

Opinion of the European Economic and Social Committee on Domestic violence against women

(2006/C 110/15)

On 14 July 2005, the European Economic and Social Committee, acting under Rule 29(2) of its Rules of Procedure, decided to draw up an opinion on *Domestic violence against women*.

The Section for Employment, Social Affairs and Citizenship, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 22 February 2006. The rapporteur was Ms Heinisch.

At its 425th plenary session, held on 15 and 16 March 2006 (meeting of 16 March), the European Economic and Social Committee adopted the following opinion by 99 votes in favour, with two abstentions:

1. Conclusions and recommendations

1.1 Domestic violence by men against women, whether physical or psychological, is one of the gravest violations of human rights: the right to life and to physical and psychological integrity. Since the roots of such violence lie in the unequal balance of power between the sexes that still characterises our society, it affects women at all levels of society. As a result, the overall development of a democratic society is held back. That is why one of the most important functions of a European policy based on respect for fundamental human rights is to prevent such acts and to establish effective educational, preventive, law enforcement and support procedures.

1.2 The following comments are addressed to the EU Council presidencies and the Commission:

The safety and equal treatment of women, which are inherent fundamental human rights, must be basic conditions and minimum requirements for all countries that are, or wish to become, EU members. The EESC therefore urges the presidencies of the EU Council to continue energetically addressing the issue of domestic violence against women.

1.3 To the Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities:

— Although the main responsibility for combating domestic violence lies with the Member States, the EESC believes there is urgent need for a **pan-European strategy** given that the responses of individual countries vary widely.

— Since domestic violence against women not only reflects gender inequality but also creates it, the EESC calls on the Commission to draw up a comprehensive strategy to address the problem, based on existing treaty provisions.

— The starting-point for such a pan-European strategy should be a preliminary EU-wide study on the prevalence of domestic violence against women, its impact on individuals and society, and its financial costs.

Given that domestic violence mainly has to do with the issue of gender equality, and that the Directorate-General for Employment, Social Affairs and Equal Opportunities is responsible for this area, we propose that it should be asked to lead the effort to develop a pan-European strategy within the Commission.

1.4 Domestic violence against women can only be effectively addressed at the appropriate national level. Each Member State should therefore draw up a **national action plan** for combating domestic violence against women in the light of the planned pan-European strategy; this plan should envisage specific measures and deadlines for the practical implementation of the strategy with particular emphasis on the following (with timetables and information on resources available):

— national legal provisions, especially with respect to the police and legal systems;

— statistical assessment of domestic violence;

— measures to help and support actual and potential victims of domestic violence, especially from the point of view of *empowerment*. These should include specific measures relating to the employment market and the workplace;

— victims of domestic violence from specific population groups, such as immigrants or older women and very young women;

— preventive and punitive measures aimed at the perpetrators;

- all measures and ideas should be planned and carried out on a networked, inter-institutional and cross-departmental basis;
- given the key role of non-governmental organisations in preventing domestic violence against women, organising information campaigns and training courses, providing help and support for victims, and dealing with perpetrators, they should be supported financially and organisationally, without exempting governments from their responsibility for combating domestic violence;
- it is also important to ensure training of legal, law enforcement, educational, mental health, medical and welfare professionals whose task is to identify domestic violence at an early stage and provide adequate help to the people affected;
- appointment of national rapporteurs to collect, exchange and process information and statistics on domestic violence against women; and promotion of best-practice sharing between the Member States, accession countries and candidate countries;
- the national action plans and measures and ideas contained in them should be publicised through information campaigns.

1.5 To the Member States:

The EESC believes it is urgently necessary to monitor the implementation of the proposed measures. Particular attention should be paid to the willingness of victims and witnesses of domestic violence to report it, since this is an indication of trust in the police, the legal system in general and social services.

1.6 In order to grasp the extent of domestic violence against women, raise public awareness of the problem and devise effective institutional responses, data and statistics are needed at Member State level, though statistics can obviously never evince all the implications of a problem like domestic violence.

1.7 To the Commission, Eurostat, the recently established European Institute for Gender Equality and the Member States:

The EESC believes that reliable and comparable statistics on domestic violence should be compiled without delay in all the Member States, accession countries and candidate countries. Work should begin immediately on developing the necessary arrangements and provisions.

1.8 To the Member States and the EUCPN:

The EESC believes it is absolutely essential to find new solutions for combating domestic violence against women using preventive and punitive measures, and to provide for sharing of information between the Member States and at European level on projects and measures relating to *good practice*. It believes that using the national media to hammer home the message that the victim is not at fault could encourage them to speak out about the incidents they have had to endure, which is the first step towards empowerment. The Member States should endeavour to harness the media to provide information about rights, procedures and victim support facilities.

