



# SUNIA GEEL 2

To prevent and combat violence against children, young people and women and to protect victims and groups at risk

## State of the Art Report

July 2013



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## **Sunia Geel 2 Partnership**

### **Exchange House National Travellers Service - Ireland**

[www.exchangehouse.ie](http://www.exchangehouse.ie)

### **IEIE – International Education Information Exchange - Germany**

[www.ieie.de](http://www.ieie.de)

### **Verein Multikulturell Migrationsakademie - Austria**

[www.migration.cc](http://www.migration.cc)

### **ANUP - Romania**

[www.updalles.ro](http://www.updalles.ro)

### **CESIE - Italy**

[www.cesie.org](http://www.cesie.org)

Project website: [www.suniageel2.eu](http://www.suniageel2.eu)



cesie  
the world is only one creature

### ***Acknowledgement***

CESIE's Experts have developed this State of the Art Report.

The partnership has been actively involved in the development of the content.

We would like to say thanks to all partners for their commitment for the creation of this publication.

## The Project

“Violence against women and girls continues unabated in every continent, country and culture. It takes a devastating toll on women’s lives, on their families, and on societies as a whole. Most societies prohibit such violence – yet the reality is too often, it is covered up or tacitly condoned” (Mr. Ban Ki Moon, United Nations Secretary-General, 2007)<sup>1</sup>. Migrant and minority families are increasingly experiencing DV and intrafamily violence. 45% of women in Europe are victims of violence in their lifetime(Walby and Allen, 2004). Women and children in DV situations require a range of services tailored to their needs but empowerment at grassroots level is also key to disseminate the knowledge and support needed in crisis situations. Giving women a voice and access to culturally aware professional support will contribute to an ultimate change.

The goal of SUNIA GEEL 2 is to provide a framework to reduce violence against women and children from marginalised ethnic communities and ensure that their needs for safety and support are met.

Specifically, the objectives of the Project workstreams are:

WS1\_\_To develop a clearer and more evidence-based understanding of the needs of service users from minority groups in terms of professional service provision.

WS2\_To empower women and young people by increasing their skills base to help them make informed choices for a better future.

WS3\_To build marginalised communities and service providers’ ability to initiate and promote change within their own environments enabling them to address the issue of DV and uphold the rights of women and young people. This will also include working with men to address the rootcause of DV, raise awareness and challenge behaviours affecting women and young people.

WS4\_To help women and young people experiencing DV by providing emotional and practical support in a culturally appropriate way.

### Target Groups

The project is targeted to a diverse range of marginalised groups across different national settings and will provide sound evidence to support practical change strategies amongst these groups. The implementation of each intervention by all participating partners gives the project

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<sup>1</sup>[http://www.unicri.it/topics/violence\\_women/](http://www.unicri.it/topics/violence_women/)

its comparative strength and sets a robust basis for dissemination and wider application amongst further marginalised groups across Europe. Target Groups of this project are

Muslim migrants (in Germany, Italy and Austria)

Roma (in Romania)

Travellers (in Ireland)

### Beneficiaries

Women and Young People

Ethnic minority groups

Community groups

Service providers

Men

## *Foreword*

The present report is the main deliverable of **Work Stream 1: «State of the art report – Explore and understand the needs of marginalised and socially excluded service users (in relation to service provision) who are at risk of/or may be experiencing DV».**

The report is divided into three main parts:

**Part I: EU Framework.** It provides an overview of the DV issue at European level.

**Part II: Cross-cultural comparison report.** It is about DV issues related to the partner countries: Ireland, Romania, Italy, Germany and Austria. The analysis is based on country specific reports that can be found as annexes to this report.

This part covers: 1) Statistical information; 2) a Legislative comparison; 3) Legal rights of the victims; DV issues in the political debate; 4) action plans and policies; 5) third sector and Cooperation between the State and the voluntary sector.

**Part III: Needs Assessment analysis report of Service Users.** The analysis is based on a purpose-made questionnaire, which was administered by all the project partners to 300 women (in total). This part covers: 1) description of the Questionnaire; 2) methodology used; 3) general Information about the Users; 4) structure and Quality of Services used; 5) DV features.

# EU Framework

## Introduction

DV against women and children constitutes a rather universal phenomenon that affects diverse populations and remains one of the most pervasive human rights violations in today's society, and one of the biggest global problems.

«Violence against women is perhaps the most shameful human rights violation. It knows no boundaries of geography, culture or wealth. As long as it continues, we cannot claim to be making real progress towards equality, development, and peace» (Mr. Kofi Annan, United Nations Secretary-General, 2006)<sup>2</sup>.

In 2010, the EU Presidency has made the fight against DV on women one of its main objectives (Eurobarometer 2010). Today, the EU is working on a legislation against DV. Alike, it is committed to the implementation of policies and activities to improve services and measures to prevent and respond to the phenomenon (Kane, 2008). The EU is also committed in the fight against DV through its interaction with international institutions, national authorities and governmental and non-governmental organisations (Križna and Popa, 2010).

One of the most important policies of the European Union is the empowerment of local NGOs working in the field of DV (Montoya, 2008). Since 1997, the DAPHNE programme has been a tool that can be used by EU Member states to prevent and combat DV.

The following section will provide an overview of DV at European level focusing mainly on policy and legislative issues and providing a brief review of successful interventions focusing on socially marginalized groups which are the target groups of the Sunia Geel 2 project.

## Definition of DV

There is no universally accepted definition of DV, but most of the descriptions refer to it as violence or abuse (either psychological, physical, sexual, financial or emotional) between adults who are intimate partners (regardless of gender or sexual orientation), and between other people living in the same household as children, the elderly, sisters and brothers (UK Crown Prosecution Service, 2005). In this kind of violence, repeat victimisation is common and no other type of crime has such a high rate of repeat victimisation (Northern Ireland Office, 2005).

DV can include the notions of (Brown, Hampson 2009):

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<sup>2</sup><http://www.womensaid.org.uk/page.asp?section=00010001001000020005&sectionTitle=Human+Rights+Issue>

- **physical violence** (pushing, shoving, hitting, choking and beating with or without a weapon)
- **sexual violence** (rape, unwanted sexual practices, mutilation and coerced prostitution),
- **intimidation** (looks, gestures, smashing furniture, displaying weapons and harming pets)
- **threats** (to harm the partner, the children, others, property), emotional abuse (denigration, undermining)
- **isolation** (cutting of the victim from family, work and other networks)
- **stalking** (following, constant unwanted contacts)
- **financial abuse** (unilateral control of money)
- **spiritual abuse** (control of religious expression).

However, many of these forms are still not legally recognised as DV acts, but they are regarded as separate behaviours and the relationship between them is not recognised.

Surely, DV is traditionally perceived as a gender related issue: which means that in most cases perpetrators are male and most victims are women and/or children. So, DV has come to be seen as a form of oppression or control, which is as patriarchal oppression in the family and in society.

«The main victims of DV continue to be women and children (Logar, 2008)». This is supported by large-scale studies conducted in several European Countries (Logar, 2008). The World Health Organisation (WHO) in a multi-country study on women's health and DV conducted in 2005 showed that between 10% and 52% of the women involved in the study reported being physically abused by an intimate partner at some point in their lives. In a study conducted in Germany among more than 10,000 women, 25% reported experiencing physical or sexual violence from their partner (Federal Ministry for Family Affairs, Senior Citizens, Women and Youth BMFSFJ, 2004). According to police statistics in Vienna, approximately 95% of DV victims are women and children (Wiener Interventionsstelle gegen Gewalt in der Familie, 2004). So, since the 1970s, womens' movements have been drawing the world's attention to a social phenomenon which was until that point very much ignored (Egger et al, 1995; Hagenmann-White, 2008). Even today there is a big debate among feminists about DV, perceived as an issue included in the broader context of *femicide*.

The **United Nations declaration on the Elimination of Violence against Women (1993)**<sup>3</sup> defines DV as a gender-based violence. The declaration states that “violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the

<sup>3</sup><http://www.un.org/documents/ga/res/48/a48r104.htm>

full advancement of women”. And today women are reportedly affected by male violence regardless of their sex, age, race, ethnicity, class, culture and religion, and regardless of whether they have a disability or not.

Obviously, DV can potentially affect all women, but there are some differences. Income deprivation, lack of citizenship, absence of strong social networks make migrant women more exposed to the possibility of DV. Although many studies on immigrant women have been carried out, research concerning immigrant women victims of DV in Europe still remains scarce (Dobash and Dobash, 2000, Menjivat and Salcido, 2002). But surely there is a direct link between DV and immigration (Menjivat and Salcido, 2002). In fact, immigrant populations are in a vulnerable social position by default, and different cultural backgrounds differentiate these populations from local groups, posing the risk of religious and other cultural habits to be misinterpreted and not considered as acts of human rights violation. So, specific research on the issue is needed, considering all the aspects that contribute to immigrants’ experience of DV (Abraham, 2000).

For the purpose of this study, the SUNIA GEEL 2 consortium adopted the wider definition of DV: “violence within the domestic unit or family includes any type of physical or psychological aggression or abuse towards any member of the family regardless of age and gender”.

