

Conference

**„Preventing, Protecting and responding to Violence against Women:
from Legislation to Effective Enforcement“**

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Conference Hall of the Ministry of Interior

**Effects of violence against women
on society and goals of legal reforms**

By Rosa Logar, WAVE Network

Short information about the European Network WAVE (Women against violence Europe)

Website: www.wave-network.org

- WAVE was founded 1994, the WAVE office is situated in Vienna
- The WAVE network consists over 100 Focal Points in 46 European countries
- Latvia is part of the WAVE network
- Focus on WAVE: support the establishment and sustainability of independent and human rights based women's support services and initiatives to prevent violence against women & their children and domestic violence
- WAVE has a human rights approach with a focus on women's and childrens human rights, and promotes democracy, justice, freedom and peace
- Annual WAVE conference: 16th WAVE Conference in 17-19 November 2014 in Vienna/Austria (20th anniversary of WAVE)
- Activities and tools: Information Center, data base of women's support services; WAVE country report; specific projects such as PROTECT (support of survivors in high risks situations), capacity building and training, Newsletter, Magazin Fempower, lobbying
- WAVE has consultative status with ECOSOC/ United Nations and is a member of the Conference of INGOs in the Council of Europe in Strasbourg
- WAVE is funded by the European Union, the Austrian government, through project grants and membership fees

Definitions of violence against women as gender-based violence

- Gender-based violence against women is ‘violence that is directed against a woman because she is a woman or violence that affects women disproportionately’.

(Council of Europe Istanbul Convention 2011)

Who is affected?

- According to the new survey of the European Union Agency for Fundamental Rights, published in March 2014, approximately **one out of three women** experienced physical or sexual violence since the age of 15
<http://fra.europa.eu/en/publication/2014/vaw-survey-results-factsheet>
- This amounts to about **62 million women in the EU 28**
- An estimated **3.7 million women in the EU** have experienced **sexual violence** in the course of the 12 months before the survey interviews
- **Children are always affected by violence against their mothers**, directly or indirectly by witnessing the violence
- According to studies in the US, the prevalence of physical child abuse ranges from 18% to 67% in families where there is partner violence (WHO Report on preventing child maltreatment 2013)

What are the consequences of VAW?

- The greatest risk for women is violence committed by men they know: worldwide, 40–70% of female murder victims are killed by their partners.
- Women victims of violence are more likely than others to suffer from depression, anxiety, psychosomatic symptoms, and many other health problems, including miscarriage and stillbirth.
- About 1 out of 4 women are abused during pregnancy, which puts both mother and child at risk.
- Violence is traumatising and may cause long-term damage to the victims' health and lives.

What are the costs of violence?

- Violence leads to enormous harm, loss and suffering of the victims/survivors and the people around them.
- Apart from causing immense suffering, violence against women also means costs for the victims and for society. (Walby 2004, World Health Organization, 2004)
- Walby (2004) found that the cost of domestic violence in England and Wales is an estimated 23 billion British pounds annually.

Why do we need to stop violence against women and domestic violence?

Some good reasons:

- VAW is also violence against children.
- Children who have experienced domestic violence are more likely to experience it again later in life.
- Violence in the family may lead to general violent and criminal behaviour and other problems in the family and in society.
- Violence against women and their children are human rights violations: states are obliged to stop it and to protect the victims/survivors (due diligence principle).

Why is it difficult to leave a violent relationship?

- Separation is a difficult process that takes time.
- Survivors want to put an end to the violence, not to the relationship.
- It is still a taboo in our societies to report a family member to the police.
- Fear of further violence—separation is a high-risk situation.
- Survivors feel responsible for their families.
- Violence leaves scars on victims.
- Identification with the aggressor: the Stockholm Syndrome.
- Survivors lack resources and options.
- Help for survivors is missing or inadequate.
- Survivors depend on the perpetrator (financially, residence permit linked to the relationship, ...).
- Survivors do not trust in the police or other authorities.
- Protection is not working and victims are in danger to be more at risk.
- And other reasons.

What do we need to do?

- We have to understand these barriers and work together to overcome them!
- We need to listen to the victim, to her needs and rights and put them at the centre of our actions.
- We have to respect the victim's wish to stay in the relationship or to leave (Article 8 European Human Rights Convention, Right to Privacy)
- In any case, whether the victim decides to stay or to leave, we have to stop the violence, to prevent it and to actively protect victims (obligation to protect the fundamental rights to life, health and freedom).