2. Explanatory statement

2.1 Extent, causes and effects of violence against women by men

2.1.1 Male violence against women has evolved over the past 40 years from a taboo subject, regarded as the private concern of the woman involved, into a social problem which is fiercely debated in the public arena and in the context of criminal policy. The women's and feminist movement has been (and is) a key player in this re-appraisal, drawing attention emphatically and repeatedly to the prevalence of male violence against women in the home and to the unsatisfactory response of official bodies and institutions.

2.1.2 Domestic violence against women is not a private problem of women, but one of social policy, and is related to the fact that women suffer structural disadvantages and discrimination in a society which is still dominated by men. The problem exists in all countries and all social classes, though to varying degrees. It affects women's ability to enter or return to the world of work and/or their ability to perform their working duties fully.

2.1.3 According to the 2002 World Health Organisation report 'Violence and Health' ⁽¹⁾, which analyses 48 studies on the prevalence of violence against women, between 10 % and 69 % of women (depending on the country and assessment method) have been physically attacked by their husband or partner. In Europe, the German Federal Ministry for Family Affairs, Senior Citizens, Women and Youth published a study in 2004 entitled 'The living Conditions, safety and health of women in Germany', which on the basis of various European studies arrived at figures for violence against women of between 7 % and 45 % ⁽²⁾.

⁽¹⁾ World Health Organisation (2002: World Report On Violence and Health (www.who.int/violence_injury_prevention/violence/world_report/en/summary_en.pdf).

⁽²⁾ German Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (2004): *Lebenssituation, Sicherheit und Gesundheit von Frauen in Deutschland. Eine repräsentative Untersuchung zu Gewalt gegen Frauen in Deutschland* (www.bmfsfj.de).

2.1.4 It is important to bear in mind when interpreting these statistics that: (1) they are extremely incomplete, and (2) their comparability, if any, is very limited. Data is based on different definitions of 'violence against women'; data collection methods and sample sizes diverge significantly; and, above all, women vary widely in their willingness to provide information about violence inflicted on them by their partners. However, it can be concluded from the available data that male violence against women exists in all countries of the world, including the Member States of the European Union, and that the extent (prevalence) of such violence is in all countries considerably greater than the statistics would indicate.

2.1.5 It is now undisputed that the type and extent of male violence against women depends on the existence of patriarchal power structures and the gender roles in the society concerned, which is largely determined by those structures. Male violence against women is a phenomenon whose immediate causes lie in social structures, in this case the inequality between men and women. Lack of gender equality also explains why this type of violence is not adequately studied and prevented, and its perpetrators prosecuted. This means that the social processes of equal rights and gender equality, and the recognition of equal rights and freedom for women, are of key importance in reducing such violence. Women's social status, their education and career prospects, economic/financial independence from their partner, and overall degree of social inclusion are decisive factors in enabling them to live an autonomous life with less risk of being subject to domestic violence.

2.1.6 There is also clear evidence that violence against women has considerable psychological, psychosocial and health implications, for instance in terms of its effects on the health-care system and the employment market.

2.2 *Relevance to the European Union of domestic violence against women*

2.2.1 A milestone on the road towards re-evaluating violence against women was the UN's Fourth World Conference on Women held in 1995 in Beijing (China), in which all the Member States of the European Union took part. Their representatives and the other conference participants adopted the Beijing Declaration and Platform for Action, in which they decided to take measures to prevent and eliminate violence against women⁽³⁾.

⁽³⁾ The United Nations: Fourth World Conference on Women: Beijing Declaration and Platform for Action (www.un.org/womenwatch/daw/beijing/platform/index.html).

2.2.2 Although it is the responsibility of the Member States to implement these measures, efforts have been made at European Union level to support them in their task. The emphasis here has been on the issue of domestic violence against women, as well as trafficking in women (see also the report 'Beijing + 10 1995-2005', published by the European Women's Lobby 2004)⁽⁴⁾.

2.2.3 Recent measures at European level include the planned implementation of a Council of Europe decision on the Warsaw Summit of 16 and 17 May 2005: 'The Council of Europe will take measures to combat violence against women, including domestic violence. It will set up a task force to evaluate progress at national level and establish instruments for quantifying developments at pan-European level with a view to drawing up proposals for action'⁽⁵⁾.

2.2.4 A report on the current situation as regards combating violence against women and future measures, drawn up by the Committee on Women's Rights and Gender Equality, is being discussed by the European Parliament⁽⁶⁾.

2.3 *Analysis and proposals of the EESC*

2.3.1 There is no question that there has been action at EU level in the past few years on the issue of domestic violence against women. Such violence is recognised as a problem in all the EU Member States, and programmes and measures have been introduced to raise awareness about domestic violence and to prevent and contain it. The accession countries have also recognised the problem and are trying to improve the situation⁽⁷⁾.

