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## **“Parliaments united in combating domestic violence against women”: mid-term assessment of the Campaign**

Report  
Committee on Equal Opportunities for Women and Men  
Rapporteur: Mr José MENDES BOTA, Portugal, Group of the European People's Party

### *Summary*

Since June 2006, several national parliaments contributed actively through awareness-raising actions and legislative reforms to the implementation of the parliamentary dimension of the Council of Europe campaign to combat violence against women, including domestic violence. To date, 44 contact parliamentarians have been appointed and are working in a network, which enables them to pool good practices devised at national level, exchange information to help them analyse the phenomenon of violence against women and adopt effective measures.

The report mentions numerous good practices developed by the national parliaments and they are invited to pursue their efforts and join the pan-European actions proposed by the Parliamentary Assembly.

At the campaign mid-term, national parliaments are called to reinforce their actions, adopt laws against violence against women or control their application, disseminate the information material of the campaign and set up a group of male parliamentarians committed to combatting violence against women. National parliaments are also invited to prepare, by April 2008, the assessment of the parliamentary dimension of the campaign, based on the key measures identified by the Committee on Equal Opportunities for Women and Men, which include making domestic violence against women, including marital rape, a criminal offence, making provisions for the removal of violent spouses or partners, guaranteeing effective access to the courts or allocating sufficient budgetary resources for the implementation of the law.

**A. Draft resolution**

1. In its determination to combat violence against women, including domestic violence, the Parliamentary Assembly intends to continue and step up the implementation of the parliamentary dimension of the Council of Europe Campaign "Stop domestic violence against women" (2006-2008).

2. It reiterates that national parliaments can make a key contribution to measures to combat this violence by adopting and supervising the implementation of legislation to protect victims, punish perpetrators and prevent this evil, which is the result of the unequal relationship between women and men. Parliamentarians also have a major part to play in informing and raising awareness among the general public in Europe and alerting Europeans to the fact that domestic violence is regarded as a serious violation of human rights and a phenomenon which no cultural or religious consideration can excuse.

3. The Parliamentary Assembly congratulates those national parliaments which have already enthusiastically taken up the fight against domestic violence against women and contributed actively to the Council of Europe campaign through awareness-raising activities and legislative reform. It encourages them to continue their efforts. To date, 44 contact parliamentarians have been appointed and are working in a network, which enables them to pool good practices devised at national level, exchange information to help them analyse the phenomenon of violence against women and adopt effective measures.

4. The Parliamentary Assembly underlines on the need for the national parliaments to develop close co-operation with national, regional and local authorities, as well as with non-governmental organisations, whose contribution to protecting and helping victims is particularly important.

5. The mobilisation of national parliaments must continue and intensify if the Council of Europe campaign is to have a real impact in the member states. The Assembly encourages all the national parliaments in the Council of Europe's member states and states with observer status in the Parliamentary Assembly to continue their activities and, if they have not already done so, to join the Assembly's campaign "Parliaments united in combating domestic violence against women".

6. With this in mind, the Parliamentary Assembly invites national parliaments which have not yet done so:

6.1. to appoint a contact parliamentarian, join the Council of Europe campaign and condemn domestic violence as a serious violation of human rights, among other things by adopting a resolution;

6.2. to translate Recommendation Rec(2002)5 on the protection of women against violence and the Parliamentary Assembly's Handbook for parliamentarians into their national languages;

6.3. to identify, with the appointed contact parliamentarians and regional co-ordinators, loopholes in the legislation;

6.4. to make proposals at European level for parliamentary targeted assistance and networking measures based on parliamentary expertise identified during the campaign;

6.5. to promote the setting up of a group of male parliamentarians dedicated to combating violence against women and to create networks between them at European level;

6.6. to adopt or supervise the application of seven key measures considered to take priority:

6.6.1. making domestic violence against women, including marital rape, a criminal offence;

6.6.2. regarding violence perpetrated between (former) partners as an aggravating circumstance;

6.6.3. setting up sufficient numbers of safe emergency shelters;

6.6.4. making provision to remove violent spouses or partners and take out protection orders against perpetrators ;

6.6.5. guaranteeing effective access to the courts and to protection measures for victims;

6.6.6. allocating sufficient budgetary resources for the implementation of the law;

6.6.7. monitoring the application of laws on violence against women passed by parliament.

- 6.7. to submit a progress report on the implementation of these priority measures and activities carried out under the campaign by April 2008;
- 6.8. to identify the financial means allocated to combat domestic violence against women over the past years;
- 6.9. to present, before the end of 2007, the budgetary objectives and appropriations for 2008 to fight domestic violence against women, taking into account a minimum objective of 1 euro on average per inhabitant in all member States.
7. The Parliamentary Assembly decides to continue the work carried out jointly with regional parliamentary assemblies (the European Parliament and the Nordic Council) and the Inter-Parliamentary Union.
8. In particular, it invites the European Parliament to co-organise a joint conference in 2008 on combating domestic violence against women in Europe.
9. The Assembly agrees to hold a parliamentary conference (the third meeting of the contact parliamentarians) in spring 2008 to assess the implementation of measures to combat violence against women by the Parliamentary Assembly and the national parliaments, and prepare the Assembly's contribution to the closing conference of the campaign, scheduled for June 2008.
10. The Assembly considers that it will be necessary to review the campaign once it is over and evaluate the success of the work carried out. It intends to keep abreast of the issue so that it can give its backing to new proposals where appropriate.

## **B. Draft recommendation**

1. Since the adoption of the Action Plan of the Third Summit of Heads of State and Government (16 and 17 May 2005) and of Resolution 1512 (2006), the Parliamentary Assembly has been fully committed to the implementation of the parliamentary dimension of the Council of Europe campaign to combat violence against women, including domestic violence.