### **Effects of DV**

The impact of DV is being calculated only now, and probably the full impact is still unknown, and current evaluations are therefore unreliable and underestimated. We are now aware that the effects of DV spread like ripples, moving from the victim, to their children, to other family members, to the family networks, to the social institutions they use and to the community (Brown and Alexander, 2007).

Anyway, the effect of DV on women (residents and migrants) prevents them from being full members of society and achieving their full potential as active citizens, and their contribution to social and economic reality is damaged (Kane, 2008).

Moreover, victims of DV suffer from severe health effects which can be both fatal and non fatal and can include psychological problems such as depression and low self-esteem (World Health Organization, 2005). The research showed that the peak age of impact was between 35 and 44 (the time of life when women were parenting young children) and that health consequences included death by homicide and suicide, life-threatening sexually transmitted infections, death or complications in childbirth, fractures and bruising, reproductive system injuries and illnesses, mental health illnesses such as depression, anxiety and traumatic and

post-traumatic stress symptoms and more.

Parents' actions might cause the children to be scared of the perpetrator, to be afraid for the parent victim of violence and for themselves, and to feel limited in their ability to express themselves at home and in many social situations outside. Children victims of DV also suffer physical and/or psychological effects which can be fatal and/or non-fatal (Pineiro, 2006). Research also shows that children who experience DV often turn to alcohol or drugs. Moreover, children who experience DV often become violent and abusive adults (UNICEF, 2008).

Evidence from industrialized countries indicates that DV is a male problem and between 40% and 70% of men who are violent towards their partners are also violent towards their children (Kane, 2008): usually a violent husband is also a violent father (Edwards, 2000). There are no studies on the health of the perpetrator but it is difficult to imagine that DV does not have some negative effect.

In a small minority of cases, men have been abused by women. For example, in Germany 3,000 cases of men abused by women were reported in 2008<sup>4</sup>. In any case, this phenomenon is perhaps under-examined and unreported because of the shame and cultural constraints about the issue of men victimized by women. Anyway there is a difference in the incidence of intimate partner violence (more women partners were victimised than men, especially in cases of sexual assault), the circumstances of violence (women acted in self defence and in retaliation to male partner violence), the nature of the violence (women used a restricted range of forms of violence) and the outcomes (women inflicted far less physical harm) (Brown, Hampson 2009: 2).

### **The magnitude of DV**

Crime statistics can help in estimating the phenomenon of DV against women (DVAW) within a Member State, but they cannot offer the full picture. Recent studies carried out across the European Union draw attention to the fact that most cases of DVAW are not reported to the police and thus do not appear in crime statistics (Martinez, Schrötle et. al, 2007). DV also continues to be unreported because it usually involves affaires that take place within peoples' private environments, and it continues to be considered as a strong social taboo frightening the victims (UNICEF, 2008). In addition, for many victims, reporting DV may lead to further violence and not reporting is therefore seen as self-protective and protective for children and

<sup>4</sup>[http://www.statistik-portal.de/statistik-portal/en/en\\_enterprise.asp?reg=00](http://www.statistik-portal.de/statistik-portal/en/en_enterprise.asp?reg=00)

other family members. Or maybe, many victims do not believe they have any option but remaining with the abusive partner and not reporting the abuses. It is also known that leaving the perpetrator creates more risks for the victim than remaining with him, as post-separation is the time when spousal homicide is most likely (Easteal, 1994).

So, the availability and accessibility of surveys, reports and studies about DV, based on collected data remains poor. A clear estimation of prevalence rates of DVAW in the EU is difficult to provide. According to the Council of Europe, 1 out of 4 European women experiences violence at home at some point in her life, and between 6-10% of women suffer DV in a given year (Council of the European Union, 2002). Based on the information available across the 28 EU Member States, between one fifth and one quarter of all women have experienced physical violence at least once during their adult lives and approximately 12% to 15% of all women have been in a relationship with domestic abuse after the age of 16 (Council of Europe, 2011).

Recently two EU-wide data collection projects have been put in place. Firstly, Eurostat proposed to carry out a survey measuring victimization rates and safety feelings in a common EU survey (European Commission, 2012). This **EU Safety Survey (SASU)** might start collecting data in all the 28 Member States in 2014. Physical and sexual violence between partners has been included in the survey and the results might be published in 2015. Secondly, since 2011-12 the European Union Agency for Fundamental Rights (FRA) has been carrying out an **EU-wide survey on women's well-being and safety in Europe** covering the 28 EU Member States. The first survey results were expected in 2013 (to date they are not available yet). About 1.500 women in each country are being interviewed: the survey will cover women's 'everyday' experiences of violence and experiences of violence in childhood in order to draw a comprehensive picture of women's experiences of violence during their lifetime.

Most research points out that DV is not confined to a single class or location. However, it is more frequently reported among lower socio-economic groups (National Council to Reduce Violence Against Women and Children, 2009). People from more advantaged groups may share features that protect them from DV such as higher education levels, more employment chances and better paid employment, but it may be equally true that they also share more options in taking defensive or evasive action.

Actual data about victims of DV with a migrant background in Europe are scarce, too. But from what is available, it can be concluded that DV among migrant populations is indeed a serious problem. For example, in Spain - where the migrant population represents 11.3% of the total population - in 2006, 12.1% of women from a migrant background reported being victims of DV by their former spouse as opposed to 6% of Spanish women (Parliamentary Assembly,

2009). In Norway, according to 50 crisis centres, 50% of the women who asked for help in 2006 were of a non-Norwegian ethnic origin (Parliamentary Assembly, 2009). In Germany, in 2008, 44% of women with an immigrant background were victims of DV as opposed to 25% of non-immigrants (Statistisches Bundesamt, 2008). In Ireland, in 2007, migrant women represented between 23% and 33% of the total population of women who asked for help from service providers on DV (Parliamentary Assembly, 2009).

### **Causes of DV**

Some myths exist about the causes of DV and abuse. These myths include loss of control by, or provocation of, the perpetrators. Many people also believe that alcohol is the main cause. There are clear links between alcohol misuse and DV. The first may aggravate the problem and the violence is more severe when perpetrated by a heavy drinker. However, alcohol is not the cause. Actually, DV and abuse are usually a pattern of persistent behaviours adopted by the perpetrator to achieve power and control over the victim (Northern Ireland Office, 2005).

Some studies attempted to identify common characteristics of victims but none have clearly shown any. Various studies produced a diversity of victim profiles, presumably matching the diversity of perpetrators. So, identifying the causes of DV is a difficult task. It is indeed a complex phenomenon, diverse and dynamic, which cannot be founded on a single etiology. Its causes are cultural, economic, legal and political. Most of these factors are also the main reasons leading to DV among immigrant groups.

Cultural factors of DV are related to cultural expectations on roles between partners and within relationships. In some cultures, the superiority of men is accepted and justified and women are not considered as equal.

Economic factors refer to the economic dependence of women on men. It also includes not allowing women's access to education, training and employment opportunities.

Legal factors refer to the illegal status of women which is exploited by partners or which acts as a barrier in seeking protection from the country's legal system. Legal illiteracy is also a factor referring primarily to a lack of knowledge among victims of DV about their rights.

Political factors are mainly connected to the fact that women are under-represented in wider society and have little involvement in political issues.

DV is often explained with low education level, with traditional lifestyle or fundamental religious values, low economic income. All these elements are involved in our target group: Muslim Migrants and Travellers, Roma, Sinti (TRS).

### Traditional lifestyle

The vast majority of TRS and many Muslim migrant women are part of a family-centred network, their social network consisting mainly of the core family/family of origin. Contacts with those people outside of the family tend to be less frequent than with family members. And only rarely they are able to keep contacts with people outside of the family for longer periods.

Belonging to a Traveller, Roma or Sinti community means you belong to an extended family. The concept of family is central to the community. A person's identity is tied up with the extended family they belong to. This depends on nomadic habits of some TRS people.

Nomadism does not only refer to travelling from one place to another. A person may stay in one area for a lifetime and still is considered nomadic. It is a mind-set, a way of looking at the world and interacting with it. Being nomadic is more than travelling. People have roots in geographical areas, but the family identity will take precedence over this. A TRS person's sense of belonging is connected to the family first and to the geographical area, secondly.

Women's roles in this close-knit society are primarily child-centred and family-oriented. Few women either work or live outside the family unit, and consequently they have few independent financial resources. Men are expected to be in charge of their families.

For Muslim migrants too, the family often performs an essential support function, it is a network protecting them from material hardships and social isolation. At the same time it acts like a cage by restricting options and available resources. The limited resources and the ambivalence of family's strong influence are most clearly visible in their integration into the education and labour market.

In short, according to Logar, Weiss, Stricker and Gurtner (2009) women with Muslim background, migrant women and women of ethnic minorities often miss social networks and language skills, have fewer resources and, in many cases, are financially dependent on their husbands. That leads to more difficulties in building up an independent life.

