection within Member States, it is necessary to co-ordinate this and to locate responsibility at governmental level.
- \* Gendered statistics require the consideration of other criteria, such as the relationship between the perpetrator and the victim. If this is carried out in a systematic way, it will facilitate pointing to other areas of crime which are currently being recorded but mask the hidden nature of domestic violence.
- \* The integration of gendered statistics as well as the inclusion of other sources of data into Crime statistics will require new methods and criteria. Some suggestions as to the type of criteria which could be used across the EU are proposed in other recommendations, (see recommendation in relation to prevalence survey and recommendation in relation to indicators).

In addition to the above recommendations, it should also be noted that statistics are recorded according to incidences and convictions without referring to the same offenders or time span. Therefore, the outcomes of recorded incidences for any particular year are unknown.

- \* Future research is necessary in this area to identify a) what is the motivation for collecting statistics; b) who uses them; and c) what are the outcomes, i.e. follow-up the incidences recorded in a particular year to find out what the outcomes of these are, for example progress through the criminal justice procedure and the time delay and the actual outcomes in case of conviction and non-conviction.

This general recommendation is in line with the European Council Decision of 22 December 1998 on the Community Statistical Programme 1998-2002 (1999/126/EC) in which it is stipulated that "*whereas in certain areas (of Community policies) a breakdown of data by gender is important*". While the issue of Crime statistics is not a direct competence of the EU, it can, however, be argued that a common approach should be called for, given that, firstly, the Council, i.e. Member State governments, decided

on a Community Statistical Programme. Secondly, the way in which Crime statistics are presented follow a similar pattern in all EU Member States, as well as the sources of data. Hence, the integration of a gender dimension should not pose any difficulty for the Member States.

### **3.2. Prevalence Survey**

The EWL is aware that the European Commission intends to carry out an Euro-barometer on the perception of violence against women sometime in 1999 as part of the European Year of Campaigns on Violence against Women. At the same time, the current study highlights the importance of other studies and research in gaining meaningful information and data on all forms of violence against women. Therefore, it would be most appropriate to call for a European Prevalence Survey, similar to the ones carried out in Canada (1993) and most recently in Finland (1997). The EWL proposes that the survey be used as a tool to take stock on the issue of violence against women in the Member States and that such a survey addresses both women and men as a tool to situate violence within the context of gender inequality.

A **prevalence survey** carries a number of advantages, notably, it:

- \* Reaches all sections of society in terms of age, class, race, etc.
- \* Assists in identifying different forms of violence against women, in particular less obvious forms such as psychological violence, and provides a framework for typologies of violence based on real life experiences.
- \* Assists in raising awareness of the true extent of violence against women in the European Union based on a representative sample of the European population.
- \* Assists in reaching women victims of violence who otherwise would not be known through any statistical data and/or research and studies.
- \* Assists in providing a space for women to think about and/or talk about experiences of violence, which they may have denied and/or suppressed.
- \* Assists women and men to identify acts of violence, which may otherwise be considered as “normal” acts of behaviour.
- \* Assists in determining areas of vulnerability in the life-cycle of women which policy needs to address;
- \* Assists in determining service provision and prevention strategies.
- \* Assists in opening a societal debate on violence as a norm as opposed to an exception.
- \* Assists in determining how the mere threat and/or real experience of male violence control women’s lives.
- \* Assists in determining how men perceive violence against women and how the female/male gender roles are being constructed at the end of the 20<sup>th</sup> century.
- \* Assists in developing a comparative model on data relating to domestic violence in the European Union.
- \* Informs policy towards to eradication of violence against women.

The EWL and its Policy Action Centre on Violence against Women are prepared to work with Eurostat and representatives of national institutes of statistics on the development of a European Prevalence Survey.

### **3.3 Common principles to measure progress in tackling domestic violence in the European Union**

The process of reaching a European model to record incidences of domestic violence will take time and will depend on the implementation of the other recommendations described above as well as the development of other areas of research. In the meantime, the outcome of the study pinpoints to a number of basic principles which Member States are invited to subscribe to in order to effectively

record data on domestic violence so as to guide policy in terms of **prevention, protection and provision** of services. These are:

- 1) Nothing should be recorded without the consent of the woman involved nor any action taken on her behalf without prior consultation with her. Under no circumstances should the outcome of recording lead to a situation whereby one form of coercive control is transferred to another party, e.g. from the individual perpetrator to the State institutions (police, judiciary).
- 2) Recording can have grave implications for a woman and may have adverse effects on her life. A conscientious effort must be made to ensure that “invisible” women are not further stigmatised, for example (not exhaustive list): women prostitutes; migrant women; refugee women; women from ethnic minorities; lesbian women; disabled women. The State’s attitude to women who are on the margins of the “norm” can be just as damaging as living with an abusive partner. Correspondingly, recommendations for service provision, protection and prevention must include and be available to **all** women, regardless of who they are. (*See Recommendations 41 to 52 concerning violence against migrant women – standards and recommendations adopted by the Conference of Experts in Baden, 30 November to 4 December 1998, under the Austrian presidency*)
- 3) Recording must serve to empower women. Changes in legislation and the provision of services must be part of the longer-term goal, which consists in the eradication of violence against women.

### **3.4. Develop further research and studies in the area of domestic violence and violence against women**

The study points to the fact that domestic violence is a breach of women’s human rights. Further research and studies need to be developed, for which resources must be allocated both by Member States and the European Union. There needs to be more exchange between practitioners, service providers, researchers and policy makers to engage in further for a for exchange. Research should feed into service provision, protection and prevention, which require the presence and input of different agencies and actors. One such way of bringing this forward is to facilitate the exchange and pooling together of existing information which currently exists in different languages and by different research bodies throughout the EU. Consequently, this is a rich resource that is being wasted.

Additional research also needs to be carried out. One such research consists in extending this present study to actually reach the agencies identified as providing data on the hidden nature of domestic violence in the European Union. Some other areas of research, which should be given priority, include:

- \* **Mapping service provision and prevention strategies;**
- \* **The criminal justice system** –its role in responding to cases of violence against women;
- \* **The health consequences** of violence against women – link into the World Health Organisation (WHO) study. Carry out specific studies on, for example, the link between depression and post-traumatic stress disorder and domestic violence;
- \* **The economic costs** of violence against women – build on the Dutch study;
- \* Research on **perpetrators; attitudes** to violence including the role of the broader society in perpetuating a violence against women “norm”;
- \* Research on the relationship between gender roles and violence.

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# ANNEX 1

## *Country Reports*

### AUSTRIA

*“Apart from taking all the necessary concrete measures that are aimed at addressing the issue of violence directly, we must also take the necessary measures to counteract more effectively the general issue of violence against women – which in my opinion constitutes an intolerable expression of power in the relationship between the sexes, and we should do so by trying to remove the existing discriminations against women. Outdated views and stereotypes (result in) some people still believe that violence in the ‘private’ field constitutes a ‘pardonable offence’. It is the task of politicians to take suitable measures in order to counteract these tendencies effectively.”*

Barbara Prammer, Federal Minister for Women’s Affairs and Consumer Protection,  
addressing the WAVE-Conference, Vienna, 15-17 January 1998.

#### THE LEGISLATIVE FRAMEWORK

The *Police Protection Law*, the *Federal Act on Protection Against Violence in the Family* and new amendments to the *Police Safety Law*, *Restraining Order and the Prohibition of a return in the event of violence in residences* ( in the civil law) entered into force on 1 May 1997. This legislation gives power to the police to remove a violent offender from the home and prevents him from returning, making Austria the first country in the European Union to give these statutory rights to the police to assist the victim. Paragraph 382b (1) of the *Protection Against Violence in the Family Act*, states:

“The Court will order the following on a person who has physically assaulted a close relative, or has issued a threat to that effect, or who has considerably impaired the psychological health thereof due to conduct which makes further cohabitation unendurable, at the latter person’s petition:

- 1) The immediate departure of the former from the home and immediate surroundings;
- 2) Forbid the return thereof to the home and immediate surroundings, if the home must suffice to satisfy the basic need for shelter of the plaintiff.

A “close relative” has been defined as:

Spouse and partners for life;

Siblings and close relatives, including foster parents as well as foster children;

The spouses and partners for life of those mentioned in 2) above.

The “expulsion/restraining order” is effective for seven days, following which it can be extended or repealed. The authorities are obliged to examine the case within this time span and must refuse to allow the perpetrator to return – even at the request of the victim – unless it has been established that the conditions leading to the imposition of the ban, that is the imminent danger of an assault on a person’s life, health or freedom – no longer apply. If, on the other hand, the victim wishes to extend this protection, she must apply for a temporary injunction through the district court within the seven days. A temporary injunction lasts for 3 months, after which a further injunction can be issued for an additional period of three months. The injunction remains in force if divorce proceedings have commenced in this time span and remain until the end of the case.

Furthermore, the Court has the option to bar a violent person from residing in surrounding areas and meeting or contacting the victim. Another amendment to the *Police Safety Law* allows for the removal by the police, as well as the prohibition to return, of any violent person from a place of residence, regardless of whether they are related or not. A landlord, for instance, who commits acts of violence against a tenant can also be removed; ownership is not relevant.

“If, on the basis of certain facts, particularly due to an earlier dangerous attack, it can be assumed that a dangerous attack on the life, health or freedom can be expected, then the officials of the public safety services are empowered to remove a person from whom this threat issues from the residence of a person in this danger and from their immediate surroundings. They will make him aware of the perimeter that the Restraining Order encompasses. The perimeter will be defined by the space determined to be most preventive.

“If a serious assault on a person’s life, health or freedom appears likely, notably in the light of a preceding assault, the authorities are empowered to expel the individual posing such a threat from the dwelling in which person in danger lives and from the immediate vicinity. They must make it abundantly clear to which domestic area this applies, the designated area depending on the requirements of effective preventive protection.” (*Federal Law Bulletin* of the Federal Republic of Austria, published 1996)

The protection offered by the new legislation is, in theory, available to all victims of violence including migrant women. However, the tightening of migration laws in Austria over the past few years means that it is often not possible for migrant women to leave an abusive relationship, in the absence of independent resident status. In 1997 an initiative launched by the **Action Committee of Autonomous Austrian Women’s Shelters** succeeded in securing exceptions for migrant women victims of violence to the regulations banning family members with family visas from working. On January 1 1998, the **Federal Ministry of Labour, Health and Social Affairs** issued a decree which enables abused women to be granted a work permit.

## EXISTING SOURCES OF DATA

### *Official Institutions:*

The **Ministry of the Interior** made changes to the *civil code* and, in particular, the *police protection laws* which have been the result of a greater involvement and co-operation by police authorities with the Interior Ministry.

As part of its EU presidency mandate, the Austrian government organised a Conference of Experts on Domestic Violence, which took place near Vienna in December 1998, entitled *Measures to combat male domestic violence against women*.

The **Federal Ministry of the Environment, Youth and Family Affairs** sponsored several research projects on Women and Violence in 1991, 1995, 1996. One of these (1996, as yet unpublished) particularly examined violence against women recorded by medical doctors. Basing a paper on it (for a seminar in Bucharest), Rosa Logar from WAVE said it reveals that 91% of doctors surveyed said they had treated at least one women in 1994 who had suffered physical violence .

### *Other Documentation Consulted:*

Another source of information about domestic violence in Austria is the **Austrian Women’s Shelter Network** and the publications from the **WAVE Network**. In their last *Annual Report (November 1997-November 1998)*, the Shelter Network says that between 150,000 and 300,000 women are abused in Austria every year, an estimate compiled by a police legal expert. Moreover, two thirds of all murders are committed within families. In 90% of these cases, women and children are the victims. In 1997, 1,030 women and 1,065 children were admitted to one of 16 women’s shelters.

## CRIME STATISTICS

The official crime statistics can be analysed from the following institutions:

**The National Statistical Office  
The Women's Affairs and Consumer Protection Ministry  
The Justice and Interior Ministries**

The crime statistics do indicate the sex of the offender, but not the sex of the victim, or the place where the crime was committed. Thus it is impossible to use these statistics to identify male perpetrators of domestic violence.

### **ADDITIONAL INFORMATION FROM THE FOURTH WORLD CONFERENCE ON WOMEN (1995)**

At the Fourth World Conference on Women, the Austrian government made a commitment to give priority to issues relating to trafficking in women and prostitution. Subsequently, a European conference was held in Vienna the following year (1996) which marked the beginning of EU Commissioner Gradin's commitment to the issues. A *European Communication on Trafficking in Women for the Purpose of Sexual Exploitation* was issued.

### **OTHER INFORMATION**

According *WAVE Network Annual Report* research projects on the issue of violence have been developed by the Information Centre Against Violence. At present (1999) the Austrian National Bank Research Fund is financing a project on preventive measures.

The report by the Federal Minister for Women's Affairs in preparation for *Beijing +5* gives some data on the effects of the new *Law of Protection Against Domestic Violence*. In 1998, the law enforcement forces made use of its new power in 2,673 cases. A review of the police orders show 123 cases were repealed and 252 police orders were ignored (several proceedings related to one perpetrator). Parallel to this new law, Intervention Agencies Against Violence in the Family were set up. Presently, five such agencies exist and complete coverage of Austria (one in each province) is foreseen by the end of 1999.

## BELGIUM

*"I am all the more convinced that a society which respects itself should not fall into the trap of minimising violence particularly when it occurs within the family structure."*

Miet Smet, Minister for Equality and Employment, addressing the one-day consultation forum on draft legislation on physical and sexual violence, 17 January 1997.

### THE LEGISLATIVE FRAMEWORK

Changes were made to the *Penal Code* in November 1997, which now recognises that violence against an intimate partner is an aggravating circumstance and thus a matter for criminal prosecution. This same legal change clarifies the definition of other sexual offences, and strengthens the language used: violence against women are not any more defined as "violation of morality" but as "violation of sexual integrity".

### EXISTING SOURCES OF DATA

#### *Official Institutions:*

The **National Statistical Office** gives information on agreements, removal of complaints entered, and other resolutions, but the data are not gendered, so it is difficult to make conclusions. *Violence and Women (La Violence et les Femmes)* was published in 1995 but there is no updated edition.