2. For this purpose, it has enlisted help from the national parliaments of the Council of Europe member states, the parliaments with observer status with the Assembly, other regional parliamentary assemblies (the European Parliament and the Nordic Council) and the Inter-Parliamentary Union. It has also set up a network of contact parliamentarians, with 44 members to date.

3. The Parliamentary Assembly considers it crucial to promote synergies among the three strands of the Council of Europe campaign (i.e. the parliamentary, governmental and local and regional strands) for it have any real impact in Europe. It welcomes the recent initiatives which have made it possible to intensify co-operation between the contact parliamentarians and the representatives appointed by governments to oversee the implementation of the campaign.

4. The Parliamentary Assembly would like to thank the members of the Council of Europe Task Force for their contribution to the campaign. It encourages them to continue their efforts and to include an assessment of the parliamentary dimension of the campaign to be prepared by the Assembly in their final activity report.

5. Referring to Resolution ... (2007) on "Parliaments united in combating domestic violence against women": mid-term assessment of the Campaign, the Parliamentary Assembly points out that national parliaments are invited to continue carrying out and supervising the implementation of legislative reform as well as organising awareness-raising activities to promote the following seven priority measures to combat violence against women, including domestic violence:

- 5.1. making domestic violence against women, including marital rape, a criminal offence;
- 5.2. regarding violence perpetrated between (former) partners as an aggravating circumstance;
- 5.3. setting up sufficient numbers of safe emergency shelters;
- 5.4. making provision to remove violent spouses or partners and take out protection orders against perpetrators;
- 5.5. guaranteeing effective access to the courts and to protection measures for victims;
- 5.6. allocating sufficient budgetary resources for the implementation of the law;
- 5.7. monitoring the application of laws on violence against women passed by parliament.

6. While the decision to adopt these seven measures lies essentially with legislative bodies, the Parliamentary Assembly would submit that the co-operation and political will of national, regional and local government authorities and the assistance of non-governmental organisations will be needed for their implementation.

7. The Parliamentary Assembly calls on the Committee of Ministers:

- 7.1. to continue to give its financial and political backing to campaign activities, including those carried out by non-governmental organisations;
- 7.2. to alert the member states' governments to the role that they can play in combating violence against women, including domestic violence, by working in close co-operation with national parliaments, local and regional authorities, professionals involved in work to combat this violence (members of the judiciary, the police, the medical profession, education and social services, etc.) and non-governmental organisations;
- 7.3. to encourage member states to take part in the Council of Europe campaign's pan-European and cross-sectoral activities to combat violence against women;
- 7.4. to incorporate the theme of combating violence against women into the Council of Europe's assistance and co-operation programmes;

7.5. to consider, on the basis of the assessment to be prepared by the Council of Europe Task Force, what resources are needed to step up activities to combat violence against women in the Council of Europe member states;

7.6. to continue to incorporate fully the parliamentary dimension into the closing conference of the campaign, taking into account the success of the launch conference in Madrid on 27 November 2006.

## **C. Explanatory memorandum by Mr Mendes Bota, Rapporteur**

### **I. Introduction**

1. Following the adoption of Resolution 1512 (2006) on Parliaments united in combating domestic violence against women, the Parliamentary Assembly of the Council of Europe (PACE) is implementing the parliamentary dimension of the Council of Europe campaign to combat violence against women, including domestic violence. The principle of this campaign was decided by the Heads of State and Government at the Third Summit in Warsaw on 16 and 17 May 2005, who adopted an action Plan providing for a Task Force to be set up and for the preparation of a pan-European campaign to combat violence against women, including domestic violence<sup>1</sup>.

2. The Council of Europe campaign "Stop domestic violence against women" includes an intergovernmental dimension, a local and regional dimension and a parliamentary dimension. The Parliamentary Assembly took part in the conference organised in Madrid on 27 November 2006 to launch the campaign and will be implementing the parliamentary dimension until June 2008.

3. Halfway through the campaign, the Parliamentary Assembly wanted to take stock of its action "Parliaments united in combating domestic violence against women" (referred to hereafter as "the Assembly's action"). This report, initiated on 11 May 2007 by the Committee on Equal Opportunities for Women and Men, is based on the experience and proposals of the contact parliamentarians appointed by the national parliaments to implement the campaign in their respective parliaments, who met in Strasbourg for their second co-ordination meeting on 4 June 2007. The first co-ordination meeting was held in Strasbourg on 19 October 2006.

4. This report will take a critical look at the parliamentary dimension of the campaign. It revolves around the action taken by national parliaments, and the international, European and regional initiatives proposed by the Assembly. It will be an opportunity to highlight certain exemplary initiatives, pinpoint shortcomings and areas where there is room for improvement, and trace out lines of action to make the second and final phase of the campaign a success.

5. The Assembly action involves members of the national parliaments of the 47 member states, and of parliaments with observer status (Canada, Israel, Mexico), in liaison with the national delegations to the Parliamentary Assembly. The Assembly has also developed close co-operation on this occasion with the European Parliament and regional parliamentary networks (Nordic Council, Gender Task Force of the Stability Pact for South Eastern Europe, Forum of Parliaments of European small states, etc), in co-operation with the main European NGOs working to stop domestic violence (Amnesty international, the European Women's Lobby, "Women against violence in Europe", the "White Ribbon" network, etc).

6. The Assembly encourages national parliaments to play an active part in the battle against domestic violence against women. National parliaments have an essential role to play in fostering prevention, assisting victims, informing the public and contributing to awareness of the problem in Europe, to denounce domestic violence as a serious violation of human rights and a phenomenon which no cultural or religious consideration can excuse. National parliaments have an essential role to play in the adoption of suitable legislation and appropriate measures to combat this<sup>2</sup>.