Menjivar and Salcido (2002) in their study on immigrant women victims of DV concluded that cultural factors were not the only reason for abuse. Linguistic barriers, isolation from (or contact with) family and community, economic status, legal status, governmental and local responses to DV were also significant causes among immigrant populations.

### Low income

TRS communities, in general, experience poor standards in accommodation and health. Inadequate accommodation and access to health services are major issues affecting the TRS communities. Many live in severely overcrowded and poorly maintained spaces. The incidence

of unemployment in Roma population is extremely high, and the work activity vary among genders (European Social Fund 2012). And they continue to experience high levels of social exclusion and disadvantage, and discrimination both at the individual or interpersonal level and at the institutional level.

Moreover, migrant condition is also a risk factor: the scientific literature shows that migrants in Europe get menial jobs that are dangerous and poorly paid and lack of opportunities for career advancement more than residents (Burgio, 2007).

### Education

TRS children access preschool or nursery less than the general population, adolescents often leave school with no qualifications, and young people have no higher qualifications. The majority of TRS people are low educated (European Social Fund 2012). Particularly, women report a variety of problems in the area of education such as high drop-out rates (due in part to forced and early marriage), differential treatment at school and poor quality education.

The literature also points out that children with migrant background do not progress through school as well as native children, secondly that they choose schools that prepare them for less well paid and less prestigious jobs and that they get lower marks (Giusti, 2004: 348).

### Spread of DV

In this panorama, our target risks to be particularly affected by DV. According to the **Parallel Submission to the CEDAW Committee in Italy**, for example, 43% of Romani women interviewed during the research reported that they currently suffer or have suffered in the past from DV. In addition to the possibility of forced marriage, Romani women reported having been subjected to virginity testing which violates their human rights and bodily integrity. 65% of the women who answered to questions on this topic, were tested for virginity at marriage (ERRC 2011).

According to the information provided by the NGO *ACMID Donna* (Repubblica 2012a), the conditions of migrant women with Muslim background are tragic in many cases: many women are segregated at home by husbands masters, their documents are taken away, they not allowed to study, are ill-treated by husbands and relatives. In many cases those women in their countries could have a job, attend public events and have a public life style . After arriving in Europe, they are segregated at home because they fear Western lifestyle. In addition, the role of polygamy needs to be emphasized: in Italy for example, there are 15,000 polygamous marriages (even if polygamy is forbidden by the Italian Penal Code (art. 556) and is punished with prison) and polygamy can make the condition of a woman more fragile (Repubblica

2012b). Finally, a particular fate befalls many “import brides”, migrant women who agree on arranged marriages in the hope of an interesting life and more opportunities for personal development in EU countries, and who can be locked up and not allowed to leave their apartment by husbands who fear western lifestyle (Beck-Gernsheim, 2006).

The majority of women who suffer DV do not seek help from competent institutions fearing State intervention against them due to:

- their unregistered marriage, age, legal status, living conditions and ethnic discrimination;
- the fear of losing parental rights;
- the lack of information on shelters/services for DV;
- the lack of economic independence;
- the traditional role of women requiring them to tolerate male aggression within the family and emotional attachment to their abusive partner;

Their unwillingness to call the police when they are victims of DV makes it even more difficult for the concerned people to change the situation. It could be noticed that women with a migrant background and from ethnic minorities flee to relatives, friends or to women refugees instead. Many are poorly informed about their rights. All these points mean less opportunities to escape from DV.

### **European Legal Framework on DV**

In 1996, The **Beijing Declaration and Platform for Action for Equality, Development and Peace** (BPfA)<sup>5</sup> was officially adopted at the Fourth World Conference on Women, held in Beijing, and all Member States of the European Union have signed the BPfA. The Declaration outlines measures for protection and support of the victims. According to this Declaration:

- the State should «provide well-funded shelters and relief support for girls and women subjected to violence, as well as medical, psychological and other counselling services and free or low-cost legal aid, where it is needed, as well as, appropriate assistance to enable them to find a means of subsistence».

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<sup>5</sup><http://www.un.org/womenwatch/daw/beijing/beijingdeclaration.html>

- the State should also establish «linguistically and culturally accessible services for migrant women and girls, including women migrant workers, who are victims of gender-based violence».

The United Nations Beijing Platform of Action also states the need to support governmental and non-governmental organisations in their dissemination efforts against violence towards women as a way of dealing with the phenomenon (Reilly 2005).

The BPfA requests governments to ‘formulate and implement, at all appropriate levels, action plans to eliminate violence against women’ and to ‘allocate adequate resources within the government budget and mobilize community resources for activities related to the elimination of violence against women, including resources for the implementation of action plans at all appropriate levels’.

In 1999 the European Parliament criminalized DV in the EU Member States. Additionally, in 2001 the Council of Europe established the minimum rights of women and children victims of DV (Logar, 2008).

In 2004, during the Conference on the EU Constitutional Treaty, a Declaration was elaborated, stating that «the Conference agrees that, in its general efforts to eliminate inequalities between men and women, the Union will aim in its different policies to combat all kinds of DV. The Member States should take all necessary measures to prevent and punish these criminal acts and to support and protect the victims» (CIG 15/07).

In **2006**, the European Parliament adopted the **Resolution 1512 (2006) concerning DV against women**. According to this Resolution the EU Member States were called to take a series of appropriated measures in order to improve victims’ protection and support by introducing effective methods of prevention and punishment (UN Women, 2012).

In 2009, the European Parliament adopted the **Resolution of 26 November 2009 on the elimination of violence against women** where it pointed out the need for a comprehensive legal act to combat all forms of violence against women.

The European Commission has taken important decisions to this end, particularly drawing up the **Strategy for equality between women and men 2010-15**, which stresses that gender-based violence is one of the key problems to be addressed in order to achieve genuine gender equality (European Commission 2010)

The commitments of the European Union to combat all forms of violence against women, including DV, are also shown notably in the **Stockholm Programme (2010-14)** in the policy area of freedom, security and justice. It requires the Commission and the Member States to introduce criminal legislation or other support measures necessary to protect victims of crime.

Following its Action Plan Implementing the Stockholm Programme (COM [2010] 171 final of 20 April 2010)<sup>6</sup>, the European Commission presented a **‘Victims’ package’ on 18 May 2011** composed of two main instruments: the European protection order applicable in civil matters and a draft directive establishing minimum standards on the rights, support and protection of victims of crime. Both the European protection order in civil matters, which complements the adopted Directive on the European protection order in criminal matters adopted in December 2011, and the proposed new directive state that «a person should be considered a victim regardless of whether a perpetrator has been identified, apprehended, prosecuted or convicted and regardless of the familial relationship’ and that ‘victims need support and assistance even before reporting a crime». These European legal instruments have the potential to be a major step forward and to reinforce the rights of the victims of gender-based violence, including DV (European Commission 2011).

Overall, the European policy concerning DV appear insufficient yet (European Women’s Lobby, 2010), and governed by “soft law” documents (Montoya, 2008). There are no strict EU measurements/rules concerning DV imposed on Member States by the EU. Notwithstanding, all EU Member States have clear recommendations concerning DV that cannot be neglected. Only more recently the European Commission and the Parliament developed an antiviolence agenda which included strict measures against women’s violence. The aim of this agenda is to influence Member States towards the development of a stricter legislation against DV (Krizna and Popa, 2010).

### **DV in EU Member States and European Policy**

The EU is committed to combating violence against women. As said before, this commitment is affirmed in the Women’s Charter (2010), the European Commission’s Strategy for Equality between Women and Men 2010-15 and the Stockholm Programme for 2010-14. The EU DV policy is based on soft laws mainly in the form of recommendations provided from the Council of Europe to Member States (Krizna and Popa, 2010).

At the same time, the EU helps NGOs and other institutions at the local level such as women organisations to establish European networks and to cooperate more on a European level on the actual implementation of practices and services concerning DV (Montoya, 2008). The framework that enabled this cooperation was achieved mainly through the DAPHNE programme, which focuses on interventions about DV in individual Member States (Montoya, 2008).

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<sup>6</sup>[http://europa.eu/legislation\\_summaries/human\\_rights/fundamental\\_rights\\_within\\_european\\_union/jl0036\\_en.htm](http://europa.eu/legislation_summaries/human_rights/fundamental_rights_within_european_union/jl0036_en.htm)

EU Member States differ considerably in terms of the legal framework and provisions on each particular type of violence against women and children (European Women's Lobby, 2010). As for DV, something that can be observed in the individual EU Member States is that there is no uniformity in their legal framework (Kane, 2008). Discrepancies are more evident between Central European countries (Krizsa and Popa, 2010), where DV is considered a criminal act, and Eastern, post communist countries where there is no specific legislation on the matter (Fábián, 2009). In Estonia, Hungary, Latvia and Lithuania, for example, there are no penal codes concerning DV (Fábián, 2009). On the contrary, there are some European countries, such as the United Kingdom, Germany and Austria, where the legislative framework of DV is highly developed (Logar, 2008).