The **Central Police Service** gathers and publishes integrated data from police records. Although they do not represent the scale of domestic violence cases comprehensively, they do show data on crimes against physical integrity and demonstrate some interesting trends, particularly an increase of 58% in assault and grievous bodily harm cases within the framework of the family (6,420 in 1994 rising to 10,156 in 1995).

#### *Other Official Documentation Consulted:*

Specific research and subsequent reports published under the auspices of the Belgian Federal **Minister of Equality, Environment and Employment:**

1988 *Experiences of physical and sexual violence of women. Prevalence and consequences (Expériences de la violence physique et sexuelle des femmes. Prédominance et conséquences)*

1991 *Target groups in the struggle to combat violence – a study based on the conditions and experiences of violence against women (Les Groupes cibles de la lutte contre la violence – Etude basée sur les conditions de vie et les expériences violentes chez les femmes)* is research carried out by the Department of Human and Social Sciences, Limburg University Centre. This report is the continuation of the above study published in 1988. It analyses the data collected in 1988 more deeply. The survey was based on a random sample of 956 Belgian women, between 30 and 40 years old, selected from the population registered with 62 town councils. Some 40% of interviewed women had suffered several acts of violence within their family environment; among these 6.3% had suffered repeated, serious physical and sexual violence from their partners during their lives. The findings confirm that violence is not a characteristic of specific social groups of society, and there is no relationship between violence and the socio-economic status (education, professional status or salary) of the women, her partner and her parents. The report says, "The principal result of this socio-economical status analysis is the influence on complaints made by battered women".

1998 *Violence and insecurity amongst the elderly (La violence et les sentiments d'insécurité chez les personnes âgées)* and *Growing old in a rest home quiet or disquiet? (Vieillir en maison de repos: quiétude ou inquiétude?)*.

1998 published in February 1999: *Preventers, Sufferers and Abusers (Prévenir, subir et recourir à la violence)* is a follow-up to the 1988 study above clarifies whether the incidence of violence is increasing, or if the phenomenon is based only on an increase in the number of accusations. This study is based on a random sample of 1,439 (783 women and 639 men) representative of the population between 20 and 49 years old. More and more women are victims of violence: 68% in 1998 compared to 58% in 1988. This growth concerns both physical and sexual violence. Domestic violence has increased exponentially: while in 1988 some 6.3% of women had to suffer of several acts of sexual violence from their partners this rose to 16.8% in 1998.

Women who were between 30-39 years old in 1998 made more official complaints about physical violence than other women of the same age did a decade before. The extent of the increase depends on the type of violence. For physical violence, some 10.7% of the growth in cases is due to more determination to file complaints, while the real growth is 20.5%.

Finally, the research also confirms there is no link between violence (psychological, physical and sexual) and class.

## CRIME STATISTICS

General Crime statistics are published yearly and come from two different sources: the **Ministry of the Interior** (numbers of recorded crime) and **Ministry of Justice** (numbers of convicted crime). Information from the Justice Ministry confirms that the new legislative reforms on violence against intimate partners was not fully integrated into the statistical data until early 1998. This means that these data were collated, mainly from police records, throughout 1998 and will be published at a later date. In the future systematic recording will be carried out.

## ADDITIONAL INFORMATION FROM THE FOURTH WORLD CONFERENCE ON WOMEN (1995)

No specific commitment was made by the Belgian government on Violence as one of the Critical Areas of Concern in the Beijing Platform for Action.

For the *Review of Beijing +5*, the Belgian government emphasises the measures taken in the struggle against violence against women, notably the development of tools to intervene on behalf of victims of sexual violence, helping to collect data for legal proceedings (for example the sexual aggression test set is largely distributed to doctors and medical staff as are models of medical certificates).

## DENMARK

*“The nature of domestic violence against women, the negative attitude from the surroundings and the feeling of shame and guilt that victims often feel has meant that the violence most often remains hidden as well as unreported. The exact amount of women affected by violence is difficult to estimate, making it hard to ensure that the services offered to the victims are sufficient.”*

Statement by Solbritt Christiansen, Vice-President of the Equal Status Council of Denmark, 42<sup>nd</sup> session of the United Nations Commission on the Status of Women, 5 March 1998.

### THE LEGISLATIVE FRAMEWORK

The Danish *Penal Code* criminalises rape, sexual intercourse forced by unlawful compulsion other than assault, sexual intercourse by exploitation of another person’s mental disease or deficiency, or other state of dependency, sexual intercourse with children under 18 years, and offences against decency. Sexual harassment is included in civil law prohibiting “differential treatment on account of sex” in the *Equal Opportunity Between Men and Women Act*. It is not seen as a criminal offence. The Danish Courts have established a practice of regarding sexual harassment in the workplace as sex discrimination.

There are no specific laws in place to deal with domestic violence which is classified with other violent offences in the *Penal Code*. In 1997 Parliament amended the law so as to strengthen victim support which resulted in a number of local counselling centres for victims being established. Women’s organisations believe that women do not obtain justice, protection or redress from the justice system, mostly because the burden of proof is too great, and compensation payments are too low.

### EXISTING SOURCES OF DATA

*The Danish National Report to the Fourth World Conference on Women 1995* presented by the **Ministry of Foreign Affairs**, contains one chapter on violence which states that, while there has been a rise of 50% in the number of cases of violence over a period of ten years, “there is no statistical information on violence against women.” The same document says that protection and legal provision for violence against women can be found in different parts of the Danish Penal Code. While no definition of violence is given, it is generally accepted that all acts of physical coercion constitute acts of violence. Use of force against a spouse and/or children within marriage entitles the spouse to immediate divorce.

1996 *The Fourth Periodic Report by the Government of Denmark* on the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women contains a chapter on violence within the framework of women’s health. This mentions a working group established by the **Council for the Prevention of Crime** which has issued guidelines on prevention work around family violence, and that several other publications have been produced and distributed to medical practitioners, crises centres, libraries, schools and the police. Although no figures are given, the report notes that the number of women seeking assistance from crises centres has increased.

Comments by the **National Council of Women in Denmark** to the Fourth Periodic Report, above, call for violence against women, including domestic violence, to be recognised as grounds for asylum. The **Danish Women’s Society**, also in response to the Report, points out that psychological assistance is only offered within six months of an act of gender-based violence, and therefore women, who have lived in violent relationships for years, are not entitled to any psychological assistance - the violence being considered an “accepted” way of life.

The new law for *Equal Opportunities Between Women and Men*, adopted on 20 April 1998, makes no mention of violence against women.

The **Crime Prevention Council** has gathered data on violence against women from surveys on violence in general, especially a research study conducted in 1987 with 2,820 interviewees (men and women) aged 16-74 , and another in 1991 and in 1995, with 13,757 interviewees, a much larger number than before.

*Violence in the street, at home and at work* is a study on victims of violence made on the initiative of the **Police Research Department** in co-operation with **Statistics Denmark** and the **University of Copenhagen**, published in January 1998. In 1995 and 1996, 26,178 persons aged between 16 and 74 were interviewed. In the category ,“violence committed by a (ex-)partner”, the average number of violent acts is 2.4 per victim, which is about 20% more than for all victims of violence in general. Some 97% of the victims are women. Wife battering is much less frequently reported than other kinds of violence. Most of the women who are subjected to domestic violence by their (ex-)partner have children with whom they often live alone. Single mothers run a considerably larger risk of being subjected to violence than other women. In more than 56% of the cases where single mothers have been subjected to violence, the perpetrator had been a (ex-)partner.

#### **ADDITIONAL INFORMATION FROM THE FOURTH WORLD CONFERENCE ON WOMEN (1995)**

During the Fourth World Conference on Women the Danish government decided to establish a working group to organise a campaign on women and violence.

In the *Review Beijing +5* report by the **Ministry of Foreign Affairs** and the **Equal Status Council** there is a section on violence against women detailing the legal changes to improve assistance to victims of violence, and the financial resources given to research the psychological support services given to families in violent situations. In the commitment to further action, the report says that “the Ministry of Justice has, in cooperation with the police, taken an initiative to change working procedures so that in the future it will be possible to keep statistics of the victim’s sex and age.”

## FINLAND

*“Violence against women has become one of the central themes of the international debate related to the situation of women and the furthering of equality between men and women. Violence against women is a problem that needs to be tackled. We hope that this report provides information and assistance to all those dealing with violence, citizens, professionals and decisions-makers alike. ”*

Leila Räsänen, Secretary General Council for Equality

Riitta Harala, Statistical Director Statistics Finland

Taken from the Foreword of *Faith, Hope and Battering*

Statistics Finland and Council for Equality, Yliopistopaino, Helsinki, 1998.

### THE LEGISLATIVE FRAMEWORK

Violence against women was a difficult subject to approach in Finland until 1990. The issue was brought to the national political agenda by the **Sub-Committee on Violence Against Women** appointed by the **Council for Equality**.

A total reform of the *Criminal Code* is under way in Finland, with amendments providing better protection and support for the victims of violence already in place. The following reforms have already been carried out :

- ★ Rape within marriage was criminalised on 1 June 1994;
- ★ Assault and battery was changed as of 1 September 1995 from a “complainant offence” to an offence subject to public prosecution; this makes most domestic violence subject to public prosecution;
- ★ The victim’s position improved from 1 October, 1997 when a new law on criminal proceedings (689/1997) took effect enabling the use of a legal counsel at the state’s expense ;
- ★ Sexual offenses are dealt with in chapter 20 of the *Penal Code*. A total reform of the chapter entered into force at the beginning of 1999 (563/1998). All sexual offenses are now subject to public prosecution, and there are now distinct provisions for aggravated rape.
- ★ The *Restraining Orders Act* entered in force in the beginning of 1999 (898/1999). Restraining orders can be used to prevent the perpetrator committing further offences directed at the life, health, liberty or undisturbed peace of another person, or contacting him/her. It is issued by a court of law; but the police can also issue provisional restraining orders.

In recent years, a number of projects have been under way in several localities to help crime victims and violent offenders, which are developing new methods of operation and co-operation. The results have been encouraging. The Council for Equality Sub-Committee on Violence Against Women has also provided support for the these.

### EXISTING SOURCES OF DATA

#### Official Institutions:

*Violence Against Women in Finland in 1995*, published by the Council for Equality between Men and Women (Sub-Committee on Violence Against Women) and Ministry of Social Affairs and Health;  
*Violence Against Women in Finland in 1996* , Council for Equality between Men and Women (Sub-Committee on Violence Against Women) and Ministry of Social Affairs and Health;

*Violence Against Women in Finland in 1997*, Council for Equality between Men and Women (Sub-Committee on Violence Against Women) and Ministry of Social Affairs and Health;

*The Project for the Prevention of Violence against Women in Finland 1998-2002*, Ministry of Social Affairs and Health and National Research and Development Centre for Welfare and Health (STAKES), is intended to strengthen attitudes opposed to violence, make violence visible and the public at large aware of it, reduce the incidence of violence, and ensure that assistance is available for the victims and perpetrators.

*Third periodic report on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*, 1997, Ministry for Foreign Affairs, Helsinki

*From Beijing to Finland. The Plan of Action for the Promotion of Gender Equality of the Government of Finland*, Ministry of Social Affairs and Health, Helsinki 1997. The Plan of Action contains a component to combat violence against women nationally, which foresees various activities, including collecting gender sensitive statistics and research, public campaigning akin to Zero Tolerance, basic in-service education of all relevant professional groups, support services for the survivors of violence. NGOs are invited to actively participate in implementing the Plan of Action, which includes a five year cross-sectoral programme to combat violence against women.

*Faith, Hope, Battering: a Survey of Men's Violence against Women in Finland*, Statistics Finland, Council for Equality and Justice 1998:20/Equality between men and women. The first survey of its kind in Finland, and even in the EU, this could serve as a model because few countries in the world have conducted such a thorough investigation on domestic violence. The results, published in Finnish and in English, indicate that more than half of the female homicide victims were killed as victims of family violence and that 40% of adult women living in Finland have been victims of male physical or sexual violence, or threats, since their 15<sup>th</sup> birthday. The "in-house danger" is clearly demonstrated: 22% of all married and cohabiting women have been victims of physical or sexual violence, or threats of violence, from their present partner. Violence or threats by ex-partner had been experienced by 50% of all women who had lived in a relationship which had already been terminated. A survey such as this also shows how difficult it is to portray the reality by using only legal or crime statistics, for only 10% of victims reported the most serious incidents to the police.

#### ***Other Official Documentation Consulted:***

*The ANSA-project. Active care of abused women in hospitals and acute units. A nationwide health care development and research project 1995-1998*, Helsinki University Central Hospital and Kuntokallio Centre for Gerontological Training and Research. This project aims to prevent and decrease domestic violence against women through information, recognition of the abuse, support for women, education and training of professionals, collection of data and research.

*The abuse of seniors-project 1995-1998*, the Federation of Mother and Child Homes and Shelters and Kuntokallio Centre for Gerontological Training and Research. The project aims to improve co-operation between social, health and other authorities (e.g. the police, the legal system), by network counselling, so as to offer better help for people in abusive situations. The development work includes training and counselling for social and health care officials in communities, so as to mobilise and encourage them to intervene in domestic violence. Public awareness of domestic violence will be increased through active information campaigns in municipalities.

### **ADDITIONAL INFORMATION FROM THE FOURTH WORLD CONFERENCE ON WOMEN (1995)**

The Finnish government declared that Violence against women was one of its priorities among the Critical Areas of Concern in the Beijing Platform for Action, and that a national Action Plan was under way for the prevention of violence against women.

In its report for the “*Review of Beijing +5*”, the Finnish Government gives an overview of actions since 1995, and of future initiatives, namely the monitoring of the law reform (the *Sexual Offenses Act*, which came into force in 1999), the evaluation of the costs of violence against women (by the Council of Equality, the Ministry of Social Affairs and Statistics Finland), and the expansion of the right of a victim to be heard without the presence of the accused.