What do we need to do? 2

We need to:

- stop the violence immediately and to protect the victims;
- provide respectful, non-judgemental and comprehensive support to victims;
- hold perpetrators accountable and provide measures to not only sanction violence but also to change the behaviour (work with perpetrators)

Our messages should be:

- Violence against women and their children is not a private matter but a public concern.
- There is no excuse - violence is never justified.
- Acts of violence are criminal offences and must not be tolerated.
- Prejudice prevents effective steps against violence—take care to avoid prejudice as well as stigmatising and traumatising interventions.

We need effective laws and law enforcement:

Framework for legal protection:

- **Council of Europe Convention on preventing and combating violence against women and domestic violence (2011)**

Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)

http://www.coe.int/t/dghl/standardsetting/convention-violence/about_en.asp

- First comprehensive and legally binding human rights convention to eliminate violence against women and domestic violence
- Signed by 34 countries, ratified by 11
- Will enter into force on the 1st of August 2014
- I hope Latvia will sign and ratify the Convention soon
- **European Parliament resolution of 25 February 2014:**
The European Parliament “4. Calls on the Commission to promote national ratifications and launch the procedure for the accession of the EU to the Istanbul Convention on violence against women, once it has evaluated the impact and added value the latter would have.”

Istanbul Convention (2)

Article 5 – State obligations and due diligence

1. Parties shall refrain from engaging in any act of violence against women and ensure that state authorities, officials, agents, institutions and other actors acting on behalf of the state act in conformity with this obligation.
2. Parties shall take the necessary legislative and other measures to exercise due diligence to prevent, investigate, punish and provide reparation for acts of violence covered by the scope of this Convention that are perpetrated by non-state actors.

Article 6 – Gender-sensitive policies

Parties shall undertake to include a gender perspective in the implementation and evaluation of the impact of the provisions of this Convention and to promote and effectively implement policies of equality between women and men and the empowerment of women.

Istanbul Convention (3)

Article 9 – Non-governmental organisations and civil society

Parties shall recognise, encourage and support, at all levels, the work of relevant non-governmental organisations and of Civil society active in combating violence against women and establish effective co-operation with these organisations.

Istanbul Convention (4)

Non-discrimination and specific measures

- Article 4 also **prohibits any discrimination in the implementation of the convention**; it states that in particular measures to protect the rights of victims, shall be secured **without discrimination on any ground** such as **sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, disability, marital status, migrant or refugee status, or other status.**
- Article 4 also explicitly states that **special measures necessary to prevent and protect women from gender-based violence shall not be considered discrimination!**

Istanbul Convention (5)

Chapter II – Integrated policies and data collection

Article 7 – Comprehensive and co-ordinated policies

1. Parties shall take the necessary legislative and other measures to **adopt and implement state-wide effective, comprehensive and co-ordinated policies** encompassing all relevant measures to prevent and combat all forms of violence covered by the scope of this Convention and **offer a holistic response to violence against women.**
2. Parties shall ensure that policies referred to in paragraph 1 **place the rights of the victim at the centre of all measures** and are **implemented by way of effective co-operation among all relevant agencies, institutions and organisations.**
3. Measures taken pursuant to this article shall involve, where appropriate, all relevant actors, such as government agencies, the national, regional and local parliaments and authorities, national human rights institutions and civil society organisations.

Istanbul Convention 6

Chapter IV – Protection and support

Article 18 – General obligations

- Article 18 para 1 calls for measures, in accordance with internal law, to ensure that there are **appropriate mechanisms to provide for effective co-operation between all relevant state agencies, including the judiciary, public prosecutors, law enforcement agencies, local and regional authorities as well as non-governmental organisations and other relevant organisations**, in protecting and supporting victims and witnesses of all forms of violence
- It outlines basic principles for support in stating that parties shall ensure that measures taken shall:
 - **be based on a gendered understanding of violence against women and domestic violence and shall focus on the human rights and safety of the victim;**
 - be based on an **integrated approach** which takes into account the relationship between victims, perpetrators, children and their wider social environment;
 - **aim at avoiding secondary victimisation;**
 - **aim at the empowerment and economic independence of women victims of violence;**
 - **address the specific needs of vulnerable persons, including child victims,** and be made available to them.
- The **provision of services shall not depend on the victim's willingness to press charges or testify** against any perpetrator.