7. Given the three-dimensional nature of this campaign (governmental, parliamentary and local and regional), the Parliamentary Assembly encourages all joint actions which combine these dimensions. The parliamentarians are therefore invited to contact the persons appointed by the governments to implement the campaign, in order to explore possible avenues for joint action. Parliamentarians can also contact representatives of local and regional authorities to devise joint action programmes to achieve the campaign's aims. The idea is to develop complementary inter-institutional action to combat violence against women more effectively, as was highlighted at the joint meeting of contact parliamentarians and national focal points on 5 June 2007.

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<sup>1</sup> See reference documents: Recommendation 1712 (2005) on follow-up to the 3rd Summit, Resolution 1512 (2006) on Parliaments united in combating domestic violence against women and the Programme of the Council of Europe Campaign to combat violence against women, including domestic violence (EG-TFV (2006) 8 rev 5).

<sup>2</sup> A leaflet and a Handbook for Parliamentarians prepared by the PACE describe the type of action national parliaments can take to contribute actively to the Campaign.

8. The Parliamentary Assembly is responsible for co-ordinating the parliamentary dimension of the campaign and the action taken by the parliaments at the national level. It should be remembered that this is only the second time in its history that the Parliamentary Assembly has organised the parliamentary dimension of a Council of Europe campaign<sup>3</sup>. It is therefore important that it should be assessed and its impact measured, to see how this initiative has contributed to the Council of Europe's campaign and what lessons can be learnt for the future.

9. The aim of this report is to take stock of what has been done by the national parliaments and our Assembly at this halfway stage in the campaign, to identify its strengths and weaknesses, to pinpoint new avenues to follow and to map out lines of action for the further implementation of the campaign until mid-2008. We must also work out criteria for assessing the action taken by each national parliament once the campaign is over.

## II. Good parliamentary practices developed during the campaign

10. In the first part of the Assembly's action the national parliaments took numerous steps to further the aims of the Council of Europe campaign. In keeping with Resolution 1512 (2006), for example, 44 contact parliamentarians were appointed to follow the implementation of the Assembly's action at the national level. These steps are so many examples of good practices that could be copied in other parliaments. The following are examples of some of the initiatives developed by contact parliamentarians.

11. Ms Vermot-Mangold, contact parliamentarian for Switzerland, has sent all the MPs in her national parliament a copy of the Handbook for parliamentarians to combat violence against women, to alert them to the problem at a time where new forms of violence within families have emerged in Switzerland, in which perpetrators wipe out their entire family before committing suicide. Ms Ahmadova, contact parliamentarian for Azerbaijan, sent each member of her parliament a letter signed by the Deputy Speaker of the parliament informing them about the campaign and inviting them to take initiatives in their constituencies.

12. The national parliaments of Andorra, Cyprus, Portugal, Turkey and Sweden, for example, had the campaign material translated into their own languages, in order to reach as many people as possible. Having these documents translated is indispensable to familiarise the national MPs with the Council of Europe's standards, particularly Recommendation Rec (2002) 5 of the Committee of Ministers on the protection of women against violence<sup>4</sup>, so that they can use them to develop their legislation.

13. The contact parliamentarians Ms Ahmadova (Azerbaijan), Ms Čurdová (Czech Republic) and Ms Popovska ("the former Yugoslav Republic of Macedonia") appeared on popular TV talk shows to promote the campaign and alert public opinion to this scourge.

14. In France Mr Jean Guy Branger, contact parliamentarian for the French Senate, played a very active part in discussions in the French Senate when it passed legislation to step up "the prevention and punishment of violence within the couple or against minors", in order to improve the text. To alert his fellow parliamentarians to this issue, Mr Branger sent a letter to all French Senators informing them of the campaign and enclosing the texts adopted by the Parliamentary Assembly. As a result he gained the support of 85 French Senators for the campaign<sup>5</sup>. As the co-ordinator of a regional group of contact parliamentarians (see paragraph 28), Mr Branger has set up a parliamentary blog which lists and reproduces all the known legislation and activities of the states in the regional group he co-ordinates.

15. In Spain, to co-ordinate the action of the different agencies and monitor how they functioned, a gender violence and domestic abuse observatory was set up<sup>6</sup>, in particular to monitor the implementation of the national plan to combat domestic violence. The observatory publishes a quarterly statistical news bulletin closely tracking domestic violence in the country. Parliamentary groups work regularly with the government to assess the measures taken.

<sup>3</sup> The first campaign orchestrated by the Assembly concerned the "Blue Europe" action programme to protect Europe's freshwater resources (1992/1993).

<sup>4</sup> Recommendation Rec (2002) 5 of the Committee of Ministers on the protection of women against violence is available in 15 different languages. They can be consulted on the internet site of the governmental dimension of the campaign ([www.coe.int/stopviolence](http://www.coe.int/stopviolence)).

<sup>5</sup> See the Assembly's on-line declaration ([www.coe.int/stopviolence/assembly](http://www.coe.int/stopviolence/assembly))

<sup>6</sup> <http://www.observatorioviolencia.org/>

16. In several national parliaments contact parliamentarians have organised hearings to increase the awareness of MPs and public and private actors on the issue of domestic violence against women and/or monitor the implementation of the measures taken to combat violence by governments or the agencies concerned. Parliamentary action days were organised to launch the campaign in 24 countries<sup>7</sup>. Parliamentary hearings were organised in 2007 in the following countries: Andorra, Azerbaijan, Cyprus, Croatia, Denmark, Lithuania, Portugal, Slovenia, Sweden and Turkey, as well as in the European Parliament.