## FRANCE

*“The family can no longer be the only unit that is exempted from the law. The law must be applied everywhere including behind the closed doors of the home. Confronting this form of violence means that not only are we fighting for the dignity of women but also for the respect of their human rights and the elimination of this type of behaviour which no advanced democratic society can tolerate.”*

Michèle André, taken from a publication on domestic violence, published by the Secretary of State responsible for Women’s Rights and the Nation Centre for Women’s Information and Documentation, 1991.

### THE LEGISLATIVE FRAMEWORK

Changes to the *Criminal Code* proposed at the beginning of the 1990, and adopted in 1992, came into force in 1994 making it easier to file a complaint of domestic violence. Although the changes do not specifically refer to the term “domestic violence”, special reference is made to stronger penalties if an assault is committed by the husband or partner of a victim. Additionally, if a victim is pregnant, which the perpetrator knows, the maximum sentencing that can be imposed falls into the category of voluntary homicide with violence.

Legislation on rape in marriage has been in existence since 1980.

### EXISTING SOURCES OF DATA

#### *Official Institutions:*

The **Ministry of the Interior** provides official figures on the number of crimes recorded by the police (in this case for 1996). An explanatory note accompanying the report characterised the data and type of information provided. The explanation of the data collection and collation is given below in *Crime Statistics*.

The **Ministry of Justice**, and in particular the internal Statistical Office (Info Stat Justice) issues information bulletins on different forms of sexual crimes and statistical data (here 1996 is used). The Studies and Statistical Department of the Ministry regularly carries out analysis of the evolution of different crimes over time. An increase in the number of convictions for sexual crimes (from 1984 to 1993) is noteworthy, particularly rape and assaults on minors (that is, under the age of 18 years in France). The bulletin of recorded crimes (1996) detailed the legislative changes to the penal law.

In 1997-98 the State Secretary on Women’s Rights, in the **Ministry of Employment and Solidarity**, launched a pilot survey on violence against women with a sample of 484 women. The first results encouraged further research, and a national survey should take place in 1999-2000, questioning 7,000 women all over the country. These results were also interesting in other ways, revealing that large numbers of women have suffered from physical and sexual violence, and are talking about it for the first time - but a very low proportion have denounced it. By and large, women consider psychological violence to be a serious offense. Referring to the first results, the State Secretary declared the greatest finding to be “the scale of silence and hiding of the experience of violence by its victims, and also how this phenomenon is invisible in statistics and thus is still unknown.”

#### *Other Official Documentation Consulted*

The **National Centre for Women’s Information and Documentation** attached to the **Ministry for Women’s Rights** has issued information, as has the **Regional Delegation of Women’s Rights for the**

**Ile-de-France** (Paris region). It is unclear whether some other items of research were commissioned by the Ministry or Women's Rights or another governmental body, but some of them have evidently had an impact on how the issue is treated at official levels. One such example is the reference to violence during pregnancy in the legal framework which can be traced to *Domestic Violence After Birth* (*Violence conjugale après une naissance*) a research project carried out in the early 1990s and published in 1997.

In 1989 the Secretariat of State for Women's Rights launched a nation-wide campaign on *Breaking the Silence of Domestic Violence*. In addition, a 24-hour national crisis telephone line was set up; ten years later (1999) this line is still in operation, with the support of the Secretariat of State for Women's Rights, and is run by a NGO, **Fédération Nationale Solidarité Femmes** (see below).

## CRIME STATISTICS

Responsibility for providing data to constitute crime statistics lies with two institutions, the **Ministry of the Interior** and the **Ministry of Justice**. Within the framework of penal law, crimes are classified according to the characteristics of the offence. The data (for 1996) does not provide figures on the number of women victims of crime, particularly sexual crimes.

The Ministry of the Interior collates the number of offences recorded by the police and gendarme services throughout the country; these figures include the number of arrests for less than, and more than, 24 hours, as well as some information on the person arrested (age, sex and nationality). No information is provided on the victims, nor on how the crimes were committed, or the possible consequences. For the 1996 data, there was one category within the general crime statistics entitled, "theft with violence from women in public places without the use of fire arms".

The *1996 Report on Crime Statistics* from the Ministry of Justice showed that the changes in legislation concerning violence perpetrated against a spouse/partner appeared in the official data. However, this was divided into two sub-categories with two conditions linked the absence from work for a period less than 8 days and more than 8 days, as a direct result of the violence.

## ADDITIONAL INFORMATION FROM THE FOURTH WORLD CONFERENCE ON WOMEN (1995)

Four committees were set up and co-ordinated by the **Regional Delegation of Women's Rights (Ile-de-France)** prior to the Fourth World Conference on Women, one of which dealt solely with the issue of violence against women. A report by this committee was published entitled, *Violence against women – a report of one of the working groups in preparation of the 4<sup>th</sup> World Conference on Women*, (*Violences à l'encontre des femmes – Rapport de l'un des groupes de travail pour la préparation de la 4<sup>ème</sup> conférence mondiale sur les femmes*). This covers all forms of violence against women with one section devoted to domestic violence.

The French government committed itself to the creation of special telephone lines and the setting up of reception and counselling centres in all departments of France.

## NGO INPUT AND RESPONSES

The National Federation for Women's Solidarity (**Fédération Nationale Solidarité Femmes**) is an umbrella group of organisations providing services directly to women experiencing domestic violence throughout France. The Federation is responsible for the permanent telephone line (above) called the **Domestic Violence Women's Information Service (Violence Conjugale Femmes Info Service)** and

has been compiling its own statistics for a number of years from the enquirers. These include information on typologies of violence (verbal, psychological and physical) and characteristics of the actual acts of violence (hand, use of weapon, etc); the age of the victims (which confirms that all ages are vulnerable); information on the perpetrator - which confirms that, in the vast majority of cases, the perpetrators are husbands or partners or ex-partners/ex-husbands. At the time of making their calls, the majority are married, and those who have fled from the violent situation and sought help did by calling on the help of: family and friends, passers-by in the street, in hotels, in hospitals and in emergency refuges and shelters. The majority of the women were also financially dependent. Having been recording information since the very beginning the service is able to observe that, "Society often condemns victims for not doing anything. However, 36% had a medical certificate although only 8% were temporarily on sick leave. A few more than 3% had been hospitalised; 30% had met with the police force; 17% had filed one or more complaints from which 1% had withdrawn; 12% had contacted a lawyer, and 11% had contacted social services." (1996)

## GERMANY

*“The activities of women’s groups make it clear that, unfortunately, violence against women is part of everyday life in Germany too and takes on diverse manifestations: harassment on the street in working life to various forms of disrespect, reduction to an object, maltreatment and sexual abuse within the family and outside, to rape, homicide and trafficking in women. It is impossible to make any reliable statement for Germany concerning the actual extent of violence against women in all its forms. The police crime statistics also provide little information of value in this context, because many women fail to report acts of violence and coercion to the police – particularly if committed by their partners.”*

Christine Bergmann, Federal Minister for Family Affairs, Senior Citizens, Women and Youth, addressing the Germany Presidency/European Commission conference on Violence against Women, Cologne 29-30 March 1999

### THE LEGISLATIVE FRAMEWORK

#### Criminal Law

The German *Penal Code* does not contain any specific articles on domestic violence, other than rape in marriage. Domestic violence can be prosecuted by the following provisions: murder, bodily injury, deprivation of liberty, duress, rape and sexual compulsion, rape and sexual compulsion with fatal consequences, sexual abuse of persons unable to offer resistance, sexual abuse of children, sexual abuse of wards.

Recent amendments have tried to make the *Penal Code* more sensitive:

1992 An amendment to the penal provisions against trafficking in human beings improves the protection of victims, especially the right of abode for foreign spouses.

1993 An amendment to the penal provisions against the dissemination of pornographic written materials introduced substantially steeper penalties for pornographic portrayals involving children (possession, commercial use, procurement, result in obligatory confiscation of the criminal publications)

1994 Statutory limitation rules for sexual offences against children and youth were suspended until the victim reaches the age of 18, where the offences involve sexual abuse of children, rape, sexual coercion or the sexual abuse of persons unable to offer resistance.

Provisions in criminal law for the protection of women

1987 The *Crime Victims Protection Act* was introduced under which victims of sexual abuse or bodily injury offences have the right to become adjoint prosecutors, and thus can be added to the criminal proceedings as an additional private prosecutor giving them the right to information from official files and to lodge an appeal.

1988 The *Criminal Proceedings Guidelines* ensure that domestic violence is prosecuted by the public authorities. That is, the police and the public prosecutor initiate the prosecution upon receiving evidence instead of the victim herself, who may not feel able to do so on account of her relationship with the perpetrator. Insults and physical injury still are prosecuted only on a petition entered by the injured party.

1988 The *Witness Protection Act*: new provisions were adopted in November 1998 entitling all victims of violence (women and men) to greater protection during court proceedings through the use of CCTV and audio-visual recordings instead of direct confrontation during the trial. Victims of crime are also entitled to receive the advice of a lawyer throughout proceedings paid for by the state, regardless of the financial situation of the victim.

### **Civil Law**

By entering a petition, victims of domestic violence can be protected by a restraining order, which prohibits contact by the perpetrator. When the police intervenes in a case of domestic violence they can expel the perpetrator from the marital home, keep him under temporary arrest, or commit him to a psychiatric clinic. During the initial phase of divorce proceedings, the marital home can be allocated to one spouse only.

Victims of domestic violence may also claim compensation for material and non-material damages.

### **Additional measures**

In many Federal Länder (regions) there are special public prosecution units assigned to the prosecution of sexual offences. In Bavaria and Thuringia, there are special commissioners for women and children in all police departments.

New provisions impose penalties for sexual abuse during counselling: treatment or support were introduced on 1st April 1998. The basis for this comes from a study carried out by the Federal Ministry for Women which highlighted substantial numbers of assaults on women by male psychotherapists and counsellors, who could not be prosecuted hitherto. Currently, therapists must refrain from any sexual relationship with patients. In addition to penal proceedings, the offender can also be banned from the profession.

The *Aliens Act* was amended in 1997 to ensure women's right to remain in the country, without any prior conditions, when they are in financial hardship and subjected to violence by a male partner has been established. Previously, a three-year limit was imposed before any rights could be given to migrant women, during which deportation was the only option.

### **Rape in marriage**

On 5 July 1997, a crucial improvement to German penal law was made. The new law puts rape (genital penetration) and sexual compulsion (anal and oral penetration) into one paragraph, thus establishing legal equality between all violent penetration and other violent or degrading sexual practices. Further, it also includes men as potential victims, and expands the definition of violence from physical effort by the perpetrator, or bodily harm to the victim, to intimidation and abuse of a victim in a helpless situation. The domestic sphere has been fully integrated into all the new provisions, and rape in marriage is now equal to rape outside marriage. One amendment, which would have given the spouse the right to oppose the prosecution of her husband, was dropped.

## EXISTING SOURCES OF DATA

### *Official Institutions:*

The *German Crime statistics* are provided by the **Federal Office of Criminal Investigation** at Wiesbaden. This institution collects, computes and disseminates the data provided by the offices of criminal investigation at Länder level. The source of all data is the records of police investigations. Because domestic violence is not cited as an independent category, this group of offences can only be estimated by using the variables of “private sphere” or “perpetrator known to victim”. The data provided include the form and frequency of each offence, the sex and the age of the victim, and the sex and age of the perpetrator. In the future, there will be improvements to this system, called INPOL Neu, which should also show variables like the victim-perpetrator relationship, but this will not be before 2003.

Within the Federal Office of Criminal Investigation, there is the **Institute of Criminology**, also in Wiesbaden, where empirical research takes place, such as *Sexuality, Violence and its Consequences for the Victim: A summary of a transversal study on victims and sexual offenders. (Sexualität, Gewalt und ihre Folgen für das Opfer. Zusammenfassung der Ergebnisse aus einer Längsschnittuntersuchung bei Opfern von angezeigten Sexualkontakten 1985)*.

The **Ministry of Justice** provides data on the numbers of cases prosecuted by the courts, and the sentencing numbers, but domestic violence is not an independent category. Occasionally, the Ministry finances research on domestic violence, for example the 1986 survey on *Marriage and the Family* by the Emni-Institut in Bielefeld.

The **Ministry of the Interior** and the **Federal Statistical Office** do not produce data of their own.

The **Ministry for Family Affairs, Senior Citizens, Women and Youth** publishes studies, conference and project reports on domestic violence. In 1992, a survey among victims, commissioned by the Ministry and carried out by the Lower Saxony Institute of Criminological Research, revealed that two thirds of acts of sexual violence take place in the home. The survey also revealed that one woman in seven had been the victim of rape or sexual coercion at least once in her life. The Ministry for Women also ran a three-year campaign (1993-1996) on violence against women, in collaboration with regional initiatives and institutions in 50 towns and administrative districts, which resulted in over 300 local campaigns and events.

At Länder level, there are research groups in the police departments, which analyse the phenomenon of domestic violence from time to time. The Bavarian police in particular have undertaken important research on the following topics: domestic disputes and the police; violence against women; prevention of sexual abuse; early detection of sexual abuse; violence in the immediate social environment; children in women’s refuges; sexual abuse in rural regions. The Länder governments also provide information on the costs of women’s shelters, which are covered by the Länder budgets.

The **German Federal Government** has conducted the following studies on the subject of violence against women:

- ★ *Help for abused women*, Frauenhaus Berlin (1982) on the first German women’s shelter. This report continues to be printed and distributed.
- ★ *Women’s shelters in rural areas*, Frauenhaus Rendsburg (1987).
- ★ *Rape as a social problem – emergency hotlines and counselling for female rape victims* (1983) (*Vergewaltigung als soziales Problem – Notruf und Beratung für vergewaltigte Frauen*) on the trauma of investigation and trial proceedings for women as plaintiffs in rape trials.