Istanbul Convention (7)

Need for Specialised Support Services

Article 22 – Specialist support services

1. Parties shall take the necessary legislative or other measures to provide or arrange for, in an adequate geographical distribution, immediate, short- and long-term specialist support services to any victim subjected to any of the acts of violence covered by the scope of this Convention.
2. Parties shall provide or arrange for specialist women's support services to all women victims of violence and their children.

Article 23 – Shelters

Parties shall take the necessary legislative or other measures to provide for the setting-up of appropriate, easily accessible shelters in sufficient numbers to provide safe accommodation for and to reach out pro-actively to victims, especially women and their children.

Istanbul Convention (8)

Specialised Support Services

Article 24 – Telephone helplines

Parties shall take the necessary legislative or other measures to set up state-wide round-the-clock (24/7) telephone helplines free of charge to provide advice to callers, confidentially or with due regard for their anonymity, in relation to all forms of violence covered by the scope of this Convention.

Article 25 – Support for victims of sexual violence

Parties shall take the necessary legislative or other measures to provide for the setting up of appropriate, easily accessible rape crisis or sexual violence referral centres for victims in sufficient numbers to provide for medical and forensic examination, trauma support and counselling for victims.

Istanbul Convention (9)

Article 26 – Protection and support for child witnesses

1. Parties shall take the necessary legislative or other measures to ensure that in the provision of protection and support services to victims, due account is taken of the rights and needs of child witnesses of all forms of violence covered by the scope of this Convention.
2. Measures taken pursuant to this article shall include age-appropriate psychosocial counselling for child witnesses of all forms of violence covered by the scope of this Convention and shall give due regard to the best interests of the child.

Istanbul Convention (10)

Article 50 – Immediate response, prevention and protection

1. Parties shall take the necessary legislative or other measures to ensure that the responsible law enforcement agencies respond to all forms of violence covered by the scope of this Convention promptly and appropriately by offering adequate and immediate protection to victims.
2. Parties shall take the necessary legislative or other measures to ensure that the responsible law enforcement agencies engage promptly and appropriately in the prevention and protection against all forms of violence covered by the scope of this Convention, including the employment of preventive operational measures and the collection of evidence.

Istanbul Convention (11)

Chapter VI – Investigation, prosecution, procedural law and protective measures

Article 56 – Measures of protection

1. Parties shall take the necessary legislative or other measures to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations and judicial proceedings, in particular by:
 - a. providing for their protection, as well as that of their families and witnesses, from intimidation, retaliation and repeat victimisation;
 - b. ensuring that victims are informed, at least in cases where the victims and the family might be in danger, when the perpetrator escapes or is released temporarily or definitively ;
 - c. informing them, under the conditions provided for by internal law, of their rights and the services at their disposal and the follow-up given to their complaint, the charges, the general progress of the investigation or proceedings, and their role therein, as well as the outcome of their case;
 - d. enabling victims, in a manner consistent with the procedural rules of internal law, to be heard, to supply evidence and have their views, needs and concerns presented, directly or through an intermediary, and considered;
 - e. providing victims with appropriate support services so that their rights and interests are duly presented and taken into account;
 - f. ensuring that measures may be adopted to protect the privacy and the image of the victim;
 - g. ensuring that contact between victims and perpetrators within court and law enforcement agency premises is avoided where possible;
 - h. providing victims with independent and competent interpreters when victims are parties to proceedings or when they are supplying evidence;
 - i. enabling victims to testify, according to the rules provided by their internal law, in the courtroom without being present or at least without the presence of the alleged perpetrator, notably through the use of appropriate communication technologies, where available.
2. A child victim and child witness of violence against women and domestic violence shall be afforded, where appropriate, special protection measures taking into account the best interests of the child.

Summary and conclusions

- Our leading question should always be:
What kind of protection and support would we need as a victim of violence? How do we want the institutions to approach us?
- Most important: respect; non-discrimination on any grounds; no victim blaming; help based on our individual needs and rights
- Specialised support services (women's shelters, crises centers) are very important for victims to access justice
- These services should be cost-free and independent, standing on the side of the victim
- The measures and interventions have to be coordinated; multi-agency work is important to be successful
- The victims rights and needs should be at the centre of all interventions and of multi-agency work.
- Violence is not cost-free, effective interventions pay of!

Thank you for your attention!