17. Mr Negele, contact parliamentarian, and Ms Wohlwend, Chair of Liechtenstein's national delegation to the Parliamentary Assembly, will make representations to the national government in September calling on it to assess the impact of legislative measures adopted in recent years and suggesting new awareness-raising activities.

18. The Portuguese Parliament has adopted a comprehensive strategy to implement the campaign. Awareness-raising activities have been organised, including a full-scale parliamentary hearing on 24 April 2007 and the creation of an internet site about the campaign: (<http://www.parlamento.pt/violenciadomestica>). The multiparty parliamentary working group co-ordinated in parliament by Mr Mendes Bota will be travelling to four of the least advanced regions in terms of the fight against domestic violence against women, to take a first-hand look at the real situation there. A travelling photo exhibition on violence against women organised by the Portuguese Parliament will be touring the country.

19. The Principality of Monaco has undertaken, as a contribution to the Council of Europe campaign, to review its national legislation on domestic violence, which is not currently treated as a specific criminal offence, save in the case of forced prostitution of a woman by her husband. The National Council's Commission on Women's Rights and Family Affairs has begun drawing up a bill on domestic violence, which should lead among other things to a long-awaited definition in domestic law of rape. The parliament wishes to introduce a whole series of measures (an awareness-raising campaign, a telephone hotline, protection and psychological support for victims, therapy for offenders, training for judges, doctors, teachers, etc.). These measures should ultimately lead to the adoption of a comprehensive national plan to combat domestic violence<sup>8</sup>.

20. In Romania, Ms Cliveti decided that it was the roots of domestic violence that needed to be worked on. She proposed incorporating an amendment into the new Audiovisual Act on respect for the principle of women's dignity, non-discrimination and action to combat violence against human beings. The Romanian Parliament's Equality Committee also set up a prize to reward media programmes that contribute to the promotion of non violence.

21. In the legislative field, the Portuguese Parliament has just amended the Criminal Code and the Code of Criminal Procedure. Domestic violence is now treated as a separate criminal offence. The Criminal Code regards violence perpetrated against the partner or former partner, including of the same sex, as an aggravating circumstance. The punishment becomes more severe if the offence is committed at the victim's domicile or in the presence of minors. New legislation has been adopted that makes provision for perpetrators to be kept away from victims' homes or workplaces (this measure being monitored by electronic means), banned from possessing arms and offered obligatory medical treatment, and for victims in need to be given free access to justice<sup>9</sup> and a legal system that protects victims of domestic violence<sup>10</sup>. The parliament has also adopted a guideline law for criminal policies<sup>11</sup> under which combatting domestic violence should be considered a priority prevention policy.

22. Austria intends to carry out an assessment of its Act to protect women against violence now that ten years have passed since its adoption. The offence of stalking has since been introduced into Austrian legislation. Ms Wurm said that it would now be worth examining the possibility of putting offences which are perpetrated over time into a separate category so that the punishment can be adjusted accordingly.

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<sup>7</sup> See PACE Newsletter No. 1, January 2007, p.2.

<sup>8</sup> Information provided by the Monegasque delegation to the Council of Europe on 31 July 2007.

<sup>9</sup> Law Nr. 47/2007 of 28 August 2007

<sup>10</sup> Decree Nr. DL 303/2007 of 24 August 2007

<sup>11</sup> Law Nr. 51/2007 published on 31 August 2007

23. All parliamentary colleagues who have been working in their parliaments to contribute actively and with conviction to the campaign should be warmly congratulated. It is regretful however, that several national parliaments have not fully taken up our campaign. 8 of them have not yet appointed a contact parliamentarian<sup>12</sup>. Many parliaments are not providing the information we need to assess their action. It is essential that we succeed in involving all the national parliaments; domestic violence against women is a human rights violation and should be a priority issue in all our member states.

24. The Parliamentary Assembly has an important role to play in forging a network of national parliaments to work on these issues<sup>13</sup>. Two co-ordination meetings of contact parliamentarians were organised by the Assembly in Strasbourg, on 19 October 2006 and 4 June 2007. The Assembly also makes sure that information is communicated to the national parliaments, inter alia via the campaign's Internet site ([www.coe.int/stopviolence/assembly](http://www.coe.int/stopviolence/assembly)) and a newsletter published at each part-session of the Parliamentary Assembly. Networking the experiences of the national parliamentarians is the added value the Council of Europe contributes to the drive to stop violence against women. The different action taken by the Parliamentary Assembly is summarised in document AS/Ega/Inf (2007) 7 and covers the following fields:

24.1 Support provided by the Parliamentary Assembly to the national parliaments (practical information and promotional material, patronage of national and regional initiatives, setting up a network of contact parliamentarians, assistance and co-operation programmes, organising parliamentary seminars and round tables);

24.2 Co-ordination of national parliaments' actions (organising co-ordination meetings of contact parliamentarians, proposing pan-European initiatives);

24.3 Action taken during PACE part sessions;

24.4 Awareness raising action;

24.5 Production of campaign material (handbook for parliamentarians, posters, newsletter, photo exhibition).

25. At the inter-institutional level the Parliamentary Assembly has developed useful contacts with regional parliamentary assemblies (the European Parliament and the Nordic Council) and with the Inter-Parliamentary Union on the subject of violence against women, including domestic violence. This co-operation is intended to create synergies between international organisations involved in combating domestic violence against women and raise the international profile of the Council of Europe campaign.

26. All these efforts to establish a network bringing together the various parliaments through the contact parliamentarians and at inter-institutional level have borne fruit. It seems important that networking should continue after the Council of Europe campaign and the Parliamentary Assembly's activities have come to an end, in June 2008. This will make it possible to assess the implementation of the measures taken at national level during and after the campaign, and for parliaments to continue sharing good practice, discussing the best means of combating domestic violence against women and co-operating in this connection.