- ★ *Improving the living situation of abused women and their children after leaving the shelter (1987) (Verbesserung der Wohnsituation von misshandelten Frauen und ihren Kindern nach Verlassen des Frauenhauses)*, on ways of improving the legal disposition of the marital household to women, which are still (1999) under discussion.
- ★ *Violence against women, causes and intervention options (1987) (Gewalt gegen Frauen, Ursachen und Interventionsmöglichkeiten)* on methods of prevention, which attracted increased attention to self-help groups for violent men and therapies for sex offenders.
- ★ *Gladbeck emergency! (1989) (Notruf Gladbeck)* is a study, conducted by an emergency hotline, on an American model for reducing violence in the family context based in co-ordinated action planning between the police, the courts and social services.
- ★ Course materials (1989) for on-going training of staff in women's shelters: a revised version will be published in 1999.
- ★ The Report by the **Independent Government Commission on the Prevention and Control of Violence** in 1990.
- ★ The Final Report of a government sponsored pilot project (1993) dealing with crisis homes for sexually abused girls (Wildwasser e.V.).
- ★ *Reduction of relational violence as a conflict resolution pattern (1995) (Abbau von Beziehungsgewalt als Konfliktlösungsmuster )* is the final report on co-operation between counselling centres providing self-help to women victims and self-help to male perpetrators.
- ★ Training course materials for the police (1995).
- ★ *Sexual violence against women in the public and private settings (1995) Sexuelle Gewalt gegen Frauen im öffentlichen und privaten Raum )* report of a survey of victims carried out in 1992.
- ★ *Violence in marriage and partnership (1995): Gewalt in Ehe und Partnerschaft)* a guide for advice centres.
- ★ *Contact point for raped women (1997) (Anlaufstelle für vergewaltigte Frauen)* the report of a 24-hour centre for women victims of sexual violence in Freiburg
- ★ *Violence against older persons in the close personal environment* is a pilot project under way from 1997 under the auspices of the Ministry for Family, Senior Citizens, Women and Youth.

Since 1998 joint research by the **Federal Ministry of Women** and the **Federal Ministry of Justice** has been under way on the legal requirements to allocate the marital home to the abused woman in violent situations. The findings will inform amendments to current legislation, and examine the possibility of applying the Austrian model of removing the perpetrator from the home to the German context

Other studies and projects under the auspices of the Federal Government relate to other forms of violence against women, are focussing on sexual harassment in the workplace, trafficking in women, and sex tourism.

#### *Other documentation consulted with specific reference to violence against women*

The **Research Institute of Criminology of Lower Saxony** studies the prevalence of crimes not reported to the police, as well as violence against and by youth, violence against older persons, and sexual violence within the family.

An important source of information on domestic violence in the former German Democratic Republic is *Partner III – Gewalt* (Leipzig 1992) by Kurt Starke, based on a 1990 survey.

### **CRIME STATISTICS**

Domestic violence is not statistically defined and documented. In existing crime statistics, no information is given on the nationality of victims and on the victim-perpetrator relationship. In addition, the reunification of the Federal Republic of Germany and the German Democratic Republic posed the problem of incompatible and incomparable statistics, being based on differing legal frameworks. With the harmonisation of both legal systems in 1991, comparable statistics are now available for all of Germany.

## **ADDITIONAL INFORMATION FROM THE FOURTH WORLD CONFERENCE ON WOMEN (1995)**

No specific commitment was made by the German government on Violence as one of the Critical Areas of Concern in the Beijing Platform for Action.

### **OTHER INFORMATION**

At the Cologne conference on *Violence against Women* (28-30 March 1999), the Federal Government announced its intention to carry out a study on *the extent of violence against women and its consequences*, using a method similar to that used by Statistics-Canada. In mid-April 1999, the Federal Government, in an answer to a question by a parliamentarian, stated that it was in consultation with other European countries (France and Finland) which have planned, or already embarked on, similar studies.

In 1999, for the first time, the Federal Government is preparing a *National Plan of Action on the Control of Violence against Women in Germany*, which will focus on Prevention through the following:

- ★ Further improvement of federal legislation (mainly in civil law options);
- ★ Institutionalisation of co-operation projects;
- ★ Nation-wide networking of support and assistance structures;
- ★ Work with perpetrators;
- ★ Heightening the awareness of experts and the general public;
- ★ Fighting against violence on the international level.

Further amendments to the *Aliens Act* to improve the protection of migrant women in Germany are planned for the near future.

## GREECE

*The General Secretariat for Equal Opportunity has defined the study and development of the issue of violence against women as one of its priorities for the period from 1997 to 2000. The General Secretariat has also acknowledged that women are not adequately protected in their private lives, and has therefore proposed drafting legislation on sexual harassment in cooperation with NGOs.*

International Conference on "The Role of the police in fighting violence against women",  
Baden, 30 November - 4 December 1998.

### THE LEGISLATIVE FRAMEWORK

Greek law addresses sexual violence as a social phenomenon. The main provisions address crimes against individual freedom, honour and dignity, as well as crimes against sexual freedom, in general terms. The forms of violence covered by Greek legislation through civil and criminal law and by specific legislation (such as labour law) include:

- ★ Physical offences in the *Criminal Code*, Chapter XVI, Articles 308, 308A, 309, 310, 311, 314, 315;
- ★ Crimes against sexual freedom and crimes involving exploitation of sexual violence for financial gain in the *Criminal Code*, Chapter XVIII, Articles 336, 337, 338, 343, 344;
- ★ Crimes against honour in the *Criminal Code*, Chapter XXI, Articles 361, 361A, 368;
- ★ Indecent behaviour in the *Criminal Code*, Articles 57, 59, 932.

Provisions concerning sexual violence were recently amended by Law 1419/84 introducing automatic prosecution of rape. While sexual violence by a spouse does not constitute a crime, one spouse may be prosecuted for having forced the other to tolerate or submit to a sexual assault associated with physical violence or threat of violence. A similar approach is taken to psychological violence in the absence of a specific crime.

### AVAILABLE STATISTICS

#### *Official institutions:*

- ★ The **National Statistical Institute** did not supply information for this study
- ★ The **Home Affairs Ministry, General Secretariat on Equal Opportunity**, issued information on the legislative framework and protective measures, but no data on domestic violence.

#### *Other documentation consulted:*

- ★ *Domestic violence in Greece viewed within a legal context*, by Kety Paparriga Kostavara:: speech given at the Inter-Balkan Conference in Sofia, Bulgaria in November 1997.
- ★ *National Report* presented by Maria Penderaki at "the *Women Against Violence Against Women*" Conference organised by WAVE (Women Against Violence Europe) in Vienna in 1998, reported that one Greek man in four aged between 25 and 35 admits to having beaten his wife at least once. A study by the **National School of Public Health** is cited, which revealed that one woman in four seeks emergency treatment in a hospital for injuries inflicted by a partner. One in four students at the **Technical School of Crete** has suffered violence at the hands of a partner.
- ★ *Violence in women's daily lives*, by Elia Colokytha of the Legal Advisory Service of the **League for Women's Rights**.

## **CRIME STATISTICS**

The **National Statistical Institute** does not appear to have any specific statistics on domestic violence.

No official research has been carried out in the area of domestic violence; the only information consists of observations by feminists concerned by the problem, which continues to be officially invisible.

## **ADDITIONAL INFORMATION FROM THE FOURTH WORLD CONFERENCE ON WOMEN (1995)**

The Greek government made no specific statement on Violence as a Critical Area of Concern in the Beijing Action Platform.

## **OTHER INFORMATION**

Greece has a severe lack of services for women who are victims of violence. At state level, and at the initiative of the **General Secretariat for Equal Opportunity**, a centre for battered women has been established in Athens. Its services include a reception centre and a shelter for battered women, which have been working with the co-operation of the city of Athens since 1993. In 1990 two independent women's groups started a telephone help-line for battered women and rape victims in Saloniki. A similar service exists in Athens.

The General Secretariat for Equal Opportunity, as the official State agency responsible for promoting equality of the sexes in Greece, has recently set up a committee of experts to study Greek law on violence, and that of other countries. This committee will produce a list of all forms of violence against women on which to base the necessary legislative measures and appropriate social action.

## IRELAND

*“This report sends a powerful signal from the Government. It says loud and clear that our society unambiguously condemns and abhors violence against women; that victims of violence must be treated with dignity and respect; that an adequate network of services must be in place to meet their needs; and that those who perpetrate such violence can draw no comfort or tolerance from our society.”*

Eithne Fitzgerald, Minister of State at the Office of the Tanaiste, Chairperson of the Task Force, Report of the Task Force on Violence Against Women, 1997

### THE LEGISLATIVE FRAMEWORK

While domestic violence is a criminal offence in Ireland, it is within the scope of the civil law that most legal remedies in the form of safety and protection are granted, namely through provisions in the Domestic Violence Act of 1996. Under this legislation, two main options are proposed: a *safety order*, granted by the Court which prohibits a person further violence or threats of violence but does not oblige the person to leave the family home. In cases of separation, the safety order prohibits the person from being in the vicinity of the family home. The second form of protection provided by the *Domestic Violence Act*, is a *barring order*, which requires the violent person to leave the family home. Given that the definition in Ireland of domestic violence extends to all members of the family, the 1996 legislation covers married couples, co-habiting couples, parents (against their child/children over the age of 18 years, living in the same house), and other people over the age of 18 years living in the same house, for example, relatives and those with whom there no contractual relationship. The possibility of obtaining a safety order and/or barring order depends on the nature of the relationship.

Under the new legislation a third party can apply for safety measures on behalf of any person cited above, for example, the Health Board (the regional authority with particular responsibility for the protection of children). Consent of the person is not required in this instance even if prior consultation is a pre requisite.

In cases of domestic violence which causes severe bodily harm, a third party, i.e. the police and/or the Director of Public Prosecution (DDP) can pursue criminal charges on behalf of the victim.

Rape in marriage has been outlawed since 1990 through the *Criminal Law (Rape) Amendment Act*, which removes the exemption of marital status being incompatible with non-consensual sex.

### EXISTING SOURCES OF DATA

#### *Official Institutions:*

General statistics obtained from the **Central Statistic Office** (for 1996) were divided into two main categories. Offences against the person and Offences against property are recorded in two separate ways: the “number of offences reported or known” and “number of offences in which criminal proceedings were commenced”. No break-down is made by gender. In the categories under Offences against the person, the only gender-specific categories denoted are “abduction (females)” and “rape on

females". Other possible categories in which gender-specific data could have been provided (but is not) are "sexual assault", which refers to "on females or males" in the same title, procuring, incest, aggravated sexual assault as well as murder. Specific categories are recorded in relation to "procuring or assisting in abortion" and "concealment of birth", which the titles suggest are highly likely to be crimes committed by women anyway under this classification.

In the data received for 1996, there was no possible indicator allowing any analysis of the number of recorded domestic violence crimes. Further data received for 1997 showed an improvement in the way in which the statistical data was being recorded. More contextual information was available as well as an assessment in terms of the evolution of crime, including crimes of violence against women, particularly in relation to rape.

Since 1994, statistical information on annual incidents of domestic violence is published in the **Annual Report of the Garda Síochána**. The Garda receive more than 4,000 call out a year (4,184 for 1997) and, between 1994 and 1997 there was a 5.9% increase in reported incidents of domestic violence. The Annual report of the Garda Síochána gives also the annual data of arrests, charges and convictions. In 1997, for instance, 27% of incidents resulted in an arrest, 22% in a charge and almost 16% of incidents resulted in a conviction. Kelleher & O'Connor, presenting those results in their research on the Enforcement of the law, note that the arrest rate increased by one third between 1996 and 1997.

#### ***Other documentation consulted:***

The most significant and relevant documentation consulted which received the backing of the government was the *Report of the Task Force on Violence Against Women*. The **Task Force**, which was composed of inter-ministerial representatives as well as members of other public bodies (police, health authorities, etc) and individual experts/practitioners was set up in 1996 to "develop a co-ordinated response and strategy on the problem of mental, physical and sexual violence against women – with a particular focus on domestic violence." The Report provides a complete and comprehensive overview of all issues relating to violence against women as well as policy recommendations for the Irish government. A specific chapter within this report deals in an in-depth way with domestic violence. It brings together the most significant data, references to research carried out on domestic violence, existing resources and a comprehensive overview of the gaps in responding to the issue both by the criminal justice system and in safety protection measures. In particular, this chapter in the Report points to studies and reports that have marked the reality of domestic violence within an Irish context.

The most significant are *Report of the Working Party on the Legal and Judicial Process for Victims of Sexual and Other Crimes of Violence against Women and Children* and *Making the Links, towards an integrated strategy for the elimination of violence against women in intimate relationships with men*, commissioned by **Women's Aid** in 1995 (an important NGO providing services directly to women experiencing domestic violence). A random national survey was carried out in 1995 which highlighted, *inter alia*, the scale of the problem by providing statistics on the numbers of women (who completed the questionnaire) who had been abused in the last year by a partner or ex-partner, and the percentage who had been subjected to violence at some time by a current or former partner. This survey also pointed to vulnerable moments in a woman's life that had not been the focus of research, such as separation and pregnancy. The survey results demonstrated that in line with international trends, these events indicate vulnerable moments in a women's life-cycle for which particular measures are required. Among the many recommendations to emerge from the Report, emphasis was placed on monitoring the follow-up and implementation of the Report itself.

**Women's Aid** also published a recent (1999) study by Patricia Kelleher and Monica O'Connor entitled, *Safety and Sanctions. Domestic Violence and the Enforcement of Law in Ireland*. This aimed to generate baseline quantitative and qualitative data on the way domestic violence cases are processed in the Irish civil and criminal justice systems. It specifically sought to document court outcomes and outcomes of **Garda Síochána** action. Particular emphasis was placed on how agencies recorded and

compiled statistics on domestic violence. Lessons learned from current practice, and issues that need to be addressed in order to improve the effectiveness of the civil and criminal justice systems, were also identified. According to the research, domestic violence is becoming increasingly visible in Ireland and is reflected in the fact that the district courts dispose of over 5,000 barring order applications and 2,000 safety order applications each year. In addition, over 200 barring orders are disposed of each year in the circuit court as a part of judicial separations. This comprises between 20 to 30% of applications.