2.3.2 Relevant information is only fragmentary, and it is virtually impossible to draw comparisons, since there are no common definitions that would allow in particular statistics to be drawn up on this form of violence, and no exact information exists on the measures that have been taken in each Member State to prevent, combat and punish domestic violence, let alone ways of judging their effectiveness.

⁽⁴⁾ European Women's Lobby: Beijing + 10. 1995-2005: Review of the implementation of the Beijing Platform for Action by the European Union. November 2004 (www.womenlobby.org).

⁽⁵⁾ CM-SUIVI3(2005)7; www.coe.int/t/dcr/summit/20050517_plan_action_en.asp.

⁽⁶⁾ See EP Report of 9 December 2005 (A6-0404/2005) on *The current situation in combating violence against women and any future actions*, drawn up by the Committee on Women's Rights and Gender Equality (2004/2220 (INI)).

⁽⁷⁾ See EP report of 24 March 2004 (A5-0182/2004) on *Women in South-eastern Europe*, drawn up by the Committee on Women's Rights and Gender Equality (2003/2128 (INI)).

2.3.3 In this opinion, domestic violence against women is defined as **violence against a partner**, i.e. psychological or physical (including sexual) violence within a marital or non-marital partnership, even if it occurs after a separation but is directly connected with the prior relationship. This type of violence is a process of control and domination that violates the partner's freedom, and their physical, mental and sexual integrity. Psychological violence ('emotional cruelty') in particular can have a considerable impact on the victim's ability to defend herself or to end the relationship. In most cases of domestic violence the perpetrators seem to be men and the victims women.

2.3.4 This violence affects not only the victims themselves, but also other family members, especially **children**. Children who become witnesses of domestic violence are always victims of psychological violence too. They also become victims of physical violence more often than other children. Domestic violence cannot be considered direct violence against children.

2.3.5 Violence against children, including and in particular that which takes place in the family context, is such an important issue that it should be addressed separately from the issue of domestic violence against women.

2.3.6 In the light of this situation, the following recommendations in particular have been discussed:

2.3.7 Documenting the legal basis for preventing domestic violence against women and prosecuting its perpetrators, and its implementation in the Member States

2.3.7.1 Current experience shows that the existence of legislation is crucially important in sensitising people to this type of violence, in preventing it and in combating it through appropriate action. A good example is the system developed in Austria (since the introduction of the Act on Protection Against Domestic Violence of 1 May 1997). Similar arrangements have now been adopted by several European countries⁽⁸⁾.

2.3.7.2 It is important for the discussion in the European Union that there should be exact and up-to-date information about the legal provisions in each country, especially with regard to police procedures, judicial competence and in particular also the activities and interaction of other players, such as assistance and counselling services (NGOs).

⁽⁸⁾ Albin Dearing/Max Haller, *Das Österreichische Gewaltschutzgesetz*, Wien 2000. Maria Ullmann, *Der polizeiliche Umgang mit häuslicher Gewalt in Österreich*. In: Detlef Schröder/Peter Petzolt (eds.), *Gewalt im sozialen Nahraum I. Eine erste Zwischenbilanz nach Einführung des Gewaltschutzgesetzes*. Frankfurt 2004, pp. 7-23.

2.3.7.3 It is equally important to obtain reliable information on the implementation of legal provisions in practice. Information is available from the Member States indicating that the existence of legal provisions alone is not enough to effectively prevent and combat domestic violence against women.

2.3.8 Statistical trends and collection of data on domestic violence against women

2.3.8.1 The current situation with respect to statistical information is highly unsatisfactory: there are to date no valid, meaningful statistical data on violence against women that can be coordinated at EU level for purposes of comparison. The indicators devised during the Danish presidency have apparently not yet been applied.

2.3.8.2 Crime statistics from the individual Member States on this problem, if they are available at all, can at best be collected by **Eurostat**. The Directorate-General for Justice, Freedom and Security reports that Eurostat is currently developing an instrument for collecting comparable crime statistics. Neither **Europol** nor Interpol have addressed the issue to date. Efforts under the DAPHNE programme are very helpful in terms of improving the current situation, and should definitely continue.

2.3.8.3 Even if the ultimate objective should still be to produce comparable crime statistics on domestic violence, at present it would be more feasible to carry out **surveys/opinion polls** (or 'victim surveys') at national level based on comparable criteria. The EIDIV project (*European Indicators Database on Intimate Partner Violence*) funded under DAPHNE presents proposals for a harmonised European survey that would be comparatively simple and quick to conduct. Such surveys could also record the intervention and activities of **agencies** (NGOs).

2.3.8.4 Representative polls could also be carried out under **Eurobarometer** surveys. For instance, as part of the above-mentioned European Campaign Against Domestic Violence a Eurobarometer survey was conducted in which men and women were asked their views on domestic violence. We are informed that a new survey is planned for 2006.