There are still some gaps in criminalization but a major reason for impunity is the failure to implement legislation. The training of professionals in the criminal justice system and other related sectors is crucial to improve the implementation of the legislation. Training is included in many of the National Action Plans published by the 28 Member States, but it often remains under-resourced, temporary and not mandatory.

Specific programmes to address perpetrators' behaviour are a possible measure among several introduced to address DVAW. However, the approaches vary and are inconsistent within and between the countries. Few of these programmes have been evaluated making it difficult to assess their effectiveness in reducing violent behaviours.

Another very important issue concerning DV among Member States is the lack of data on the number of cases in each State (Kane, 2008). Member States also differ greatly in the parameters of DV they report on (Kane, 2008).

Current legislation does not recognise the internal diversity of the issue and does not provide further differentiations with regard to women, such as disability, age, migrant status, minority/ethnic group status (European Women's Lobby 2010).

### **National Action Plans**

The actual content of National Action Plans (NAPs) is extremely varied and covers three main areas: 1) training of key actors; 2) prevention and changing violent behaviour and 3) support to victims.

Firstly, certain measures attempt to raise awareness and to train professionals, educators, criminal justice actors to recognise DV and respond appropriately.

Secondly, emphasis is put on prevention, for example through programmes for adolescents and changing the violent behaviour of perpetrators.

Thirdly, the majority of NAPs underline the need to improve services and support to victims, including supportive and therapeutic measures for children exposed to DV as well as closer links between protection agencies for women and children.

The concept of DV against women (DVAW) within NAPs is also subject to variation. In some NAPs, the concept of DV was broadened in order to include forced marriage and honour-based crimes (Belgium, Sweden). Other Member States included sections in their NAPs on outreach and effective support and intervention for immigrant communities (Denmark, Germany, United Kingdom). Spain has a separate NAP devoted to the needs of migrant women. Ensuring services and justice for marginalized groups, such as women with disabilities, has also become a more prominent concern in NAPs than in the past. Overall, awareness of the differences between women has entered into the efforts to combat gender-based violence with positive effects.

There is significant variation in the main focus of NAPs, in both the way they are framed and in how they are elaborated. Three broad approaches can be identified.

- Firstly, there are 14 NAPs in 11 Member States focused on DVAW (Belgium, Germany, Ireland, Greece, Spain, France, Slovakia, Finland, Sweden, United Kingdom) that emphasize the interconnections between forms of violence and the links to discrimination and to human rights.
- Secondly, another 15 NAPs in 11 countries target DV and/or violence within the family and present a different type of information related to the relationship context: nearly half of them target violence between adults in a close relationship, some with a gender emphasis and some without (Belgium, Denmark, Germany, Italy, Latvia, Portugal, Finland). The other eight define DV as any type of violence perpetrated by a member of the family towards another, including child maltreatment, abuse by other relatives such as grandparents or siblings (Belgium, Bulgaria, Czech Republic, Cyprus, Netherlands, Poland, Portugal, Slovenia). In these NAPs, the emphasis is put on the overall harm to family life when any violence occurs.
- Thirdly, there are two NAPs that aim more generally at reducing violence or securing human rights (Estonia, United Kingdom), in which gender may be mentioned as a risk factor.

### **Support services for DV victims in the EU Member States**

In the last decade, there has been a growing recognition of the responsibility of the 28 EU Member States to take effective action under international human rights obligations in

response to DVAW, and of the fact that such action extends to establishing adequate support services for victims (Ertürk, 2007: 31). The provision of specialised services, including safe shelters, has been set out in international legal instruments and it is emphasized as part of the human rights obligations of a State in the decisions of the UN CEDAW Committee (CAHVIO, 2009: 19). The importance of the fact that such services boost an understanding of the gender-specific nature of DVAW and within an equality and human rights framework has been widely recognised by the UN, the EU, the Council of Europe, practitioners and researchers.

The Council of Europe has developed guidelines as to the type of support services required (Council of Europe, 2011: 22). The basic provision should include: national helplines; advocacy and outreach services; psychological counselling; shelter places; medical services; services for women suffering multiple grounds of discrimination; services for children as victims or witnesses of DV.

The **Convention on preventing and combating violence against women and DV** (Istanbul Convention) highlights the key role that non-governmental organisations and civil society play in running specialized support services for women experiencing violence, and the importance of governments in supporting them and valuing their contribution (Council of Europe, 2011: Article 9 [68–69]; Article 22 [132]).

It is very important to collect data on the services provided to victims. It helps identify the needs and costs as well as inform future provisions and training needs. However, data on the use of support services are not available, nor are data collected consistently at different levels (local, regional or national). Definitions for what constitutes a particular service differ within and between countries, as well as the methods used to collect data (e.g. census day vs. annual figures). Data are not uniform as they may be collected by a network of organisations. Little is known about the type of support services provided. Limited information is available on legislative guarantees for the provision of support services (CAHVIO, 2009: 19). When the Istanbul Convention enters into force, it will be the most recent development on States' obligation to provide services (Council of Europe, 2011: Articles 8 and 20). It will oblige States to provide access to both general and specialist support services that are adequately funded and resourced and to meet minimum standards. Very little evaluation research is available on the quality of support services beyond reporting on whether they exist.

Anyway, the main service providers in each individual Member State are the official State structures that provide services to the victims of DV as well as the regional NGOs. However, the reality in individual States is rather disappointing as it was revealed in a report by the European Women's Lobby (2010).

The following issues were stressed in terms of provision of services to the victims in the EU Member States:

- Insufficient funds - lack of secure and consistent budgets. This is a rather crucial issue since inconsistent funding could affect the quality of the support services offered to the victims. There is also quite a hard competition among NGOs concerning funding, posing an important obstacle for their fruitful cooperation.
- Lack of shelters for women both in rural and urban areas.
- Lack of systematic training and education of service providers.
- Lack of adequate training for official authorities that deal with DV and come into contact with victims for example the police, health and juridical personnel etc.
- Lack of interpreters, cultural mediators and translated materials for the increasing numbers of immigrant women victims of DV
- Lack of intergovernmental cooperation. Although NGOs have acquired enough experience on the issue of DV there are no organised official structures that would lead to a fruitful cooperation with the responsible official authorities in order to frame, adopt and implement welfare politics. In other words, experience acquired by experts is not disseminated to regional authorities/governments.

### **Interventions tackling DV across the EU**

The State of the Art Report of SUNIA GEEL Project<sup>7</sup> has produced a useful survey on the interventions put in place across the EU, which is summarized here.

As already mentioned, EU aims to facilitate networking and transnational cooperation for NGOs and national institutions, and to place great emphasis on public awareness campaigns.

The European Commission launched the first pan-European campaign against DV in 1999. Its results were rather satisfactory, since it raised public awareness and had a direct influence on the number of DV incidents reported (Kane, 2008). In 2006, the Council of Europe launched a new pan-European campaign aiming again to raise public awareness and understanding about DV. EU called Member States to implement actions to promote zero tolerance towards DV in 1999 and continued to stress the issue through specific recommendations provided by the Council of Europe to Member States in 2006 (Kane, 2008).

It is worth of note the holistic approach adopted by the EU concerning DV, which led to parallel actions on three different levels: 1) EU-public dissemination of DV information ; 2) EU-

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<sup>7</sup> Available at <http://www.suniageel.eu/> under the section “products”.

recommendations for Member States governmental services and monitoring of relevant actions and progress; 3) Increasing the role and importance of national NGOs.

In other words, the EU draws information about DV in each Member States through a top-down process, that is to say from both national governments (official institutions) and NGOs (non-governmental institutions). As Skuhra (2005) mentions, the EU played an important role in explaining to its Member States the “abstract” parts of its DV political framework. In doing so, the EU supports national organisations whose actions contribute to protecting, preventing and assisting victims of DV.

### **DAPHNE programme<sup>8</sup>**

One of the main tools of the EU for doing so is the DAPHNE programme that constitutes a funding tool to deal with DV in the EU Member States. The DAPHNE initiative was launched in 1997 and is part of the Commission’s Justice and Home Affairs and Fundamental Rights services. The aim of the initiative was to combat violence against women, children and young people. The DAPHNE programme launched in 2000, for the first time, continued the work of the initiative. It encourages Member States, NGOs and public authorities to find partners among other research institutions, NGOs, law enforcement bodies, public authorities, schools and training establishments, the media and other sectors to work on research, good practices identification and sharing, training, exchange and networking, awareness raising and information campaigns, direct actions to support victims of violence and the production of guidelines and protocols.

Objectives of the DAPHNE programme related to DV are:

- assisting and encouraging NGOs and other organisations active in this field;
- developing and implementing targeted awareness-raising actions;
- disseminating results obtained under the previous Daphne Programmes;
- identifying and enhancing actions contributing to the positive treatment of people at risk of violence;
- setting up and supporting multidisciplinary networks;
- ensuring the expansion of knowledge and exchange, identification and dissemination of information and good practice;
- designing and testing awareness-raising and educational materials, and supplementing and adapting those already available;

<sup>8</sup> Further information about the history of Daphne is available at [http://ec.europa.eu/justice\\_home/daphnetoolkit/html/daphne\\_experience/dpt\\_experience\\_11\\_en.html](http://ec.europa.eu/justice_home/daphnetoolkit/html/daphne_experience/dpt_experience_11_en.html)

- studying phenomena related to violence and its impact;
- developing and implementing support programmes for victims and people at risk, and intervention programmes for perpetrators.