Over the past four years, 51.9% of women murdered have been killed by husbands, partners or ex-partners in Ireland. Concerning the gendered nature of violence, the study shows that the vast majority of applicants in civil cases are female (96%) and the vast majority of respondents are male.

Gardai are called out to over 4,000 domestic violence incidents a years. The information recorded on civil applications, and recorded by the Gardai in relation to call-outs, indicates that violence against women is severe. For 50% to 60% of civil applications, the grounds involved physical violence. The study also shows that women who already have court orders under the domestic violence legislation make up a significant proportion of Garda call-outs (about 30%). They also make up a significant proportion of cases where an arrest is made (approximately 56%). Between 8% and 16% of orders are reported as having been breached.

## CRIME STATISTICS

The explanation of standard crime statistics can be found in the section above. The police and the courts also maintain internal records relating to the number of offences and convictions for different categories of crime. In addition, data can be found on protection orders and the other measures outlined above, for which statistics exist for particular jurisdictions.

## ADDITIONAL INFORMATION

Other developments in the Irish context in the 1990's have been:

The establishment in March 1993 of the **Domestic Violence and Assault Unit** in the Dublin area. In 1997 it was placed under the **National Bureau of Criminal Investigation** and given a country wide brief.

The introduction in 1994 of the **Garda Siochana (National Police)** guidelines on Domestic Violence intervention, which were amended in 1997.

The establishment in 1997 of a **National Steering Committee on Violence against Women and Children** and of **Regional Committees on Violence against Women** in the eight Regional Health Board areas (spread across the country).

## ADDITIONAL INFORMATION FROM THE FOURTH WORLD CONFERENCE ON WOMEN (1995)

No specific commitment on violence against women was made by the Irish government in its speech to the plenary session at the Fourth World Conference in Beijing.

## OTHER INFORMATION: NGO INPUT AND RESPONSES

The *National Network of Women's Refuges and Support Services in Ireland*, a national organisation providing crisis accommodation to women and children, is the representative body for refuges and ancillary services for women and children who experience violence and abuse in their homes. There are 15 refuges and support services in Ireland; the National Network provides support and services to its members, promotes models of best practice at local level, and campaigns for social and legislative changes that will lead to the elimination of violence and abuse.

Statistics provided by the National Network of Women's Refuges and Support Services in Ireland:

Year	Accommodation provided to:	Number of distress calls received
1996	Women: 932 Children: 1,828	9,177
1997	Women: 1,178 Children: 2,256	11,400
1998	Women: 1,576 Children: 2,914	15,276

These figures have to be seen in relation with the call out numbers given by the Garda Síochána which give official data (see above).

## ITALY

*"The State has the right and the duty to exercise a monopoly on power as concerns violence against women".*

Anna Finocchiaro, Minister for Equal Opportunities, at the National Conference on Violence against Women, Bologna, 15-16 October 1998.

### THE LEGISLATIVE FRAMEWORK

The debate on sexual violence was launched by the women's movement in Italy in 1977. Up to that time, the law and the courts had considered sexual violence to be a crime against the husband or the father of the woman who suffered the abuse, and not against the woman. However, even the amendments successively introduced by the *Codice Rocco* did not lead to profound change. Sexual violence was actually classified as a crime against public morality, and not against the individual. Reforming the legal framework was a difficult process that lasted 20 years, during which it became apparent the very culture of the country had to change. It was not until 1996 that the new law (I.66.96) was approved by the parliament, though still not without problems. This law introduced two important innovations:

Sexual violence was finally recognised as a crime against the individual;

Crimes of "carnal violence" and "brutal acts of lust" were grouped together under the single heading of sexual violence, in accordance with the principle of violation of human dignity;

A new category of crime, that of group violence, was introduced;

Better protection of minors, particularly those under age 14, was instituted.

However, the law makes no reference to domestic violence between a couple.

#### **Recent rulings:**

*Ruling 1636/99 of the Italian Supreme Court of Appeal* acquitted an accused rapist because the victim had been wearing jeans. The court maintained that it was practically impossible to remove jeans without the consent of the person wearing them. Although this was not the only justification for the court's decision, the ruling stirred up debate well beyond the borders of Italy.

*Ruling of 3 March 1999 of the Court of Como* acknowledged that a man who harasses a woman is not committing a crime if he can prove he is in love with her, whereupon his actions are considered a demonstration of affection, assuming that the victim bears no visible physical signs of this harassment.

#### **Draft laws:**

Two major draft laws were proposed by the former **Minister for Equal Opportunities**, Anna Finocchiaro: one providing for the perpetrator to leave the marital home within 15 days of being accused of violence; a 1998 proposal to develop official sex-differentiated statistics in cooperation with **ISTAT (the National Statistical Institute)**.

### EXISTING SOURCES OF DATA

#### **Official institutions**

1998 *ISTAT Report on Violence Against Women*. This revealed that 67.2% of rapes have not reported over the past three years, and that women who do report rape have usually been educated to university or higher level. Only 21.7% of rapes were committed by strangers, but in contrast, 23.5% were committed by friends, 17.7% by acquaintances and 14.5% by a husband or

fiancé. The highest percentage of rapes (29.9%) is committed in the home. Sexual violence occurs in the place that might be considered safest and involves the people a woman knows best. A link between the relationship with the rapist and rate of reporting also emerges: 15.5% of rapes committed by strangers are reported, compared to only 4% of those committed by a known person.

#### ***Other documentation consulted:***

1998 *Sexual violence: 20 years for one law (Violenza sessuale: venti anni per una legge)*, Commission for Equal Opportunities. Part of this book covers the figures on sexual violence collected by the "Telefono Rosa" (an organisation working on violence against women) and statistics taken from studies on sexual violence in Italy made on 1995, 1996 and 1997. The authors recognise that violence is increasing.. Physical violence is from 46% (1995) to 52,5% (1996) and 55,5% in 1997. Psychological violence is also increasing from 73,8% in 1995, it is 85% in 1997. Although no statistics are available which make specific reference to domestic violence, it is interesting to observe that 64.8% of women who are victims of violence name their husbands as the person responsible, followed by live-in partners (12.9%) and fiancés (8.7%). The percentage of acts of violence committed by fiancés has increased considerably, from 1.9% in 1995 to 8.7% in 1997, while that of violence perpetrated by live-in partners has risen slightly. Only 17.7% of perpetrators are alcohol or drug users, compared to 81.8% who do not use any such substances; 44.7% of abusers have a university degree. Finally, 89.3% of acts of violence committed in a relationship occur within a family, but only 21% of incidents are reported by the victims..

1999 *Zero tolerance. Experiments, projects and proposals for the European campaign on violence against women (Zero Tolerance. Esperienze, progetti e proposte per la campagna europea sulla violenza contro le donne)* Proceedings of the conference held in Bologna on 15-16 October 1998 by the **Department of Equal Opportunity** and the **Office of the Mayor of Bologna**.

1998 *Violence in the family: a private act? (Botte in famiglia: un fatto privato?)* Proceedings of a conference organised in Rome on 1 October 1996 by the **Office of the Mayor of Rome** (Commission of Elected Officials) and **UDI-Rome (Union of Italian Women)**.

## **CRIME STATISTICS**

The **Italian Ministry of Justice** has no specific statistics on violence against women. Periodic analyses are conducted on pre-established categories in which sexual violence is not included.

The **Department of Public Safety of the Ministry of Home Affairs** has no information concerning violence against women and data on crime in general is not broken down by sex.

In 1996, the **ISTAT (National Statistical Institute)** published a report on crime statistics (*Statistiche Giudiziarie Penali*). However, this report makes no specific references to domestic violence, or to violence against women in general. It has nonetheless been observed that the number of crimes of violence within the family or threats of such violence that are reported and prosecuted by legal authorities has increased markedly, from 25,356 in 1991 to 41,101 in 1995.

## **ADDITIONAL INFORMATION FROM THE FOURTH WORLD CONFERENCE ON WOMEN (1995)**

The Italian government made no specific statement as concerns violence as a Critical Area of Concern in the Beijing Action Platform.

# LUXEMBOURG

*“As Minister for the Promotion of Women, I commit myself along with you to sharing with people who recognise each other as equals - equally able to express themselves in a frank dialogue, free from any verbal, psychological or physical domination. No more compromises. End violence against women and girls”.*

Marie-Josée Jacobs, Minister for the Promotion of Women, 1999 programme for the campaign against violence against women and girls.

## THE LEGISLATIVE FRAMEWORK

Luxembourg has no law on domestic violence, so women's associations are lobbying on this issue. One such association is **Women in Distress**, which is currently in discussions with political parties in favour of legislation as similar as possible to that in effect in Austria, which gives police authorities the power to remove a perpetrator of domestic violence from the marital home.

## EXISTING SOURCES OF DATA

Luxembourg does not maintain statistics on domestic violence. The **Ministry for the Promotion of Women** requested for statistics from forces of public order, but those received were insufficiently specific; for example, they make no reference to the perpetrator of violence. The Ministry has proposed a framework for collecting data from shelters with a view to co-ordinating information.

### *Official institutions:*

**The Police Directorate** (1999). Annual statistics for 1996 to 1998 concerning rape and injuries resulting from violence against women. Police statistics do not address domestic violence directly; nonetheless in 115 cases out of 315 in 1997, the husband was the perpetrator (in 21 cases, it was the wife; in eight others, a close male relative). In 1998, the total number of crimes rose to 355; in 150 of these cases, the husband was the perpetrator.

**The Ministry of Justice** has no statistics on sexual violence.

*1998 Activity Report* by the **Ministry for the Promotion of Women** shows the Ministry has reached agreement with administrative bodies in the fields of social welfare, the family and therapy in 1998. The Ministry also sent questionnaires to shelters for battered women, but does not yet (July 1999) have the results. However, it is known that in 1998, 346 women (with 390 children) passed through shelters; 283 applicants were not admitted either for lack of space, or were cancelled.

### *Other documentation consulted:*

A Questionnaire concerning violence suffered by residents of the **Women in Distress** non-profit-making association. In 1998, of a total of 65 women residing at the Women's House (Frauenhaus) belonging to Women in Distress, 64 had been subjected to violence in their homes; 45 said they had been raped. Of these women, 47 cited their husbands as the perpetrators, 16 their live-in partner, and one her brother. This house is the place where violence against women is most likely to be believed and verified, and partners are the most likely perpetrators. Although the police intervened directly in 29 cases, not one man was convicted of an act of domestic violence.

## CRIME STATISTICS

General crime statistics were provided by **STATEC (Central Service for Statistics and Economic Studies)** using broad headings such as "theft, threats, assault" or "indecent", which apply to men as well as women.

## ADDITIONAL INFORMATION FROM THE FOURTH WORLD CONFERENCE ON WOMEN (1995)

At the Beijing Conference, Luxembourg pledged itself to launch a campaign against violence and to take measures to involve women who have been victims of male violence.

## OTHER INFORMATION

Luxembourg has launched its own campaign under the slogan "*No more compromises! End violence against women and girls*". This campaign takes up where a 1993 campaign, aimed mainly at "breaking the silence" and helping women and children subjected to domestic violence, left off. It encompasses public awareness, condemnation of violence, support for victims, prevention of violence, legal support for abused women and children, and the development and implementation of training for experts in various disciplines.

To get this campaign off the ground, the **Ministry for the Promotion of Women** invited NGOs to cooperate. Some 30 organisations are participating actively in events which include conferences and round tables, cultural events, consciousness-raising, training and publications.

The Ministry's *Action Plan 2000. Implementation of the Declaration and Action Platform adopted by the Fourth World Conference on Women in Beijing* of March 1997 includes a section on violence against women and girls, addressing three issues: prevention and elimination of violence against women and girls, examination of the causes of violence, and support for women who are victims of violence related to prostitution and trafficking in women.

## THE NETHERLANDS

*“As a former prosecutor I know that the police and other professionals involved do not always give the victims the attention and care they deserve. Especially victims of domestic violence and sexual offences were, and are, not always treated in the right way. Of course this is very wrong. It is therefore important that the position of the victims in criminal procedure is strengthened.”*

Speech by the Dutch Minister of Justice at the Expert Group Meeting on Victims of Crime and Abuse of Power, 6 March , 1997.

### THE LEGISLATIVE FRAMEWORK

In the 1970s, the Dutch Women’s liberation movement played an important role in drawing government attention to the issues of sexual violence and women’s reproductive rights, as consequences of the imbalance of power between women and men. The government response, in keeping with its policy on emancipation, acted speedily in establishing a congress of experts which met in 1982, and published its findings in a policy memorandum in 1984, *Combatting Violence Against Women*, and a follow up memorandum in 1990, *Combatting Violence Against Women and Children*.

At the same time, in 1983, the *Constitution* of the Netherlands was revised to include the right to protection in the personal sphere and the right to the inviolability of the human body. The phrase “sexual violence against women” is used in the Netherlands to mean the same as the UN definition of violence against women.

*The civil law on domestic violence:* where there is a wrongful act, it is possible to bring interim injunction proceedings and apply for a banning order, for example a street ban or contact ban. Banning orders are useful in situations where a woman has initiated divorce proceedings and the man continues with violence and breaches of privacy.

*The criminal law* covers domestic violence by general provisions. All kinds of violence like abuse, causing grievous bodily harm, mans lawfully, criminal damage, rape or sexual assault are criminal offences, irrespective of whether they take place in the public or private sphere. Only criminal damage or theft are not criminalised when they take place within marriage. When husband and wife “are separated from the bed and board”, prosecution is possible only after a complaint has been made. Furthermore, when common assault and grievous bodily harm take place within marriage, the punishment can be raised by one third of the maximum penalty. Simple assault has a maximum sentence of two years. It is not always possible to arrest a suspect. It is possible only when the man is suspected of a serious crime like murder, manslaughter, gross maltreatment, rape, sexual assault, and threat of a criminal offence.