### **III. Continuing to implement the campaign at the parliamentary level: proposals for pan-European initiatives for 2007/2008**

27. It is the Parliamentary Assembly's task to encourage and support the implementation of the campaign by national parliaments, but also to lead the way by proposing pan-European networking activities. One recent example was the organisation on 4 June 2007 of a co-ordination meeting for contact parliamentarians to exchange good practices and assess the measures taken in the national parliaments. The contact parliamentarians were also able to meet the contact persons appointed by the governments at a joint conference on 5 June, to define avenues of co-operation at the national level between the governmental and parliamentary dimensions. At these meetings the contact parliamentarians stressed the need to step up the pan-European and transversal initiatives, which give the Council of Europe's campaign its full meaning.

28. In its Council of Europe campaign programme the Task Force to Combat Violence against Women, including Domestic Violence, recommends using key dates to organise pan-European awareness raising

<sup>12</sup> Bosnia and Herzegovina, Croatia, Estonia, Latvia, Malta, Montenegro, the Netherlands and the United Kingdom (update : 16 August 2007).

<sup>13</sup> A description of the action taken may be found in document AS/EGA/Inf (2007) 07.

activities. The Parliamentary Assembly accordingly encourages national parliaments to organise events around important international dates like “international women’s day” on 8 March, the “International Day for the Elimination of Violence against Women” on 25 November and the “16 Days of Activism against gender violence” campaign from 25 November (International Day for the Elimination of Violence against Women) to 10 December (International Human Rights Day). Concerted action by all national parliaments will give a pan-European dimension to these events. The parliamentarians members of the Committee on Equal Opportunities for Women and Men are invited to suggest topics to work on around these dates, so that we can start to organise events in our parliaments without delay. The rapporteur also proposed that on 25 November, the Ministries of the Interior of all the member states should hold hearings with police forces to alert them to the need to take effective action against domestic violence against women.

29. In October 2007, at the start of the new school and academic year, parliamentary actions aimed at young people could be organised. They could take the form of awareness-raising actions, meetings between MPs and students, or awareness days or weeks on university campuses in Europe. Several Portuguese parliamentarians have offered to speak in private and public schools during the “16 days of activism” (25 November to 10 December 2007) to bring the problem of violence against women to the pupils’ attention.

30. At the co-ordination meeting for contact parliamentarians on 4 June 2007, it was argued that transversal projects would help to increase the campaign’s pan-European impact. Accordingly, some parliamentarians proposed setting up telephone ‘hotlines’ or help lines with the same number in all Council of Europe member states, to help women victims of violence and steer them towards the appropriate services in their country. Such a measure could enhance the member states’ efforts to combat violence against women.

31. The European Parliament organised a mini-hearing on 11 April 2007 during which Ms Bilgehan, Chair of the PACE Committee on Equal Opportunities for Women and Men, and Ms Hägg, Chair of the Sub-Committee on Violence against Women, presented the parliamentary dimension of the campaign and exchanged views with the Committee on Women’s Rights and Gender Equality. To take this reflection a stage further, the Assembly intends to organise a joint conference in 2008 with the European Parliament. The idea is to compare the parliamentary experience we have acquired during the campaign with the efforts made by the European Parliament over the years to denounce violence against women and support practical initiatives under its Daphne programme. The European Parliament and the Council of Ministers of the European Union agreed in the course of recent negotiations on the Daphne programme to sign a joint declaration “inviting the Commission to consider the possibility of taking an initiative for a European year to combat violence against children, adolescents and women”<sup>14</sup>. We can but support such an initiative. It would be an opportunity to see how we could join forces within the European Union to step up the fight against domestic violence against women.

32. The network of contact parliamentarians could continue its task of pooling the good practices developed at the national level and exchanging information to help analyse the phenomenon of violence against women and adopt effective measures. The contact parliamentarians called for more exchanges of experience within the regional groups as defined at the meeting on 19 October 2006. These regional groups will meet to analyse the needs of each national parliament and define courses of action to improve domestic legislation and propose practical measures (fact-finding visits, parliamentary seminars, etc), with the support of the Parliamentary Assembly, to offer targeted assistance tapping into the experience available among the contact parliamentarians. It was suggested that each regional group meet at least once before the end of 2007.

33. To continue the work of raising awareness among parliamentarians, all national parliaments should be encouraged to set up groups of male parliamentarians dedicated to combating violence against women, taking as their model the group set up by the Swedish Parliament in 2002 at the instigation of the member of parliament Lars U. Granberg<sup>15</sup>. Men are a crucial driving force for change in action to combat violence against women and so they should be more involved in discussions and field activities.

34. In April 2008 the Assembly could bring the contact parliamentarians together again for a parliamentary conference, to sketch a picture of their respective efforts and of the Assembly’s action. The meeting would also be an opportunity to prepare the parliamentary contribution to the closing conference of

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<sup>14</sup> Recommendation for the second reading concerning the common position adopted by the Council with a view to the adoption of a Decision of the European Parliament and of the Council establishing for the period 2007-2013 a specific programme to prevent and combat violence against children, young people and women and to protect victims and groups at risk (Daphne III programme) as part of the General Programme "Fundamental Rights and Justice" (16367/1/2006 – C6 0089/2007 – 2005/0037A(COD)) of 18 April 2004 (Rapporteur: Ms Lissy Gröner).

<sup>15</sup> See AS/EGA (2005) PV7 Addendum I – Hearing on men’s involvement in equality projects.

the Council of Europe's campaign. The network of parliamentarians has already agreed to update the Handbook for parliamentarians, which could include a list of the good practices implemented at national level and an overview of the Assembly's action together with a report it will be adopting.