The DAPHNE objectives concern a rather multi-disciplinary instrument targeted to DV<sup>9</sup>, which are:

- Actions addressing directly victims, i.e. help-lines,
- Tools and products that serve as educational materials for service providers,
- Materials that can be used for dissemination purposes (i.e. campaigns, web-site, etc.)
- Exchange of knowledge and experience between MS and service providers creating thus large, widespread and strong networks.

As it is known, the DAPHNE programme is targeted to different types of Violence against women, children and young people as well as different profiles of victims. Therefore, the programme includes targeted actions for women, children, young people, men, other family members, minority groups, immigrant women as victims of DV. Issues such as trafficking, child pornography, harmful traditional practices (i.e. crimes in the name of honour), racism and ethnic violence, family violence, violence and school, violence and disability, violence and technology are also covered and addressed by DAPHNE.

The number of projects funded under DAPHNE programme is enormously high. In fact, the response of NGOs to DAPHNE calls for proposals has been rather high over the years (Commission of the European Communities, 2004).

The evaluation of the DAPHNE programme showed that it is a rather good pan-European practice, which provides a much needed EU value (European Commission, 2004), as it:

- encourages and broadens pan-European networks and cooperation
- provides opportunities for learning
- supports exchange of ideas and knowledge that leads to better practices on the issue
- supports and protects victims
- supports actions to raise awareness and sensitize civil society and victims

The results of the DAPHNE implementation underline the importance of education and training of the personnel working in the field of DV. Montoya (2008) acknowledges the effectiveness of DAPHNE projects in improving European and international networking, empowering in this way national Member States' institutions, criticising at the same time their potential to remain active

<sup>9</sup>[http://ec.europa.eu/justice\\_home/daphnetoolkit/html/welcome/dpt\\_welcome\\_en.html](http://ec.europa.eu/justice_home/daphnetoolkit/html/welcome/dpt_welcome_en.html)

after the completion of the initiative. There has also been criticism on the ability of DAPHNE initiatives to influence changes in the national political system on DV. But as for victims, in more than half of the projects, a better access to assistance was achieved as well as a better understanding of their situation and their rights (Montoya, 2008).

### **Other initiatives**

Apart from the DAPHNE project, there are other European initiatives implemented by NGOs and networks which constitute a “multi-agency work”, that not only reveal good cooperation practices among local agencies but also the responsibility of State authorities and different national agencies to prevent and combat DV (Logar, 2008). Most of them are worth mentioning, and detailed information is available in the State of the Art Report of SUNIA GEEL project.

Such a large commitment of the European institutions and NGOs has led to a certain degree of uniformity of interventions.

In 2012 EIGE, the European Institute for Gender Equality, published a very useful report: “Review of the Implementation of the Beijing Platform for Action in the EU Member States: Violence against Women – Victim Support” (EIGE, 2012). As stated in this Report, some areas of intervention were indeed detected in the implementation of BPfA in 2002, :

1. profile of female victims
2. profile of male perpetrators
3. victim support
4. measures addressing male perpetrators in order to end the violence cycle
5. training of professionals
6. state measures to eliminate DV against women
7. evaluation

These indicators aimed at guiding the EU Member States to develop appropriate measures to address DV by identifying the number and profile of women who need support; the number and profile of male perpetrators; what support is currently available to address the needs of women victims and address the behaviour of male perpetrators; what types of training are available to relevant professionals to improve the support they provide to victims; what

legislative, justice and policy measures are being taken; what awareness-raising activities are taking place; and what budget is set aside to combat DV.

The EIGE's report shows the variety of services that are available to the victims of DV in the EU today:

Counselling centres: non-residential services that provide gender-specific day support (information, advice, counselling, practical support, accompaniment to court, legal information, proactive support and outreach) to women victims of DV and their children who are not in shelter accommodation.

With the exception of Hungary, all the other 27 Member States have non-residential women centres/services available.

Emergency support services: services primarily addressed to women survivors of DV, provided by specialised staff within the emergency services in hospitals, or within social service teams that provide immediate support such as accommodation and psychosocial support. 13 Member States (Belgium, Greece, Spain, France, Italy, Cyprus, Luxembourg, Malta, Austria, Slovenia, Finland, United Kingdom and Croatia) offer specialised emergency services. The remaining 15 Member States do not provide such services.

24-hour helplines: the helpline provides women with counselling, crisis intervention, online safety planning and referral to relevant agencies, and providing advice on appropriate support agencies to family and friends. 17 Member States have national women's helplines that provide assistance at least in the area of DV (Denmark, Estonia, Ireland, Greece, Spain, France, Italy, Cyprus, Latvia, Luxembourg, Hungary, Austria, Slovenia, Slovakia, Finland, Sweden, United Kingdom).

Women crisis centres: women shelters or refuges are tailored to the specific immediate and long-term needs of women escaping violence and their children, offering safety and support and advice to assist them in rebuilding their lives. Only three Member States do not have specialised women' shelters (Latvia, Lithuania, Hungary).

Information: guides on available support and official information on the Internet regarding violence against women.

All 28 Member States provide public information on support services for women.

Special police units supporting victims: Specialised police units/task forces provide emergency or crisis safety support to protect women, thus having protection as their primary role. 16 Member States report having special police units/staff (Belgium, Czech Republic, Denmark, Germany, Ireland, Spain, France, Italy, Cyprus, Malta, Austria, Portugal, Slovenia, Finland, Sweden, United Kingdom).

Legal advice for victims: provision of free or affordable legal advice accessible to women survivors of DV that includes applying for an injunction or a civil protection order, filing for divorce, resolving issues related to child custody or contact with children, and legal advice on immigration or residence rights. In the majority of Member States, it was indicated that legal services are provided for free or are partially free (free in Belgium, Denmark, Greece, Spain, France, Italy, Cyprus, Latvia, Luxembourg, Hungary, Malta, Austria, Romania, Finland, Croatia; partially free in Bulgaria, Czech Republic, Estonia, Ireland, Latvia, Poland, Portugal, Slovenia, Slovakia, Sweden, United Kingdom).

Support/courses for women to re-enter the labour market: labour programmes specifically aimed to help women victims of DV to enter or re-enter the labour market, to empower women to rebuild their lives and to support them in gaining independence. 7 Member States (Greece, Spain, France, Italy, Latvia, Austria and Croatia) have specific labour programmes to help women enter or re-enter the labour market.

Health protocols for the victims: National health protocols to provide standards for screening, referral, intervention, documentation and evaluation of professional responses to victims of DV. 12 Member States (Belgium, Czech Republic, Ireland, Spain, Cyprus, Latvia, Netherlands, Austria, Slovakia, Finland, United Kingdom and Croatia) have national health protocols.

Coordination of the public support system: the coordination of the public support system takes place at national, regional and local level. All 28 Member States have some national coordination of the public support system including a National Action Plan, national strategy or other measures.

Special support services for vulnerable groups: specialised support services that provide tailor-made support for groups of women who have special needs as they face multiple discrimination.

Six Member States provide services for migrant women (Germany, Spain, Austria, Finland, Sweden, United Kingdom), four Member States for women from a minority (Spain, Finland, Sweden, United Kingdom), and in six Member States, special services for refugee women are available (Germany, Spain, Austria, Finland, Sweden, United Kingdom). Specific services for LBT women are provided in 6 Member States (Germany, Spain, Austria, Sweden, United Kingdom and Croatia). Information on services for disabled women is available from 7 Member States (Germany, Spain, Austria, Slovenia, Sweden, United Kingdom and Croatia).

# Cross cultural comparison report

## Introduction

Objective of WS1 of the Sunia Geel 2 Project is to have a clear understanding of what has already been carried out in each partner country to prevent DV and offer support to those who are at risk or victims of DV. On the basis of a common template, each partner has developed a country report (see annexes), which has constituted the model to develop the analysis. This section aims at pointing out the main similarities as well as significant differences (if any) arising from the comparison of the data contained in the country report.

## Content of the model

It is divided into 4 separate levels of information. This separation was based on a review of the European scientific literature. A description of the issues included in each level is provided in the following sector.

### I. General information

This section provides a set of statistical information on the target groups of the research, on the violence suffered, on the services offered to the victims and on the involvement of the media in this area. Particularly, aspects to be reported at this level include:

- target groups (TG) identified
- social status of TG
- the most prevalent age ranges in the TG
- the most prevalent gender in the TG
- main religious background in the TG
- level of education of the TG
- predominant types of DV experienced by the TG
- types of professionals involved in the field of DV
- kind of services provided to the victims and innovative practice
- media involvement in addressing DV

media role in raising the attention on the issue of DV **II. Bibliography**

This section contains a short selection of the most representative scientific publications issued by each partner country that have been used as a source for the draft of each country report.