*Preventative sentencing:* the way that offenders are treated by the courts is important to prevent them from seeking new victims and to protect existing victims from further abuse. Custodial sentences temporarily remove offenders from society, but he will eventually return. Traditional penalties do not change behaviour and many offenders re-offend. Under Dutch law a custodial sentence can be linked to compulsory treatment, or a suspended sentence can be made conditional on following a course of treatment. Research suggests recidivism is lessened following treatment.

## EXISTING SOURCES OF DATA

### *Official Institutions:*

In 1997, the **Ministry of Justice (Sector Criminaliteitspreventie en Slachtofferzorg)** published a study, *Domestic Violence*, (Huiselijk Geweld) about the extent and characteristics of domestic violence. It covers a wide range of topics and is the outcome of a questionnaire first tested in trial interviews with victims of domestic violence and then with randomly selected respondents, matching the Dutch population by age and sex. A total of 516 men and 489 women aged between 18 and 70 were questioned about their experiences of domestic violence. The interviews were held from mid-May to mid-July 1997.

The goal was to generate public information on domestic violence which was defined as “*a violation of the personal integrity of the victim by a person from the victim’s family circle. This includes (ex-)partners, family members and family friends*”. The survey also made a distinction between incidents of violence and the domestic violence syndrome, which is defined as “*violence that has caused either physical harm, or noticeable effects, or has lasted for more than one year or has occurred at least every month*”.

Using these terms (which are not limited to male violence against women), the results show that 45% of the Dutch population have at any time been victim themselves of incidental acts of domestic violence, 27% of Dutch people are the victims of domestic violence which occurs every week or every day. It also shows that 75% of Dutch people know someone (or think they know someone) who is/was victim of domestic violence, and 80% of domestic violence offences are committed by male offenders. Around 20% of victims have never spoken to anyone about violence and nearly 75% of the severest cases remain beyond the scope of social workers. Few reports are made to the police: a total of 12% of incidents are reported, and 6% of reported crimes actually result in drawing up and signing a police report.

In April 1998 the **Ministry of Justice** issued an instruction note called *Domestic Violence: What Now? (Huiselijk geweld and wat nu?)* reminding of the need to coordinate activities between the ministries of Justice, Health, Social Affairs, and others, to meet the complexities of domestic violence. It announced a research programme on ways to improve communications between partner organisations and the creation of a joint Platform. It also made recommendations on identification, prevention and research, the complaints system, primary care services, and other matters.

Another note in April 1999 continued the focus on domestic violence by detailing a series of actions and measures, including implementation of research undertaken in 1997 (as above) on domestic violence among people of foreign origin (mostly from Surinam, Netherlands Antilles, Turkey and Morocco). This should start in October 1999.

### *Other documentation consulted:*

The Report on the *Economic Costs of domestic violence against Women*, by Dirk J. Korf, et al, is the first of its kind in the Netherlands. The aim is not to provide a definitive calculation of the economic costs of domestic violence against women, but to produce a methodologically sound itemisation of known and estimated costs. In the authors’ opinion, the most probable economic costs to Dutch society, caused by severe and very severe domestic violence against women, come to 332.6 million guilders a year (about 150 million Euros).

**TRANS ACT (Netherlands centre for gender issues in health care and prevention of sexual violence)** published a *Fact sheet about sexual abuse* in 1998 to provide a general picture of the problem, with policy plans, news items and research projects. The first part gives a definition, and the consequences and forms of sexual abuse. Investigations into a number of categories of victims (for example children) or into situations where sexual abuse occurs (for example sport) are summarised in the second part. In addition there are a number of separate text boxes outlining related aspects, such as a list of agencies giving assistance in the Netherlands, the numbers of legal proceedings entered into, and the current Dutch debates on sexual abuse.

*Sexual violence: care and prevention strategies*, 1997, explains the essential objectives, functions, target groups and conditions necessary to offer quality of the care and prevention, which exist in practice to varying degrees in the different regions of the Netherlands.

*Pilot project on police intervention in domestic violence the Utrecht Regional police Force, Netherlands*. This project started in February 1993 to provide impetus to the police service giving higher priority to the social problem of violence in relationships.

### **CRIME STATISTICS**

Basic figures on violence against women are available in *The Annual Statistical Yearbook on the Netherlands* 1997 edition. There are statistics about victims of violence, records of violent crime, including offences against public order (which relate to prostitution, pornography and trafficking humans). No data are available on domestic violence.

### **ADDITIONAL INFORMATION FROM THE FOURTH WORLD CONFERENCE ON WOMEN (1995)**

No specific commitment was made by the Netherlands government on violence as one of the Critical Areas of Concern in the Beijing Platform for Action.

In the “*Beijing +5 review*”, the Dutch Government has a section on Violence against women, which is mostly devoted to combatting other forms of violence such as female genital mutilation, trafficking in women, prostitution or sexual harassment . It mentions that the Ministry of Justice will be further developing an Inter-Ministerial Action Plan to prevent and combat domestic violence.

### **OTHER INFORMATION**

In the Netherlands, women are the health services major clients. The use of medicines among women is twice as high as among men, and two-thirds of the patients admitted to psychiatric care with depression are women. Many women begin psychiatric care a result of sexual abuse in their youth. One in seven girls experiences sexual abuse by relatives before the age of sixteen. Women run an immense risk of developing health problems as a result of violence. One in nine women is repeatedly and severely abused by her male partner. (Source: **TransAct**)

## PORTUGAL

*“Violence is often the root cause of problems related to divorce, paternity and the break up of the family. It is significant that while 51% of respondents (to a survey carried out in 1990) consider hitting a woman after an argument to be a very violent act, this percentage drops sharply to 34.6% when the situation is described as the husband beating his wife on discovering her unfaithfulness.”*

Section on “Violence Against Women” taken from the National Report presented at the 4<sup>th</sup> World Conference on Women, 4-15 September 1995, the Commission for Equality and Women’s Rights in collaboration with Equal Rights Advisors from other ministries.

### THE LEGISLATIVE FRAMEWORK

The Portuguese *Constitution* (as amended on 25 April 1976) provides for equality between women and men in all areas of life. Violence against women constitutes a violation of human rights. Violence against women within the family is considered a serious offence and, as such, is punishable by the *Penal Law of 1982* which covers violence against partners and against minors. Since then, additional legislation has been passed to protect women, minors and the disabled from different acts of violence. Legislation passed in 1991 guarantees adequate protection to women victims of violence, particularly as a result of discriminatory attitudes and bodily harm. Amendments to the Penal Law in 1995 tighten the penalties for family violence; for example, crimes resulting in bodily harm within the family can carry a minimum period of one year with a maximum of 5 years’ imprisonment (previously, this was 6 months to 3 years respectively). Rape in marriage is punishable by 3 to 10 years’ imprisonment (previously 2 to 8 years). Enticement into prostitution carries a 6-month to 5 years prison sentence (previously 2 years or a 100-day fine). Violence against women within marriage constitutes a legitimate basis for divorce.

The Law of October 1991 relating to Article 129 of the Penal Code allows for the creation of a Compensation Fund for Victims of Violent Crime. Compensation by the state is limited, however, to the material consequences of grievous bodily harm. The Penal Code was revised again in 1998, making it possible to make a complaint of spouse mistreatment to the police. An injunction order to remove the perpetrator from the household, is foreseen.

### EXISTING SOURCES OF DATA

#### *Official Institutions*

The **Ministry of Justice** is the main body responsible for the publication of yearly Crime statistics (*Estatísticas da Justiça: Estatísticas Criminais – Estatísticas oficiais*) by its **Studies and Programming Department**, and for the publication of all official statistics in Portugal (*Estatísticas da Justiça: Estatísticas Oficiais Portugal*). The characteristics of the data are given below.

In 1994, the **Ministry of Justice** was responsible for a *Survey of Victims (Inquérito de Vitimação)* carried out through questions to victims of all crimes; it contained one chapter on violence in which a sub-section was devoted to sexual offences against women.

The **Commission for Equality and Women’s Rights** (Comissão para a igualdade e para os direitos das mulheres) provided data in the *Situation of Women in Portugal (Situação das Mulheres, Portugal 1997)* in which reference is made to studies and law on violence against women. Other information is included in leaflets on *Violence against women in the family* and *Violence against women in the street*, both of which contain practical advice for women. Some of the work carried out by the Commission for Equality is supported by higher political body attached to the **Council of Ministers** (Conselho de Ministros: the cabinet). *The Global Plan for Equal Opportunities (Plano Global Para a Igualdade de Oportunidades)* was approved in March 1997. The second objective of this Global Plan is entitled *Prevent Violence and Guarantee adequate protection to women of violent crimes*.

### ***Other Official Documentation Consulted :***

Three main studies in the 1990s were carried out with the support of the Studies and Planning Department of the Ministry of Justice and the Commission for Equality, namely:

1992 *Representations of Violence – the social perception of the level, frequency, causes and measures to reduce violence in Portugal (Representações da Violência – percepção social do grau, da frequência, das causas e das medidas para diminuir a violência em Portugal)* carried out by the **Centro de Estudos de Sociologia, Universidade Nova, Lisboa.**

1992 *Social Representations of Women and Men (Representações Sociais de Homens e Mulheres)* published by the Commission for Equality.

1997 *Violence against Women (Violência Contra as Mulheres)* in the series *Cadernos Condição Feminina*, n°48. Some of the main findings in this most recent study reveal that 50.7% of Portuguese women experienced some form of psychological violence at some stage in their lives, 28% experienced sexual violence, and 14.1% violence as a direct result of their gender (that is a form socio-cultural discrimination). Physical violence represented the lowest form of violence against women, 6.7%. Some 43% of the acts of violence took place in a private setting, primarily in the family home, while 34% of the violence was experienced in a public space, and 16% in the workplace. The perpetrators identified were of the male sex and, in cases of family or domestic violence, the aggressor was more often than not the husband or partner.

## **CRIME STATISTICS**

Data consulted for 1996 from the **Ministry of Justice** were broken down into the following categories:

- ★ *Life Endangering Crimes* which are categorised into different forms of homicide, including serious cases, unintentional and attempted homicide. For 1996 unintentional homicide constituted the majority of cases. However, no additional information within the homicide category shows the relationship between the victim and the perpetrator, which prevents identification of domestic violence cases.
- ★. *Crimes Against Physical Integrity* range from simple offences to serious cases, and offences of physical integrity due to negligence. In this category of crimes, specific reference is made to battering, and subordination by spouses.
- ★ *Crimes against personal freedom* include threats or coercion; sequestration, kidnapping
- ★ *Crimes against sexual determination and freedom* include sexual abuse and fraud (the second highest rate); traffic in women; sexual abuse of girls, adolescents and other dependent people.

However, recording and conviction rates were very low. The report does contain some contextual explanation and stipulates that, from the figures for 1996, an estimated can be that nearly 6 women are victims of life threatening crimes every week. It also points out that many crimes against women are not reported especially the case in incidents of domestic violence where the figures are greatly underestimated.

## **ADDITIONAL INFORMATION FROM THE FOURTH WORLD CONFERENCE ON WOMEN (1995)**

No commitment was made by the Portuguese government in Beijing in relation to violence against women as one of the Critical Areas of Concern in the Beijing Platform for Action.

## SPAIN

*“An institution whose main objective is to defend the rights defined in Title 1 of the Spanish Constitution cannot remain impassive towards situations that threaten the physical integrity of a group of persons who may thus lose their lives”.*

The Defensor del Pueblo (Ombudsman) on domestic violence against women, in 1997.

### THE LEGISLATIVE FRAMEWORK

The Spanish *Constitution* guarantees equality between the sexes and protection of human dignity in general terms. Specific reference to domestic violence, defined as “any form of violence within a stable relationship”, was introduced in the new *Criminal Code* in 1995. This new provision recognises violence as a continuum which includes acts of psychological, as well as physical, violence perpetrated by the husband/partner or ex-husband/partner. The seriousness of the crime committed is also identified by the punishment prescribed. Physical forms of violence are implicitly considered more serious than other forms, especially if medical help is needed - which also constitutes the burden of proof. Further measures provided for in the *Civil Code* facilitate women's access to other forms of social protection.

On 30 April 1998, the Council of Ministers approved a *National Action Plan Against Domestic Violence*, which provided for, among other measures, changes to the *Criminal Code* so as to offer better and broader protection to victims of domestic violence. On 9 June 1999, the following changes were introduced into the *Criminal Code* covering domestic violence:

- A measure to prohibit the perpetrator from approaching the victim or the victim's family and/or any other person designated by the court or judge, which is subject to an additional penalty;
- Classification of *habitual psychological violence* as a crime;
- Provision for the public prosecutor's office to lodge accusations of violence.

### EXISTING SOURCES OF DATA

#### *Official institutions*

In 1997, the Ombudsman (*Defensor del Pueblo*) published an important report on *Domestic violence against women* which proved to be a bombshell by revealing the extent of the problem, which had previously been taboo. The report contains statistics from the **Home Affairs Ministry** and the **Labour and Social Affairs Ministry**, as well as information from NGOs. The report stresses the gaps in legal statistics, pointing in particular to the enormous differences between the data furnished by the Home Affairs Ministry (which are collected by the police) and those of the public prosecutor's office about legal prosecutions. In 1996, for example, the Home Ministry recorded 13,198 complaints, but the public prosecutor's office counted only 4,826 prosecutions (see below for the analysis by THEMIS). The Ombudsman's report also includes data compiled by NGOs working in “the field”. These groups, with their many years of experience, emphasise the repetitive nature of domestic violence. Women wait a long time before speaking, taking action, or escaping from violent situations: the average period of domestic violence endured is 7.5 years. The report's recommendations stress the need to produce statistics that provide a more realistic picture of domestic violence.

Statistics provided by the **Judicial Police** (Crime statistics Division) are reported in:

- 1998 *Crimes against sexual freedom* where they are broken down by province, type and month.
- 1998 *Domestic violence*. These figures show, region by region, the consequences of domestic violence including the seriousness of injuries and deaths.
- 1998 *Accusations of domestic violence* are monthly statistics, classified by province and type of crime with injuries resulting in death, habitual physical abuse, injuries, degrading treatment, minor injuries.