2.3.9 The importance of preventing domestic violence against women

2.3.9.1 Preventing domestic violence against women is an imperative: however important it is to expose this violence and break the silence, to punish it for the crime that it is, and to help, protect and support the victims, it is infinitely more important that measures should be taken to prevent violence from happening in the first place.

2.3.9.2 In the context of a comprehensive, social prevention campaign, information and education are particularly important in establishing that violence by men against women must not be accepted in a modern democratic society. At a very early age both boys and girls must learn that boys and girls — and men and women — are equal, and have the same rights and the same opportunities. Gender equality must continue to be taught throughout school and during later life.

2.3.9.3 Domestic violence has considerable effects on children, who witness it and have to grow up in an atmosphere of violence. Children must therefore be helped early on to permanently leave the cycle of violence and learn non-violent ways of resolving problems.

2.3.9.4 Appropriate social, economic and legal measures should be used to ensure that the situations that are particularly conducive to domestic violence do not arise in the first place. These include poor material conditions, financial and economic dependence on a partner, lack of living space, and in particular alcohol and drug abuse. Poor social conditions can increase the risk of violence towards women, even if domestic violence against women occurs among all social groups.

2.3.10 Promoting intervention projects and cooperative groups: optimising help, work with perpetrators, and empowerment

2.3.10.1 Generally speaking, women who have become victims of domestic violence obtain little support in their social environment. Even organisations that should be involved have often failed to see the problem or do anything about it, as they consider it to be a private matter. The work of women's refuges has proved valuable; their help and support facilities should be maintained and further expanded. It is also important to further improve cooperation between various governmental and non-governmental organisations and bodies, e.g. through formal cooperative groups ('intervention projects').

2.3.10.2 Intervention projects and cooperative groups can initiate and achieve changes in perspective: men are involved in

the discussion and in activity to combat partner violence, treated as jointly responsible and no longer seen as just part of the problem, but also as stakeholders in the solution to this problem. Women who have become victims of domestic violence are no longer confined to their role of victim but experience empowerment. Non-governmental organisations (NGOs) play a key role in these activities.

2.3.10.3 Although it is impossible to be exhaustive, we wish to mention five further issues:

2.3.11 Paying more attention to the situation of migrant women

2.3.11.1 All the indications are that female migrant workers include groups which are more affected by the problem of domestic violence than comparable groups in the national population, and that these groups also receive less public and private support. There are many reasons for this, including the ongoing isolation of female immigrants, restricted access to the institutions of civil society, language barriers and sociocultural differences, as well as sheer ignorance of support structures. Women residing illegally in a country find themselves in a particularly difficult situation: their residence status and the lack of awareness of their rights prevent them from seeking help in cases of domestic violence, although they are just as entitled to such help as nationals and legally resident migrants.

2.3.12 Greater involvement of all legal, police, educational, mental health, medical and welfare professionals

2.3.12.1 National policies in this field should aim to make it possible for legal, law enforcement, educational, mental health, medical and welfare professionals to spot violence at an early stage. If the relevant professionals lack knowledge about the symptoms, forms, cycles and escalating stages of violence, it will be glossed over, processes will be overlooked, and inappropriate measures taken — perhaps with fateful consequences.

2.3.13 Review of access and contact injunctions

2.3.13.1 Under laws to combat domestic violence it is usually possible to issue contact and access injunctions. However, the objective of protecting victims from their violent partners may also be undermined by the visitation rights of (divorced) men to their children. Some Member States have already introduced legislation to cover such situations.

2.3.13.2 Many women victims of domestic violence still have to seek protection in shelters. Despite every effort made by such shelters, a stay there may still be psychologically damaging to the victims, particularly any accompanying children. For that reason, legal provision should be made to allow, as a matter of principle, perpetrators of domestic violence to be expelled from the home, leaving it for the sole use of the victims.

2.3.14 More consideration for the situation of older women as victims of domestic violence

2.3.14.1 Women's advisory services show that it is particularly difficult for older women to seek and obtain help when they are subject to violence. In this case, gender-specific role patterns may still be deeply entrenched. More attention should be paid to older women as a target group in public efforts to

combat domestic violence, in order to inform them not just about the help available but above all about their right to help.

2.3.15 Social inclusion of domestic violence victims generally and in the job market in particular

2.3.15.1 Domestic violence against women hinders their social inclusion generally and in the job market in particular, resulting in marginalisation, poverty, and financial and material dependency. The physical and psychological effects of violence may affect not just access to work, but also the workplace situation (absenteeism, psychological stress, change of residence etc). There is therefore a need for comprehensive solutions to this problem from labour market organisations, for example through agreements between employers and trade unions aimed at protecting and supporting female workers who are victims of domestic violence, as is the case in Sweden, for example.

Brussels, 16 March 2006.

The President
of the European Economic and Social Committee
Anne-Marie SIGMUND