### **III. Legislation into force**

This section highlights the changes, if any, or the maintenance of legislative situations, mainly referring to the information contained in the State of the Art Report of SUNIA GEEL project. This will give the opportunity to understand whether improvements have been made or not. More specifically, information is provided on:

- the legal status of DV in each country
- the definition of DV within the legal framework
- potential gaps, weakness as well as legal deficiencies
- the legal rights of the victims
- forms of punishment for perpetrators
- new elements introduced by the jurisprudence that could innovate the legislation
- legislation establishing or regulating DV centres

### **IV. Political level**

This part focuses on what happens at the political level, both in the public and civil society sector. Specifically, the topics covered are:

#### *Public sector (at State level)*

- relevance of the DV issues in the political debate
- action plans and policies
- particular strategies employed in the areas of prevention and protection
- the cost of DV in relation to material and immaterial values

#### *Third sector (at civil society level)*

- structures and services dealing with DV
- particular strategies employed in the areas of prevention and protection
- potential gaps, strengths and weaknesses of the actions and services provided
- joint initiatives between service providers and institutional actors

## Limitations

Before the cross-cultural analysis is presented, it is important to refer to particular limitations to take into consideration regarding this report. For the purposes of this report, partners reviewed data from specific sources which do not necessarily represent the whole country. The statistical data contained in the country reports did not cover the same period. In addition, the data were not always available in a homogeneous way for all the countries involved and the data were not always comparable from a qualitative point of view.

Therefore, the comparison is not carried out in a scientific-academic way. The aim was just to have a general overview about the common findings and differences pointed out in the country reports concerning the TGs of the project. Therefore, this review has the value of a pilot-research and requires an academic in-depth.

Finally, this section objective is to make an overall comparison between the specific situations of individual partner countries. For a more detailed analysis, please refer to the individual "Country literature review reports" attached as an annex.

## I. General information

The target groups addressed by SUNIA GEEL 2 project are: Muslim migrants, Sinti and Roma, Travellers. The first part of the country reports aimed at investigating about the social status of project's TGs in partner countries in order to fully understand why they can be considered as marginalized communities.

Four common features characterize the social status of all TGs:

**1. Family-centered.** The social network of the TGs consists mainly of the core family/family of origin, and contacts with people outside the family tend to be less frequent than with family members.

In traditional Islamic-oriented, migrant families (as in Sinti, Roma and Traveller families), women are responsible for the household, caring for and growing the children and for satisfying the needs of their husbands. Some men consider women as second-class beings with an obligation to obey, and their patriarchal view has not changed in the new country. Men feel often threatened by the possibility that their wives might adapt to the local social standards. Then, many women from the Islamic World and from ethnic minorities are faced with a societal conflict between a modern and traditional gender role, which they have to resolve. So, although DV is not a migrant-specific topic, many women with migrant (and Muslim) background and from ethnic minorities are confronted with more disadvantages women than domestic women.

Particularly about Sinti, Roma and Traveller people, the concept of (extended) family is central to the community: a person's identity is tied up with the extended family they belong to, and belonging to these communities also means you belong to an extended family. Many Romani women justify the violent acts of their husbands and DV is often perceived to be less important than problems faced by the family as a whole such as substandard housing, forced evictions or employment discrimination.

**2. Social and ethnic homogeneity.** As for Muslim migrants and Travellers, social relationships are mainly restricted to people with the same ethnic, social, economic and professional status.

As for Sinti and Roma people, we must keep in mind that they are characterized by the heterogeneity of 1) groups, 2) dialects and specific linguistic varieties, 3) cultures. About citizenship, they are divided in citizens of EU countries, non-EU citizens living in the EU, foreigners who were granted asylum or subsidiary protection and (*de facto*) stateless people.

But, although the Sinti and Roma society is very complex internally, also in the same city, it retains an internal homogeneity compared to the rest of society.

**3. Locality.** The TGs live in the same areas of the city and, to be in close proximity to family and friends, they are willing to accept disadvantages such as low-quality apartments or living in a stigmatized town area .

Because of the nomadic lifestyle of some Roma, Sinti and Traveller groups, generally extended families can live scattered in different geographical areas, but they come together in large groups on occasions like a wedding or a funeral. In fact, nomadism does not only refer to travelling from one place to another: it is a mind-set, a way of looking at the world and interacting with it. So people have their roots in a geographical area, but the family identity will have priority over this.

**4. Social exclusion.** Many groups of Sinti, Roma and Travellers, experience a social exclusion and disadvantage due to complex and interrelated causes. The percentage of household members in paid employment is very low and most of them are self-employed. Instead, there are high percentages of children aged 7 to 15 who work outside, collecting objects for reselling or recycling, or begging on the street for money. Social exclusion is linked to the high levels of discrimination they experience because of their background.

The Sinti, Roma and Traveller communities, in general, also experience poor standards in health and accommodation (often living in severely overcrowded and poorly maintained spaces).

In general, the same thing can be said for migrants who face a situation of social exclusion because of their immigration status, the menial jobs they are often forced to do and because of a housing, health and culture discrimination.

Among Muslim migrants, women coming from rural areas grew up in a traditional way, totally intellectually unprepared and without any knowledge of city life, and they have problems with the different conditions related to living in a new country. the lack of qualifications and of previous urban experience left these uneducated women with hardly a chance on the tight labor market.

Migrant women and women from ethnic minorities often miss social network and language skills, have fewer resources than women from the majority and are in many cases financially dependent on their husbands.

### Statistical information

The following statistical data are pooled for each target group:

Muslim migrants (data based on the country reports of Austria, Germany and Italy);

Sinti and Roma (data based on the country reports of Romania and Italy);

Travellers (data based on the country reports of Ireland):

	<i>Muslim migrants</i>	<i>Sinti and Roma</i>	<i>Travellers</i>
Prevalent age range	18- 50 yrs.	0-50 yrs in Romania, 18/50 yrs in Italy	18- 50 yrs.
Prevalent gender	Female in Austria and Germany, as opposed to Italy where 69.5% are male.	Female	Female
Level of education	Muslim migrants living in Austria mainly have a low level of education. Contrarily, in Italy they have a medium-high level of education and in Germany all levels are represented	Low level of education (in Italy, 94.3% has 0-2 level ISCED) Particularly, Romani women report high drop-out rates (partly due in part to forced and early marriage).	Low level of education (primary level). Traveller educational status has been repeatedly recorded as considerably lower than that of their general peers
Predominant type of DV experienced by the TGs	Intimate partner violence	Intimate partner violence and child abuse (in Italy, elder abuse, too)	Intimate partner violence
Religious background	Muslim	Christians (Orthodox, Roman Catholics, Pentecostals and New Protestants), Muslim.	Christians (Roman Catholics)

The project partners have also provided a preliminary survey on the services offered to the victims of DV and on the involvement of the media on the subject.

All countries share similarities concerning the types of professionals involved in the field of DV. The following types of professionals are mainly reported by the countries:

- Social workers
- Psychologists
- Doctors
- Psychiatrists
- Lawyers
- Police personnel

If the professionals most involved in the field of DV look the same in the various partner's countries, different emphasis is given to the various work fields and to the social role these professionals play in the different countries:

- Security services (Court and Police Office) are most emphasized in Germany, Italy, Romania, Ireland.
- Helpline, mainly in Austria, Italy, Ireland.
- Health services seem to be of central importance in Austria, Italy, Ireland.
- Violence protection centres in Germany, Austria, Italy, Romania.
- Social services in Germany, Italy, Ireland.
- Women Services Centres in Germany and Italy.
- Romania underlines the importance of Child Protection centres and schools.
- The voluntary and nongovernmental organisations are central in Romania and Ireland.

Even if the majority of the acts of violence against men are committed in public and by other men, a new trend in DV is represented by male victims: a growing number of service providers argue that men have become victims of DV almost like women, but simply no-one reports this. And they also say that men are victims of social pressure, lack of support, high

competitiveness and a problematic puberty. Nevertheless, interventions on male victims are only recorded in Germany, Ireland and Austria.

Moreover, experience has shown that without a real therapy for perpetrators, DV will not end. Therapy for perpetrators is offered all over Germany by social welfare institutions and counseling centres. Listening and counselling services as well as therapy centres for men authors of violence, are available only in the North of Italy.

In Romania, the centres for abusers provide for rehabilitation and social re-integration, educational measures, counseling and family mediation, information and guidance.

Each partner country highlighted several weaknesses in the services provided.

For example, **Austria** complains that social services for victims often work as emergency services, first-help actions but rarely as full-service long-term assistance. **Romania** complains about the lack of correlated services addressed to the victims for their socio-professional integration. In fact, the mentality of preventing and combating DV is not enough developed. There are prejudices concerning this domain, and facts proving that the population is not enough informed about the rights of the victim and the punishments for the abusers. **Germany** has identified 4 gaps in the services provided:

- Low indication of the quality of services offered (no ranking, no real monitoring or nation-wide evaluation helping “consumers”/victims to ensure to get the best possible service).
- Language barriers and cultural biases in the work with minorities, immigrants and marginalized groups.
- Lack of access to services, protective shelters etc. in rural areas; lack of public transportation to reach services.
- Lack of inclusion of the social environment, in order to “cure” DV not only in a single case but within a community or ethnic cluster in a neighbourhood.