35. Finally, in June 2008 the closing conference of the Council of Europe Campaign will take place. This will be an opportunity to take stock of the results achieved by the campaign and its parliamentary dimension, and to propose further action the parliaments could take to combat violence against women. The Task force appointed by the Secretary General will take stock of the campaign and should integrate the contribution made by the parliamentary dimension into its appraisal.

#### **IV. Strengthening the legislative dimension : setting up evaluation criterias of the campaign**

36. Efforts to raise awareness in national parliaments with the help of the contact parliamentarians worked well during the first part of the campaign. But the Council of Europe campaign also aims to strengthen the legal arsenal in its member states to protect victims, punish offenders and prevent domestic violence. This is the very essence of our work as parliamentarians.

37. The Parliamentary Assembly could consider that its action had an impact if legal progress was made or initiated during the campaign. In order to carry out this evaluation, it is our duty to define criterias that will enable us to measure the efforts made by the national parliaments and the results obtained. By the end of the campaign, in June 2008, it will be possible to assess the implementation of the campaign in each national parliament by means of these criterias.

38. It should therefore be a priority in this second phase of the Assembly's action to focus on the legislative aspects of the subject. We must therefore consider the following questions: how to identify shortcomings or needs in the legislative field; how to propose amendments to the law, or new laws; how to make sure the laws are enforced.

39. This would further one of the aims of the campaign, namely to "promote the implementation of effective measures for preventing and combating violence against women, through legislation and national action plans for the implementation of Recommendation Rec(2002)5 of the Committee of Ministers, and to regularly monitor the progress achieved".

40. Certain measures suggested by the Council of Europe's Task Force to Combat Violence against Women, including Domestic Violence should be remembered<sup>16</sup>. The Task Force has recommended:

40.1 reviewing and amending, where necessary, national legislation in order to identify and fill gaps in the protection of women from all forms of violence occurring in the family or domestic unit, repeal laws that discriminate against women and criminalise any act of such violence against women, including rape between spouses;

40.2 establishing effective legal protection, including protection orders, for all women victims of violence, and regularly monitoring and evaluating its effective implementation;

40.3 ensuring that immigration laws and administrative procedures do not prevent women from leaving violent relationships due to fear of deportation, loss of legal status or revoked custody of children;

40.4 preparing and putting in place measures to increase the rate of prosecution and conviction of perpetrators of violence against women.

41. Committee of Ministers Recommendation (2002) 5 on the protection of women against violence is an excellent source of inspiration to help bring the national legislations into conformity with Council of Europe standards.

42. On the more specific matter of domestic violence, which is the object of our campaign, it could be proposed that the Committee on Equal Opportunities for Women and Men should pinpoint a number of key measures whose adoption and supervision the national parliaments should foster during this campaign; these could be considered as a minimum set of core measures to be adopted in all the Council of Europe's member states. They could also be used as criteria to gauge the success of the campaigns waged by the national parliaments and cover the following aspects:

<sup>16</sup> See Campaign Programme EG-TFv (2006) 8 rev5.

**42.1 Making domestic violence against women, including marital rape, a criminal offence.** Various studies produced by the United Nations and the Council of Europe on the subject show that violence against women is directly linked to inequalities between men and women and to discrimination against women and amounts to a violation of human rights and fundamental freedoms. In addition, this violence prevents women from fully enjoying the rights set out in the European Convention on Human Rights. Acts of violence against women cause or can cause physical, sexual or psychological harm and must therefore be punished by law. The member states are invited to consider that violence occurring in the family is not a private matter concerning no one but the family, but should be classified as a criminal offence. Sexual violence and rape between spouses, regular or occasional partners and cohabitants must therefore be made criminal offences and the perpetrators prosecuted.

**42.2 Regarding violence perpetrated between (former) partners as an aggravating circumstance.** According to studies conducted in the Council of Europe member states, most violence against women occurs within the family or between cohabitants or former partners. The aim of this provision is to enhance protection for victims who had an intimate relationship with the offender.

**42.3 Setting up sufficient numbers of safe emergency shelters.** The Council of Europe's priority is to protect victims, especially where their physical and psychological well-being are threatened. It is important therefore for women who are no longer safe in their own homes to have immediate, round-the-clock access to accommodation, seven days a week. The Council's Task Force believes that in each member state there should be at least one place in a shelter for every 7,500 inhabitants<sup>17</sup>. Shelters must be spread evenly throughout the country concerned, with a proper balance between rural and urban areas. Parliamentarians must make particular efforts to ensure that victims of violence have access to appropriate information services at these shelters so that they can assert their legal and social rights.

**42.4 Making provision to remove violent spouses or partners and take out protection orders against the perpetrators.** All too often victims of domestic violence are forced to leave their homes and abandon their belongings. Yet it would seem of the utmost importance, where this is possible, for it to be the perpetrator of the violence who is removed from the common home for a time, regardless of whether he is the owner. This enables the victim to be protected, organise her defence without being abused again and find new accommodation or a new school for any children she has. Protection orders (or injunctions) are a new type of legal measure that has been introduced in some Council of Europe member states to deal with this kind of situation. They are issued by a court and make it possible to prevent perpetrators of violence from subjecting victims to further abuse and to impose any other necessary restriction or constraint on them, such as eviction from the marital home, prohibition from contacting or approaching the victim and withdrawal of authorisation to possess a weapon. The advantage of this type of order is that it can be issued outside the context of divorce proceedings or criminal proceedings. Breaches of protection orders should be classified as criminal offences to ensure their effectiveness.