Statistics provided by the **Instituto de la Mujer** of the **Labour and Social Affairs Ministry** are reported as:

- Crimes against sexual freedom, 1997
- Accusations of domestic violence, 1996-1997-1998-1999 (up to May)
- Accusations of domestic violence classified by region, 1995-1996-1997-1998
- Women killed in the course of domestic violence 1996-1997-1999 (up to May)
- Trends in rape and sexual attacks, by region, 1989-97.

The statistics in these documents are very revealing. In particular, the fact emerges that complaints about domestic violence have risen sharply in recent years, from 16,815 in 1995 to 20,043 in 1998. A look at the figures for each region shows that Andalucia (3,645 in 1995 and 4,307 in 1998) and the Madrid region (3,231 complaints in 1995 and 3,577 in 1998) have the largest number of complaints. These data need careful interpretation, as the raw figures produce variations; for example, the region of Murcia saw a spectacular increase in complaints from 389 in 1995 to 799 in 1998, while in contrast, complaints fell off in the Basque country, from 852 in 1995 to 422 in 1998. However, official statistics are rarely accompanied by any commentary. The number of women *dying as a result of domestic violence* remains high at 97 in 1996 and 91 in 1997.

### ***Other documentation consulted***

In 1999, in response to a request from the **Women's Council of the Community of Madrid**, the **THEMIS Association of Women Lawyers** conducted a study of legal procedures for domestic violence in the Madrid region. The analysis of legal responses to complaints of domestic violence over a period of five years (from 1992 to 1996), examined the processes from their outset to sentencing, showing.

In the complaint process, 90% of accusations are against a male perpetrator. In 69% of cases, the victim and the perpetrator are married or living together. Violence between divorced people accounts for 17% of cases, and the remaining 14% consists of violence by children towards their parents, or by parents towards their children.

Processing complaints within the courts, or their withdrawal: in 63.5% of cases the victim withdraws the complaint. In only 34% of cases does the public prosecutor seek punishment for the perpetrator.

On sentencing, THEMIS concluded that "criminal sanctions for domestic violence are not a question of specific standards or severity of punishments, but essentially of a genuine determination on the part of the agents of the legal system to apply existing standards".

According to the authors, the findings of this very detailed study correspond to the situation as described by women's NGOs, who have practical experience working with domestic violence. Most domestic violence occurs in the family home (74% of cases). This is not surprising, as the home is the place most conducive to *impunity*. It is also where 50% of violence in divorced or separated couples takes place. The fact that violence occurs between divorced or separated couples reinforces the equivalence between domestic violence and gender-based violence, and men's need to maintain control and authority over the victim even after the couple's emotional ties have been severed.

## **CRIME STATISTICS**

*The Classification of Convictions According to the Type of Crimes Committed By Age and Sex (Clasificación de los condenados según la naturaleza de los delitos cometidos, en relación con su edad y sexo)* published by the **National Statistical Institute of the Ministry of Justice**, with crime figures for 1994.

## **ADDITIONAL INFORMATION FROM THE FOURTH WORLD CONFERENCE ON WOMEN (1995)**

The Spanish government made no specific statement concerning Violence as a Critical Area of Concern in the Beijing Platform for Action.

### **OTHER INFORMATION**

In recent years, an increasing number of cases of domestic violence have been recorded in Spain. This increase does not necessarily reflect a worsening of the problem, but rather greater willingness among women to report violence. Media attention to the problem, public campaigns against violence, the report of the Ombudsman and action by women's NGOs have all certainly played a basic role in this change of attitude, first and foremost by calling public attention to the issue and secondly by proposing solutions to the relevant institutions and officials.

## SWEDEN

*“Sweden is by many regarded as a society in which there is a relatively high degree of equality between women and men. In many areas, however, there is a considerable imbalance in the power relations (...) the most extreme example of such an imbalance is the occurrence of men’s violence against women. Despite several measures, particularly in recent years, thousands of women in Sweden are subjected to violence. Over the last decade, the number of reported assaults and various forms of sexual offences have increased markedly. Often, these offences are committed by a man who has a close relationship to the women concerned (domestic violence).”*

Extract from Regeringskansliet, Government Fact Sheet produced by the Swedish Government Offices,  
September 1998

### THE LEGISLATIVE FRAMEWORK

Fundamental changes in *Swedish criminal law* came into effect on 1 July 1998 relating to violence against women, and domestic violence in particular. The most significant advances relate to the provision for “*gross violation of the integrity*” of a person “*having or having had a close relationship to the perpetrator*” (that is, family members), and provision for “*gross violation of women’s integrity*” when the abuse is directed to an adult woman who is the partner of the perpetrator. Furthermore, damage to self-confidence constitutes sufficient grounds for prosecution for violation of a person’s integrity, for which women do not have to file a complaint for each separate act of violence, as was previously the case. This provision recognises all forms of violence, including psychological violence, and it acknowledges the continuum of violence, occurring and evolving over time. This is important for cases of domestic violence, for which prison sentences vary from 6 months to 6 years. Forced sexual intercourse is considered to be rape, for which prison sentences vary from 2 to 6 years. Cases of domestic violence can also be indicted, usually by the police and/or public prosecutor, even if the victim has made no formal accusation.

Another significant piece of legislation to be introduced into Swedish penal law relates to the purchase of sexual services which has been prohibited since 1 January 1999. A **Law Committee on Sexual Offences** has been set up to undertake a complete review of the provisions for sexual offences. Rape in marriage is now included in the legal definition of rape. Coerced sexual intercourse is also considered as rape for which prison sentences vary from 2 to 6 years.

Social Welfare legislation has also been strengthened to provide for women who have been exposed to violence, or other abuse in their home, giving them help and support to change their situation. The *Social Welfare Act* has charged the **National Board of Health and Welfare** with the responsibility for drawing up guidelines to implement these new provisions.

### EXISTING SOURCES OF DATA

#### *Official Institutions:*

The **National Council for Crime Prevention** is currently working on an improvement of official crime statistics. This will, inter alia, make it possible to ascertain the sex of both perpetrator and victim, the age of the latter and his or her relationship with the perpetrator. The government has requested the Council to complete this work “speedily” and also charged it with integrating a gender perspective into research on criminology and other legal affairs. It has also been asked to study the practical and technical conditions necessary for electronic monitoring of men who breach restraining orders, to track down those convicted offenders who persistently follow women whom they have abused.

The **Office of the Public Prosecutor** has been requested by the government to present regular reports on the number of restraining orders issued and to make suggestions as to how such statistics can be coordinated with statistics about breaches of restraining orders.

The **Crime Victims Compensation and Support Authority** has been given the financial means to carry out a study on the prevalence of violence against women.

The **National Police Board** has been charged with making an inventory of police efforts concerning violence against women and to report back to the government. This Board has also been designated national rapporteur for Sweden on issues relating to trafficking in women for the purpose of sexual exploitation.

The **Immigration Board** has been requested to draw up information on Swedish legislation on violence in close relationships to be disseminated among those seeking residence permits in Sweden.

## CRIME STATISTICS

The **Central Statistics Bureau (Statistiska Centralbyrån SCB)** is the main publisher of annual crime reports in Sweden. Publication is in the form of booklets entitled, *Statistics Sweden, year X*. This institution also has a **Gender Statistics Unit** which provides statistics on all issues of equality between women and men. Some of the statistical chapters within this general category on gender, include population, health, education, time use (unpaid work by women and men broken down into hours and minutes), child care, care of the elderly, employment, salaries, income, leisure, *violence and crime*, and influence and power.

Similar to most other countries, crimes in Sweden are broken down into *Offences against the person* and *Offences against property*. However, in Sweden, sub-categories within Offences against the person are specified on violence against women, also including information on perpetrators and victims. For example, in its publication, *Women and Men in Sweden, Facts and Figures, 1998*, the SCB classified of the following violent crimes under the category "Violence and crime" (from *Crime statistics, National Council for Crime Prevention*):

*Assaults reported to the police* for the years 1981, 1990, 1997 increased, especially during 1980s. Moreover, women are most often assaulted indoors by a known man and out of doors by a stranger. 6,000 women had been assaulted indoors by an acquaintance in 1981, and the number increases to 12,000 in 1997. The number of women assaulted out of doors by a stranger also increased from less than 1,500 in 1981 to approximately 3,000 in 1997.

*Fear of violence and actual violence* (by gender and age group- reference to the age 16-84). Since the end of the 1970s, fear of violence has increased, especially among elderly women but also among younger women and men. An increasing proportion among younger men feel the threat of violence, or experience actual violence (usually from other men), more now than at the end of the 1970s.

*Exposed to violence, threat of violence, mobbing or sexual harassment, 1997*. A table with these categories cross-cut by gender and age group, between the ages of employment 16-64, show the highest representation is the category "violence or threat of violence" with 17% of women. Some 9% of men are subject to threats of actual violence. As with other countries, the perpetrators of crime of all forms of crime against persons and property are predominantly men.

## ADDITIONAL INFORMATION FROM THE FOURTH WORLD CONFERENCE ON WOMEN (1995)

A *National Report* was prepared by the **Commission on Violence Against Women** prior to the Fourth World Conference on Women in Beijing in 1995, and contained proposals on violence against women..

## UNITED KINGDOM

*“The Government is fully aware of the extent of the misery domestic violence can cause. It is essential that the courts have the power to take early, effective action to tackle domestic violence whenever a case comes before them, and that the police can intervene rapidly when court orders are ignored. The new law will make that possible. I believe that will be widely welcomed as an important step forward in the fight against domestic violence.”*

The Lord Chancellor, Lord Irvine, announcing implementation of the new Family Law Act, 30 September 1997.

### THE LEGISLATIVE FRAMEWORK

No specific reference is made to domestic violence as a specific crime in criminal law. The physical evidence of violence committed within the home, such as grievous bodily harm, attempted murder, murder, homicide, etc, fall within the *Offences Against the Person Act*. However, changes in 1996 to the *Family Law Act* brought a package of civil measures to improve women's safety, mostly in the form of protection orders which aim to remove and keep the perpetrator away from the home and immediate family environment. With this law, a single set of measures, accompanied by regulations on the family home, make it easier for victims of domestic violence to seek and be granted protection which extends to all members of the family. Furthermore, the Courts were also given powers of arrest for breaches of these new measures, which include members of the family no longer living under the same roof (ex-husbands and/or ex-partners), but who continue to use threats or real forms of abuse.

On 29 March 1999 the *Family Homes and Domestic Violence (Northern Ireland) Order 1998* came into force. This replaced the existing law and improves and extends the protection available to victims of domestic violence.

It should also be noted that other legislation, such as the *Housing Act* of 1985 where homelessness and local authority housing management are integrated, also applies. Particular emphasis is made in the *Homelessness Code of Guidance for Local Authorities* on treating as a priority need those women who have children, or women who are vulnerable as a result of domestic violence. Under the criteria to secure immediate accommodation, their homeless condition should be considered “unintentional” rather than deliberate.

The law on rape is covered by the *Sexual Offences Act* of 1976; however, specific reference to rape in marriage first appeared in 1994 in the *Criminal Justice and Public Order Act*.

### EXISTING SOURCES OF DATA

#### *Official Institutions*

The **Home Office** is the Government Department responsible for general or specific matters of domestic violence, for co-ordinating and chairing the official and **Ministerial Inter-Departmental Groups on Domestic Violence**, which includes participation from the **Lord Chancellor's department** (equivalent to Justice Ministry), the **Law Officers department**, the **Crown Prosecution Service**, the **Departments of the Environment, Health, Social Security, Education and Employment**, the **Welsh Office**, the **Scottish and Northern Ireland Offices**, and the **Treasury**. The Home Office is the main statutory body within the UK system responsible for legal matters. It reviews and prepares legislation in order to strengthen, amend or repeal the criminal law; it is responsible for the criminal justice agencies (police, probation, prison) and other agencies such as Immigration and the Criminal Injuries Compensation Board. It provides funding for marriage guidance work in the voluntary sector, and the

co-ordination of Government policy towards the voluntary sector (NGOs) which are engaged in providing services.

Two of these are **Crime Concern**, the national crime prevention body for England and Wales, which was set up in 1989 to work with local agencies to reduce crime and create safer communities, and **Victim Support**, a national organisation providing services to victims of (all) crime which is supported by the Home Office.

The Home Office has also produced a number of Circulars for the work of its dependent bodies on domestic violence. These include two **Police** Circulars, one relating to the type of treatment and intervention for victims of rape and domestic violence, and the second stresses the need for police forces to consider domestic violence a serious crime. For the **Probation service**, a statement on domestic violence was issued in 1992 calling on the service to “treat domestic violence with the same degree of seriousness as other forms of violence.” Different materials have been issued to the **Crown Prosecution Service** (of which the Director of Public Prosecutions is the main person responsible for pursuing criminal charges) namely the *Code for Crown Prosecutors* (principles guiding the pursuit of prosecution charges), a *Statement of Prosecution Policy: Domestic Violence*, and a *Statement of the treatment of victims and witnesses by the Crown Prosecution Services*.

In 1999 the Home Office published *Domestic Violence Matters (DVM): an evaluation of a development project* on an experimental project in Islington, London, based loosely on a scheme in London, Ontario. DVM placed civilian crisis counsellors in two police stations in Islington, operating an out-of-office-hours service. The aims were to provide much needed support to victims at their most vulnerable point, to enhance the response of the criminal justice system to the crime of domestic violence, and to secure better informed and coordinated responses by local agencies to the problem.

During the 32 months of direct service provision DVM dealt with a minimum of 1,236 cases and 1,542 incidents (the database does not include "minimal contact" cases). The vast majority of victims were female (99.4%) and perpetrators male (99%). Under half (40%) had called the police on previous occasions. Over half (55%) of those who called the police previously were happy with their response, 16% were never happy, and 30% reported variable responses, the same women have contrasting experiences on different occasions. Just under a third had also applied for injunctions previously. Almost half of this group of women had taken action to limit violence and obtain protection, none of which had been effective in changing the men's behaviour.