In **Italy**, there are still no crisis centres for women and social services are often mixed, consequently women victims and survivors of DV are accommodated together with people at “social risk”. The institutional interest in facing DV is still very low, so training programs are run sporadically by NGOs with low funding. Especially in rural areas there is a lack of training possibilities and there are often difficulties in organising interventions in crisis situations due to scarce awareness or sensitivity.

The partners survey also shows the need of native speaker counsellors with intercultural

competencies, a more specific knowledge about victim groups as elder and disabled people, and prevention measures for high-risk-groups.

For instance, victims of DV are often gay men and lesbian women living in larger families. Some of them suffer from sexual abuse, physical violence and punishment by the family for their orientation, religious and cultural prejudice etc.

As for the media, it seems to point out an important and effective involvement by both mass-media and social media in the fight against DV. The disclosure of information is carried out by national television campaigns (as in Romania), television series in documentary / fiction style (as in Italy), or specific television programmes (as in Austria). In Germany and Ireland the constant involvement of NGOs dealing with DV in national programmes needs to be highlighted.

Social media and ethnic newspapers seem to be a suitable tool to reach teachers, tutors, youth workers, migrant social workers, etc., informing them about the existing service providers for families facing DV.

But someone complains about the mis-perception of DV in the general public and the media. A major need is a clear analysis of DV linked to cultural-religious traditions in conservative families (both Christian and Muslim) where the role of women and children is described as subordinate to men, fathers and husbands. Moreover, media campaigns sometimes inform the mainstream public in a too general way. And some representatives of minority groups ignore DV due to cultural shame. Then, this situation can be further improved.

## II. Bibliography

The bibliographic references proposed by the partner's countries have allowed us to build a single bibliography which could work as a reference point on the DV. The following bibliography, which covers both the DV in general and about the individual target groups, was used as a common conceptual basis.

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### III. Legislation into force

In all partner countries there is a provision of law arrangements concerning DV and the particular phenomenon is considered as a criminal act, even if each partner country reports different law arrangements and a definition of DV. However, some similar trends can be highlighted.

The notion of “violence in domestic and familiar sphere” entered the **Italian law system** only in 2001: the reference is to law n. 154 of 4 April 2001 which, in its title, provides for “*Measures against violence in familiar relations*”. The problem is that the law didn’t create new specific penal circumstances: it simply enriched the ordinary trial instruments already at disposal of penal and civil judges, by adding to the Code of Criminal Procedure the personal precautionary measure of “Removal from family house” (art. 282-bis), and to the Civil Code the “Order of protection against family abuses” (art. 342-bis).

If a clear and univocal definition of DV doesn’t exist in the Italian Law System, both the concepts of violence and family appear several times in the national Penal system, with contents and extensions varying according to the context. As far as it concerns the Italian Criminal Code, the interpreter is forced to use rules and laws which did not comprehend all various forms in which this violence can appear. Anyway, it’s easy to translate physical violence in penal circumstances – Italian Criminal Code: beating (art. 581), personal injury (art. 582), private violence (art. 610), housebreaking (art. 614), abuses (art. 572) –, while economic and psychological violence is undoubtedly more difficult to face.

Similarly, in **Irish law** there is no criminal offence of ‘DV’ (Watson and Parsons, 2005: 31). However a number of civil and criminal pieces of legislation are available to women seeking official protection from intimate partner violence. The most widely used piece of legislation is the DV Act 1996 (amended in 2002).

Differently, DV is clearly defined in **German law** as violence between individuals living in one household. Thus DV not only defines violence in couples, between husband and wife, but violence towards children by their parents, violence between sisters and brothers and violence towards senior people in families. In Germany, the *Law on Discreditation violence in Education (2000)* defines a clear right for all victims (or individuals who are afraid of becoming a victim) of DV for official and guaranteed protection. Moreover, police in Germany is legally entitled to take preventive actions to help potential victims to be separated from potential perpetrators.

In **Austria**, on May 1, 1997, the Austrian Federal Act against DV came into force. In 1999, 2003 and 2004 several parts of the Act were changed and amended.

If the legislation against DV appears to be adequate, a specific problem arises, for immigrant

women. In fact, the majority of women who frequented, for example, the Domestic Abuse Intervention Centre in Vienna in the year 2009, came to Austria as a result of family reunion. Their residence title is that of a family member, which means that it is connected with the person who brought the family together (in most cases, the husband). The woman's residence title is therefore connected with the residence title of her husband for at least five years. This five-year dependence on the person who reunites with family must be seen critically, because it enforces women's dependency.

In **Romania** different laws punish DV (the first one was the Law no. 217/2003 on preventing and combating DV, recently amended by the law 25/2012). And for the Rumanian legal framework, DV is any intentional act or omission, (including threats of such acts) except for self-defence or defence actions, physically manifested or verbally committed by a family member against another member of the same family that causes or may cause injury or physical, mental, sexual, emotional or psychological, coercion or arbitrary deprivation of liberty. The Constitution of Romania itself prevents family violence against women affirming their fundamental rights and freedoms.

Clearly, the different kinds of legal provisions reflect the definition of DV adopted in the different countries: for instance, if in Germany psychological and economic violence is fully accepted as a form of DV, in Ireland as well as in Italy economic abuse is not defined as an abuse by the Law.

In all partner's country there are specific legal provisions concerning **the punishment of the perpetrator** (German Criminal Code, Article 238; stop 4th main part, articles 65-73; Federal Law on Protection from Violence in Families, Article 4; Act 3500, Article 11, 18, 19, 20, 22, 2006; The Court Services of Ireland, 2011; Law 217/2003 and Law 25/2012; Code of Criminal Procedure art. 282-bis) that guarantee the protection of the victims, the punishment of the perpetrator, etc. However, each partner country specified several deficiencies.

In **Austria** and **Germany**, the punishment for perpetrators is often seen as too mild, too low and too short, allowing them to get out of prison or to be included in therapy programs too early. And there is not a specific gendered definition of male perpetrators' DV against female victims. **Romania** underlines delays to issue protection orders not respecting the deadline set by the law).

In **Ireland**, under the DV Act 1996, unmarried cohabitants need to meet strict eligibility criteria as follows:

- to be eligible to apply for a Safety Order, a cohabitant must have lived with the other person for 6 out of the previous 12 months.
- to be eligible to apply for a Barring Order, a cohabitant must have lived with the other person for 6 out of the previous 9 months and have an equal or greater interest in the family home.

This means that many cohabitants and former cohabitants who cannot meet these criteria remain unprotected. Moreover, the Act does not offer any protection to parties with a child in common but not residing together. This is very worrying as where there is a child in common there is often a continued contact between the parents and, consequently, a higher opportunity to continue the abuse.

Finally, in **Italy**, there are not ready and effective guarantees in order to obtain the effective compliance to the provisions set by law.

As for the **legal rights of the victims**, they are acknowledged in Germany, Austria, Ireland and Romania (German Criminal Code, Article 238; stop 4th main part, articles 65-73; Federal Law on Protection from Violence in Families, Article 4; The Court Services of Ireland, 2011; Law nr. 217/2003) in the following way:

- immediate protection by the police;
- immediate access to shelter and social institutions;
- protection of children and family members;
- legal assistance;
- psychological treatment;
- emergency medical treatment.

In Italy, according to the Law no. 154 of April 4<sup>th</sup> 2001, the abuser (spouse, partner or other component of the family) is the one who has to leave home (even if he/she is the exclusive owner) and has to undergo a series of coercive measures, such as the requirement of not approaching the workplace, home, schools or other places habitually frequented by the abused person, as well as having to pay a periodic check in favour of the person who may be deprived of adequate subsistence means. The most innovative aspect is linked to the expansion of the usually limited meaning of the concept of violence, which here is enlarged to encompass the «serious injury to moral or physical integrity or to the freedom of the other spouse or domestic partner».

#### IV. Political level

##### *Public sector (at State level)*

Politics not only has a direct role in combating DV through legislative activity. Indeed it has also an educational function. The fight against DV supported by governmental policies is of crucial importance: it spreads the idea that DV is an enemy of social cohesion. It is then important to make DV fully enter into the political debate. The situation in the various partner countries is shown separately. Below you can find the most interesting policies of each country.

In **Germany**, there is a State Action Plan on violence against women - Governmental Coalition Agreement (2011-2016). It focuses on a unified federal and non-bureaucratic financing as well as a safeguarding for the shelter houses. The measures proposed include:

1. Introduction of a nationwide helpline “Violence against Women” with offering a first time advice and, if necessary, an introduction into the support system on the spot.
2. Inventory, survey and best estimates of the needs in view of the global structure of the protection and support system, regional supply networks and intervention procedures.
3. Installation of sub-working teams for conceptual developments in view of an adequate supply structure in rural areas.
4. Organisation of advanced education for professional specialists.