**42.5 Guaranteeing effective access to the courts and to protection measures for victims.** It is essential for victims of domestic violence to have access to appropriate legal information and a lawyer to represent them. Access to legal aid must be made easier for victims so that they can bring legal proceedings as quickly as possible – and if possible free of charge. Victims must also have a choice between the different judicial proceedings through which they can obtain justice. Accordingly they must be allowed to opt for the most appropriate remedy, choosing between criminal proceedings, a civil protection order, divorce or judicial separation as well as civil court proceedings for damages. Parliamentarians must also ensure that any measures taken to protect victims of violent partners are rapidly accessible so that victims can organise the defence of their rights without the threat of further violence. They must also ensure that support and protection mechanisms are equally accessible to women of immigrant origin, who face additional problems (such as language barriers, isolation within families, and the need to acquire a separate legal status from that of their partner as quickly as possible)<sup>18</sup>.

**42.6 Allocating sufficient budgetary resources for the implementation of the law.** In most member countries of the Council of Europe, parliament approves the national budget. Parliaments are able to influence public spending, so it rests with them to ensure that every legal measure that is introduced to combat domestic violence against women is matched by sufficient dedicated funding to make it workable and efficient.

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<sup>17</sup> EG-TF (2006) 8 rev. 5.

<sup>18</sup> See document 10758 on the integration of immigrant women (Rapporteur: Ms Bilgehan, Turkey, SOC), paras. 20 to 24.

- To date, we do not have reliable information on the size of the public budgets allocated to combating domestic violence against women. According to the data obtained from the member states by Dr Carol Hagemann-White<sup>19</sup>, the statistics on funding vary enormously between states, so much so as to be unusable; it is in fact difficult to ascertain which costs are included in the amounts that governments say they allocate to combating domestic violence against women<sup>20</sup>, and whether these figures are representative of a given state's overall effort to prevent violence against women.
- We concur with Dr Hagemann-White that the adoption of a national action plan is essential to combat violence against women. Parliamentarians will need to ensure that, at the adoption of the general state budget, an adequate budget is committed to finance the operation of the national action plan.
- Moreover, the figures concerning the financial outlay made by states to combat domestic violence against women are to be collated with the amount that violence against women can cost the societies of the Council of Europe member states. According to the data available for the time being and the assessments which it has been possible to carry out, the financial burden of violence against women in the home amounts to an estimated 40 euros/person, that is, for a country with 10 million inhabitants, some 400 million euros per year in assistance, police work, care and health services. For the Council of Europe countries as a whole, the cost of domestic violence alone is therefore believed to represent an annual total of at least 33 billion euros<sup>21</sup>, charged to the states' public finances.
- Every system that is set up by parliament must be subject to a budgetary assessment, then allocated resources, if possible in accordance with a long-range plan designed to help it last. Parliamentarians must also promote an integrated approach to combating violence against women when debating and voting on the annual state budget. Lastly, they may wish to consider setting up financial compensation mechanisms, which would be bound up with the right of victims of domestic violence to reparation, in an attempt, as the Commissioner for Human Rights, Thomas Hammarberg, put it recently, "to compensate [victims] for risks which the State could not prevent from turning into damage and harm"<sup>22</sup>.
- According to incomplete statistics currently available, member States spend on average less than 1 euro per person to combat domestic violence against women<sup>23</sup>. The Rapporteur considers that the regional groups should identify the precise amounts allocated to the fight against domestic violence over the past years and the budgetary objectives fixed by parliaments for the year 2008. These figures will enable the average amount dedicated to this fight to be calculated and will allow a precise evaluation of the financial effort that each Member State makes to combat domestic violence against women. For the time being, the Rapporteur proposes that member States should aim to contribute on average 1 euro per inhabitant to combat domestic violence against women.

**42.7 Monitoring the application of laws and measures to combat violence against women adopted by parliament.** One of the tasks of parliaments is to monitor the work of the executive to check that it is properly implementing the measures adopted by the legislature. It is for parliament itself to set up the appropriate body to ensure regularly that the laws it passes are being correctly applied. For instance it may wish to set up an agency charged with keeping track of the issue of violence against women and the measures taken to combat the problem. Some Council of Europe member states (for example Spain) have already set up such agencies, which publish regular newsletters concerning statistical, social and economic trends relating to violence against women and assess measures taken both by central governments and by local government and civil society bodies to combat it. Parliaments must use their institutional powers to ensure that laws passed on domestic violence are properly applied. Depending on the institutional system in the country concerned, the method used can be any one or a combination of the following: examining regular

<sup>19</sup> CDEG (2006) 3, Stocktaking study on the measures and actions taken in Council of Europe member States, Dr Carol Hagemann-White, University of Osnabrück, Germany, Directorate General of Human Rights, Strasbourg, 2006.

<sup>20</sup> Ibid, Appendix II, Table 3.

<sup>21</sup> Ibid, p.11.

<sup>22</sup> Viewpoint of 23/07/2007, "Victims of human rights violations deserve more"  
[http://www.coe.int/t/commissioner/viewpoints/070723\\_EN.asp](http://www.coe.int/t/commissioner/viewpoints/070723_EN.asp)

<sup>23</sup> According to Dr Carol Hagemann-White: "Specific funds means both budgets allotments to specialised organisations and activities and regular parts of the budget of state-funded relevant institutions earmarked for ensuring qualified work against violence. In almost all countries (27 out of 31) funds are allocated at national level, many of these countries have as well funds allocated at regional and/or local level. On average, 8650 euros per 10 000 population are spent annually.", Ibid, p 29.

reports by the executive on its activities; holding parliamentary hearings; setting up commissions of enquiry; putting questions and requests to members of the executive; setting up special commissions and organising field trips to investigate the executive's activities on the ground and suggest remedial measures. The bodies responsible for monitoring must also ensure that everything possible has been done to make the general public aware of the legislation introduced and any existing measures designed to support victims of domestic violence and promote awareness-raising and training for the professionals concerned, such as members of the judiciary, police officers, members of the medical profession and social and education workers.