Contrary to popular opinion, just 17.8% of women had not talked to anyone about the violence. The most common strategies used to cope with domestic violence are (in order of frequency mentioned) living from day to day, try to reason with or appease the abuser, minimise abuse or not call it violence, make excuses for the abuser's behaviour. Finally, the study gives very interesting information about children's role in a violent domestic situation. The majority of women with children (84%) reported that their children had witnessed and/or overheard the violence, and in just over half of the cases children had attempted to intervene to protect their mothers.

In 1995 the Home Office and the Welsh Office jointly issued an Inter-departmental /Inter-Agency Circular, *Domestic Violence: Don't Stand for It*, to tackle domestic violence on a co-ordinated basis, and to “outline the Government's view of the nature and extent of domestic violence, and the strategy being pursued at the national level”. A similar Circular was produced for Northern Ireland, entitled *Tackling Domestic Violence*, published by the Northern Ireland Office. (Separate arrangements for Scotland were considered at the time of these publications. While the Scottish Office was responsible for these matters in the past, they have been transferred to the new Assembly and offices in Scotland as political autonomy came into effect in June 1999.)

These Circulars were published as a result of recommendations from the **Parliamentary Home Affairs Select Committee** investigation started in 1993 to look at the policy option for domestic violence.

Following on from this, the Government set up Inter-departmental (that is Inter-Ministry) working groups at both Official and Ministerial level to “take forward the Government’s response to the Committee’s report and to promote a co-ordinated response to the issue at national and local level.”

The Circulars also refer to a **Home Office Police Research Group**, whose 1994 report, *Preventing Repeated Domestic Violence: A Demonstration Project on Merseyside*, showed that women were frequently exposed to repeated forms of abuse occurring shortly after the first incident.

A study in Hackney, *Counting the costs: estimating the impact of domestic violence in the London Borough of Hackney*, published by **Crime Concern** in 1998, estimated that in 1996 the cost of providing crisis services to women experiencing domestic violence was in excess of £7.5 million for that borough alone. There was only limited provision available for these women's children, and none aimed at prevention of abuse. In this study, 60% of women said that they had experienced some sort of abuse. In all, 11% reported violence serious enough to require medical attention in the past year. Further, 42% indicated that they had been afraid of a current or previous partner, and 30% of these said that they had often been afraid.

The study also reports the following statistics from the *1996 British Crime Survey*:

- ★ nearly half (46%) of all violent incidents against women were domestic;
- ★ 60% of domestic violence incidents involved current partners and 21% involved former partners;
- ★ half of reported victims suffered more than one attack.

#### ***Other Documentation Consulted:***

In 1996, a *Follow-up Report to the Fourth World Conference on Women* was published by the Department of Education and Employment, containing a chapter on measures undertaken to tackle violence against women. In this chapter, specific reference was made to domestic violence as an area of priority for the government. Details were given on progress achieved in legislative change (the Family Law Act, mentioned above), and the extension of the *British Crime Survey* to cover more detailed questions on the characteristics and extent of domestic violence, with the view to gaining greater insight into the prevalence rates, the trends in the crime, and the levels of reporting. No actual statistics on these were provided in the report itself. Other sub-chapters referred to sex offenders and stalking as two main areas of priority along with domestic violence. In terms of future work, emphasis was placed on training relevant professionals.

Two pieces of research to undertaken by the Northern Ireland the Scottish Offices were mentioned. The former focussed on the *Criminal Justice System and Domestic Violence*, as its title suggests, while the latter mapped the type and level of service provision to victims of domestic violence, highlighting the gaps in provision and quality.

*Taking Stock – What do we know about violence* was published in 1998 to launch a major nation-wide research programme into all forms of violence in the United Kingdom. The **Violence Research Programme** was commissioned by the **Economic and Social Research Council** to gain a greater understanding of the various forms of violence committed against the person. It will run for a five-year period (ending in 2002) and currently has twenty research projects all over the United Kingdom on specific issues of violence. Domestic violence constitutes an important part. *Taking Stock* provides an overview of data on domestic violence as well as providing details of specific research projects in UK on service provision and abused women’s perspectives; domestic violence in pregnancy, and the impact of changing housing policy. The following are examples:

*Annual Reports*; that for 1997 showed that they dealt with 18,4006 cases of domestic violence in 1996/97;

The 1993 *Scottish Crime Survey* found that in 28% of all incidents of violence against women, the offender was either a current or an ex-spouse, partner or boyfriend. This represents 55% of all cases where the woman knew the offender "well";

Domestic violence is estimated to be a feature in as many as one in the three divorces in England and Wales (Marianne Hester et al, 1996);

Research in 1994 suggested that, where battered women are mothers, three quarters of their children will have witnessed at least one violent incident. Violence can sometimes begin during or shortly after pregnancy: Younger women tend to be more at risk (C. Abrahams., 1994);

A survey of women in Great Britain suggested that one in seven wives had been raped by their husbands, and that about two fifths of these had been raped violently, (K. Painter et al, 1998); The relationship between rape victim and suspect for were 17% parent or family, 17% spouse or lover in England and Wales for 1990-94; 21% parent or family, 12% spouse or lover in Northern Ireland.

## CRIME STATISTICS

In line with the other Member States of the European Union, Crime statistics in the United Kingdom derive from two main sources, namely, crimes recorded by the police and those crimes for which the courts were used, and the outcomes are categorised by the decisions to convict (prison or other) and/or suspend. Within this general framework, the two standard categories exist: Offences against the person and Offences against property.

Crime surveys complement the gaps in the standard presentation of crime statistics as described above. For a number of years, British crime surveys seek to translate qualitative data into quantitative statistics with the view to providing more accurate information on the nature of crime, the extent over time, and how crime is dealt with by those who are in a position to interpret the data further, for example, giving some insight into why some crimes are or are not recorded. The crime surveys consulted for the purpose of this report (1992, 1994 and 1996) did seek information on domestic violence, using detailed questions on the nature and extent of domestic violence. In 1992 a quarter of all incidents of domestic violence were reported to the police, and domestic violence was as common for women aged 16-29 as is pub-related violence for men of the same age group. The 1994 survey revealed that the most numerous type of assaults were incidents of domestic violence. The 1996 survey showed domestic violence constituted 43% of violence against women and 12% of violence against men. Over four fifths of the domestic violence attacks on women involved their partner or ex-partner. Domestic incidents were more likely to result in injury than other violent incidents.

## ADDITIONAL INFORMATION FROM THE FOURTH WORLD CONFERENCE ON WOMEN (1995)

No specific commitment was made by the Government of the United Kingdom on violence at the Fourth World Conference on Women in Beijing.

The National Report for *Beijing +5* states that:

- ★ 23% of women say that they have been assaulted by a current or former partner at some point of their life;
- ★ domestic violence is the largest single type of violence against women and accounts for 25% of all violent crime.

## ANNEX 2

### **Recommendations of the Expert Forums of the EU Conference on Violence Against Women, Cologne, 29 and 30 March, 1999**

#### ***Expert Forum 1: The extent, reasons behind and consequences of violence against women***

1. The member nations of the European Union and their institutions are called on to provide support on a European level for a mixed group comprising researchers, experts and women's NGOs with extensive knowledge in the field of combatting violence against women. This to allow the accumulation of pertinent information on the basis of common criteria, the elaboration of common standards and the handling of multidisciplinary research programmes, taking the relationship between offender and victim into particular consideration.

2. The member nations of the European Union and the European institutions are called on to maintain contact with this mixed group for the purposes of exchanging information and experience and to guarantee influence on socio-economic decisions on the European level, so that the problem of violence against women is taken into consideration particularly in policy pertaining to equal opportunity, family, equality and home affairs, as legal, education and media policy.

#### ***Expert Forum 2: Legal possibilities for combatting (domestic) violence against women***

1. The member nations of the European Union, together with the applicant nations, are called on to establish, effective and clearly defined legal regulations pertaining to domestic violence, oriented towards the immediate separation of the victim from the offender through the immediate removal of the violence man from the common household and environment of the woman and her children. The police forces are to be given concrete instructions on the implement of such regulations, including further measures to protect the victim. The measures taken and the behaviour of the violent man must be monitored both during and after their implementation.

2. In order to improve the safety of women affected by domestic violence, the member nations of the European Union and the applicant nation must ensure that female immigrants do not lose their residence permit when separated from violence offenders.

#### ***Expert Forum 3: Prevention***

1. All state institutions must be obligated to deal with the subject of "male violence", to cooperate in dealing with this subject, to exchange information with one another, to analyse internal structures as regards tolerance and continuation of male violence and to violence and design their training and further training measures accordingly. Furthermore, these instructions must engage in measures aimed at primary offender prevention.

2. The prevention work against male violence must be funded by governments.

#### ***Expert Forum 4: Help organisations and co-operation with institutions, European networks***

1. All national government are to be obligated to establish and to finance a comprehensive and cost-free offer of support for abused women and their children, regardless of their legal status, under the management of women's NGOs. To this end, such support is to involve women's shelters, women's advisory offices. Emergency organisations, and social help organisations, offers of support for children and intervention projects, for which standards have been developed in Expert Forum 4 and are to be implemented.

2. All national government are to be obligated to each elaborate a national plan of action on violence against women by the time of the next EU conference, in co-operation with women's NGOs, and to make available the requisite means for implementing said projects.

#### ***Expert forum 5: Work with perpetrators***

1. Legal boundary conditions must be established in all member nations of the EU and the applicant nations that render it possible for instructions and restrictions to be issued in order to allow violent offender's to participate in training programmes.

2. Work with perpetrators and associated public awareness campaigns must be based on international experience and scientifically supported and evaluated as part of an extensive package of measures aimed at combating violence against women and their children. The opinions and experience of the women and children involved must be taken into account when working with the perpetrators.

## ANNEX 3

### EUROPEAN POLICY ACTION CENTRE ON VIOLENCE AGAINST WOMEN

In 1997, the first ever *European Policy Action Centre on Violence Against Women* was established by the European Womens Lobby to provide a forum for women's NGOs to enable them to take a leadership role in engaging policy and decision-makers to take responsibility for 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 composed of one woman with extensive expertise in the area of violence against women from each of the fifteen Member States of the European Union. The task of the European Observatory is to advise the Centre on how it should develop recommendations for follow-up action and strategies by the European institutions to combat violence against women in the European Union. Priority themes of the Observatory in the period 1997-1998 included: trafficking in women, prostitution, violence against women in the international context and in particular the role of the EU in relation to women and armed conflict; the girl child and women's human rights - as part of the EU's commemoration of the 50th anniversary of the United Nations Declaration of Human Rights.

Other action of the Centre in the period 1998-99 focused on ensuring that the European Parliament's Resolution adopted in September 1997 does in fact translate into the designation of a specific budget line in order to carry out a trans-European campaign on male violence against women, a reality shared across the whole of the European Union. In 2000, the Centre, together with the Observatory will reinforce its role of monitoring and will work on evaluation instruments to be applied at the EU level.

### EXPERTS LIST OF THE EUROPEAN OBSERVATORY ON VIOLENCE AGAINST WOMEN

<b>President:</b>	<b>Grainne Healy, National Women's Council of Ireland 16/20 Cumberland Street, IRL-DUBLIN 2</b>
<b>COUNTRY</b>	<b>NOMS/ADRESSES...</b>
<b>AUSTRIA/AUTRICHE</b>	<b>Rosa Logar Austrian Women's Shelter Network Hofgasse 9/1/4 A- 1050 Vienna</b>
<b>BELGIUM BELGIQUE</b>	<b>Marie-Christine Corvisier Coordination des Groupes Contre les Violences 29 rue Blanche B - 1060 Bruxelles</b>
<b>DENMARK DANEMARK</b>	<b>Karin Helweg-Larsen, Medical Doctor Danish National Council of Women Strandvejen, 646 DK - 2930 Klampenborg Ou/or: Jytte Mejholt LOKK Heimdalsvej 23 DK-3000 Helsingor</b>
<b>GERMANY ALLEMAGNE</b>	<b>Monika Gerstendörfer Lobby Für Menschenrechte e.v. Postfach 1030 D - 72541 Metzingen</b>

<b>GREECE GRECE</b>	<b>Ekaterini Kostavara 128 Solonos Street GR-106 81 Athens</b>
<b>FRANCE</b>	<b>Vivianne Monnier Fédération Nationale Solidarité Femmes 32-34 rue des Envierges F -75020 Paris</b>
<b>FINLAND/FINLANDE</b>	<b>Monica Herrlin UNIONI - The League of Finnish Feminists Bulevardi 11 A1 SF - 00120 Helsinki</b>
<b>IRELAND/IRLANDE</b>	<b>Monica O'Connor Women's Aid 8 Gardner Place IRL - Dublin 1</b>
<b>ITALY/ITALIE</b>	<b>Dr Maria Grazia Rossilli Via Emanuele Filiberto, 29 I - 00185 Roma</b>
<b>SPAIN/ESPAGNE</b>	<b>Carmen Roney Federación de Asistencia a Mujeres Violadas c/ O'Donnell, 42 E - 28009 Madrid</b>
<b>SWEDEN/SUEDE</b>	<b>Stina Jeffner Sociologiska Inst. Box 821 S - 751 08 Uppsala</b>
<b>LUXEMBOURG</b>	<b>Foyer Sud "Fraen an Nout" B.P 189 L - 4002 Esch/Alzette</b>
<b>THE NETHERLANDS</b>	
<b>PORTUGAL</b>	<b>Margarida Medina Martins Associação de Mulheres Contra a Violência Al. D. Afonso Henriques, 78 - 1º Esq P - 1000 Lisbon</b>
<b>UNITED KINGDOM ROYAUME UNI</b>	<b>Angela Courtney Women's Aid 129 University Street Belfast BT7 1HP - Northern Ireland</b>

For more information, please contact:

Colette De Troy, Co-ordinator

Or Mary Collins, project-manager

**European Centre pour la promotion d'une politique contre la violence à l'égard des femmes**

LEF

18, rue Hydraulique

B-1210 Brussels

Tel.: (+32-2)217.90.20, fax: (+32-2)218.84.51

Centre-violence@womenlobby.org