#### **IV. Conclusions**

43. Clearly, the implementation of the parliamentary dimension of the campaign has prompted many national parliaments to contribute to the efforts to combat violence against women, including domestic violence. Various awareness-raising activities have been organised by the Parliamentary Assembly and the national parliaments since June 2006. Valuable co-operation has been established with the Inter-Parliamentary Union, the European Parliament and the Nordic Council. Efforts have also been made to promote synergies with national, regional and local government representatives involved in combating violence against women.

44. It seems obvious that there is still a need to give a new impetus to the parliamentary dimension of the campaign and encourage all national parliaments to join the Assembly and contribute actively to the fight against violence, using all the institutional and political means at their disposal.

45. Furthermore, legislative reform has to be regarded as the cornerstone of parliamentary activity. It is therefore for parliamentarians to adopt, and supervise the implementation of, legislation to protect victims, punish perpetrators and prevent this evil, which is the result of the unequal relationship between women and men. Accordingly, it would seem advisable for the second stage of the Assembly campaign to concentrate on legislation.

46. It is for this reason that the Committee is called on to identify seven key measures (see paragraph 42) which will make it possible to gauge progress in the sphere of legislation or loopholes in national law. The contact parliamentarians will be invited to prepare appraisals of the implementation of these seven measures in their regional groups. Moreover, the national parliaments will be asked to use these criteria, for the period from November 2006 to June 2007, to assess the impact of the campaign at the third meeting of contact parliamentarians (April 2008) and this will form the basis of the Assembly's contribution to the closing conference of the campaign, scheduled for June 2008.

47. The Parliamentary Assembly could encourage the Council of Europe Task Force to continue its efforts and include its assessment of the parliamentary dimension of the campaign in its final activity report.

48. The Parliamentary Assembly could invite the Committee of Ministers of the Council of Europe to muster all the necessary resources to ensure that the Council of Europe Campaign to combat violence against women, including domestic violence, continues to be waged up to June 2008 and to make proposals for follow-up.

49. The Parliamentary Assembly should also take it upon itself to review the campaign once it is over and evaluate the success of the work carried out. It intends to keep abreast of the issue so that it can give its backing to new proposals where appropriate.

*Reporting committee:* Committee on Equal Opportunities for Women and Men

*Reference to Committee:* Doc 11195, reference N°3331 of 16 April 2007

*Draft resolution and draft recommendation* unanimously adopted by the Committee on 7 September 2007.

Members of the Committee: Mrs Gülsün **Bilgehan** (Chairperson), Mrs Anna Čurdová (1<sup>st</sup> Vice-Chairperson), Mrs Svetlana Smirnova (2<sup>nd</sup> Vice-Chairperson), Mr José **Mendes Bota** (3<sup>rd</sup> Vice-Chairperson), Mrs Željka Antunović, Mrs Aneliya Atanasova, Mr John Austin, Mr Denis Badré, Ms Marieluise Beck, Mrs Oksana Bilozir, Mrs Raisa Bohatyryova, Mrs Olena Bondarenko, Mr Pedrag Bošcović, Mrs Mimount Bousakla, Mr Paul Bradford (alternate: Mr Paschal **Mooney**), Mrs Ingrida **Circene**, Mr James **Clappison**, Mrs Minodora **Cliveti**, Mr Ignacio **Cosidó Gutiérrez**, Ms Diana Çuli, Mr Ivica Dačić, Mr Marcello Dell'utri, Mr José Luiz Del Roio, Mrs Lydie Err, Mrs Catherine Fautrier, Mr Adolfo **Fernández Aguilar**, Mrs Maria Emelina Fernández Soriano (alternate: Mme María Josefa **Porteiro Garcia**), Ms Sonia Fertuzinhos, Mr Piotr Gadzinowski, Mrs Alena Gajdúšková, Mr Pierre Goldberg, Mrs Claude Greff, Mr Attila Gruber, Mrs Carina Hägg, Mr Ilie **Ilaşcu**, Mrs Halide Incekara, Ms Nataša Jovanović, Mrs Eleonora Katseli, Mr Marek Kawa, Mrs Krista Kiuru, Mrs Angela Leahu, Mr Dariusz Lipinski, Mr Arthur Loepfe, Mrs Mirjana Malić, Ms Assunta Meloni, Mrs Danguté Mikutienė, Mrs Ilinka Mitreva, Mr Burkhardt Müller-Sönksen, Mrs Christine **Muttonen**, Mrs Hermine Naghdalyan, Mr Kent **Olsson**, Mrs Vera Oskina, Mr Ibrahim Özal, Ms Elsa Papadimitriou, Mr Jaroslav Paška, Mrs Fatma Pehlivan, Mrs Maria Agostina Pellegatta, Mrs Antigoni Pericleous-Papadopoulos, Mr Leo Platvoet, Mrs Majda **Potrata**, Mr Jeffrey Pullicino Orlando, Mr Kamal Qureshi, Mrs Mailis Reps, Mrs Marlene Rupprecht, Mrs Klára Sándor, Mr Steingrímur J. Sigfússon, Mr Giannicola Sinisi, Mrs Darinka Stantcheva, Mr Vasile Ioan Dănuț Uungureanu, Mrs Ruth-Gaby **Vermot-Mangold**, Mrs Betty Williams, Mrs Jenny Willott, Mr Gert Winkelmeier, Ms Karin S. Woldseth, Mrs Gisela **Wurm**.

N.B. The names of the members who took part in the meeting are printed **in bold**.

*Head of the Secretariat:* Ms Affholder a.i.

*Secretaries to the Committee:* Ms Devaux, Mr Diallo, Ms Araujo