In **Italy**, the Convention of the Council of Europe on Preventing and Combating Violence against Women and DV was signed in September 2012. Among partner countries, Italy is the only one that has ratified the Convention and, as is known, the Convention will not enter into force if at least seven member states of the Council of Europe do not sign it. Then it is still not into force.

In November 2010 a National Plan against Gender Violence and Stalking was approved<sup>10</sup>. This National Plan aims at involving all stakeholders (both at local and national level) and it provides for specific interventions in the socio-cultural, health, economic, legislative and judiciary fields. It is not only a support and coordination tool for the implementation of homogeneous practices on the national territory but it also provides a framework for all the interested subjects both institutional and non-institutional.

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<sup>10</sup>[http://www.pariopportunita.gov.it/images/stories/documenti\\_vari/UserFiles/PrimoPiano/piano\\_nazionale\\_antiviole\\_nza.pdf](http://www.pariopportunita.gov.it/images/stories/documenti_vari/UserFiles/PrimoPiano/piano_nazionale_antiviole_nza.pdf)

In **Ireland**, a National Steering Committee on Violence against Women (composed by different kind of stakeholders) was established following a recommendation of the Task Force on Violence against Women. The latest also recommends to establish Regional Planning Committees in each of the eight former regional health boards to draw together the services available to women in each of these regions in order to consolidate an approach to the treatment of victims of violence. In June 2007 the National Office for the Prevention of Domestic, Sexual and Gender-based Violence (COSC) was established, with the key responsibility to ensure the delivery of a well co-ordinated "whole-of-Government" response to domestic, sexual and gender-based violence. The current primary function of Cosc (an Irish word that means "to stop" or "to prevent") is to drive the implementation of the first National Strategy on Domestic Sexual and Gender-based Violence 2010-2014.

**Austria** is the country with the lower presence of the DV issue in the current political debate. The presence of this topic appears to be growing but still marginal in the national political landscape.

In **Romania**, as a result of an increased interest on the matter, the Parliament, by its specialised department, promoted in 2012 a new Law (Law 25/2012) amending and completing the Law 217/ 2003 to prevent and fight against family DV. A set of prevention activities were organised in cities (few in rural areas) and a national Campaign on preventing DV took place in 2011. The results of this Campaign organised by the Ministry of Labour, Family, Social Protection and Seniors recognised a lot of gaps between the existing legislative framework and the results in terms of population awareness on the phenomenon, rights of the victims and prevention.

As for the **costs of DV** no data are available in Italy, Ireland and Romania, as the services to help victims of DV is included in other social assistance services, and is not treated separately.

There are some figures about Germany, but they are not fully linked to procedures related to acts of DV. Anyway, the German Association of Lawyers estimates costs linked to legal services for both victims and perpetrators of DV to as much as 8.5 million euro annually, based on 2008 figures.<sup>11</sup> Economic scientists estimate the full social and economic costs of DV in Germany to equal 135 million Euro annually as loss of gross-national-product.<sup>12</sup>

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11 Deutsche Anwaltskammer, Inquiry 24.4.2011.

12 Arbeitskreis Steuerschätzung: Bericht zur Entwicklung der nationalen Steuereinnahmen 2009, Berlin 2009.

Data are available for Austria only. Dr. Birgitt Haller and Dr. Evelyn Dawid made an evaluation on costs of DV in Austria from the year 2006: 78 million euros per year caused by DV of men against women and DV against children and young people. They also mention that they can only refer to available costs (police, justice, social welfare, health, work, social institutions).

### *Third sector (at society level)*

The third sector is vibrant and full of initiatives in partner countries, which have very diverse realities. The most interesting experiences are reported below (the activities carried out by the partner organisations are not mentioned).

In **Austria**, in addition to the central support for women victims of violence through the central support offers for concerned women, the services of the association Autonomous Austrian Women Shelter (AÖF) are also available. It was established in 1988 to improve the cooperation and the exchange of professional know-how. It is the body legally responsible for women helpline against male violence that offers free bi-lingual counselling to the majority of migrants. The AÖF is also engaged in public relations against DV, does prevention work against violence and is member of the WAVE, Women Against Violence in Europe, a European network against DV (Haller, 2010).

With regard to cooperation with the State, there are private institutions entrusted and financed by public authorities which are basically accessible for female and male victims of violence. Since 1999 the Domestic Abuse Intervention Centre Vienna has worked together with the Men's Counselling Vienna in the framework of the Training Program for Men to help exit from violent behaviours inside partnerships. The Vienna Training is financially supported by the federal ministry for home affairs. The programme follows an integrative approach, which connects three elements: 1) the perpetrator-training through the Men's Counselling; 2) the support-program of the Intervention Centre for the partner as well as the 3) cooperation of both institutions and networking with other institutions of the intervention system (as, for example, the Office for Youth and Family). Training takes place in group settings, which are led by a gender-mixed team. Depending on the single case, the participants can be obliged to the trainings, or they can freely attend the trainings.

A wide range of services is also available at the regional level working in synergy with other local initiatives. Generally, it is difficult to make the third sector committed the development of projects dealing with the DV issue due to poor financial resources.

**Germany** has a dense network of both state and non-governmental institutions dealing with

DV. In 75% of all cases, fully trained professional social workers offer social services for victims. Due to the high-risk level when working with victims of DV, volunteer activities of less qualified workers are limited to public awareness campaign and education. Recently, new “points of intervention” have been established (Women Intervention office, Men Intervention Office, Crisis and Emergency Service) and a special cooperation agreement was reached by the individual institutions and counseling offices participating in the STOP process. These local branches collaborate with state institutions such as health services, police, courts, school and educational system, labor unions, municipal administration, immigration offices and law enforcement offices.

In **Romania**, the situation is very similar to Germany, but in rural areas the services do not have qualified professional background. Moreover, the collaboration between the state and the third sector is increasing.

About 200 Antiviolence Centres exist in **Italy**, half of these centres are being run by women’s associations and many of these have shelter houses<sup>13</sup>. These Antiviolence Centres are supported by a series of helplines dealing with emergencies in the field of DV and violence against women and children. 1522 is the helpline sponsored by the Department for Equal Opportunities, which offers a multi-lingual service, active 24h/24 and 365 days a year for the victims of all forms of violence. It works as a technical and operational to support the National Antiviolence Network.

The National Antiviolence Network is designed first to incorporate and spread nationwide anti-violence measures carried out locally by the networks, by ensuring the necessary connections between the central government authorities in the judicial, social, health, safety and public fields. The “nodes” of the National Antiviolence Network are the “*Ambiti Territoriali di Rete*”: territorial areas, municipalities, provinces or regions, with which the Department for Equal Opportunities signed a Memorandum with the aim of promoting the establishment and strengthening of local networks. Each *Memorandum of Understanding* formally established a “Town Network” against violence on women and children, which is signed among public institutions (Regions, Provinces, Municipalities, Police, Health Care Institutions) schools, regional and provincial education offices, law enforcement, court and prison administration and NGOs operating in the field of protection of women victims of violence.

“*Ambiti Territoriali di Rete*” started preparing regional laws to support Antiviolence centres, by offering facilities to the associations, creating agreements for the management of centres and,

<sup>13</sup> The full list is available at [http://www.solideadonne.org/mappa\\_servizi/centri-antiviolenza-italia.php](http://www.solideadonne.org/mappa_servizi/centri-antiviolenza-italia.php)

under some circumstances, sharing objectives and common work strategies.

Lots of initiatives are also carried out at the Regional level but, in general, the institutional interest in facing DV still appears very low, so training programs are sporadically run by NGOs with low funding. Especially in rural areas there is a lack of training possibilities, and there are often difficulties in organising interventions in crisis situations due to scarce awareness or sensitivity.

In **Ireland** there is a big range of NGOs, like Women's Aid or Safe Ireland (a national network of 41 organisations), and a considerable level of cooperation between voluntary agencies and some state agencies. Most voluntary agencies are primarily funded by a range of State agencies. The Health Service Executive, the Family Resource Agency, and various Government Departments fund these services. However, recent budgetary difficulties may create difficulties in funding, keeping it always at the same level. There is a developing cooperation between COSC and Voluntary agencies.

However, across all partner countries there is a general problem of information and data sharing between the public sector and the third sector.

## Service User Needs Assessment Analysis Report

General objective of this section is to determine the needs of social care service users (victims of DV from marginalized groups) across the 5 participating countries. The needs were identified through a “needs analysis survey”. For this activity to be realized a rather comprehensive questionnaire was developed, including a significant number of variables/issues, and used as a needs assessment tool in each partner country.

### Description of the Questionnaire

The Questionnaire is divided into *three thematic units*.

1. **Unit I**-General Information about the User
2. **Unit II**- Regarding Services Centre
3. **Unit III**-About the user

### Methodology

We suggested that an intercultural mediator supervises the completion of the questionnaire, as the target group may have difficulties filling out the form. To conduct a structured interview was possible, too (choosing to contact each respondent and complete the questionnaire with her). This may enable higher response rate, as well as ensure that questions will be answered and clarified during completion.

The Questionnaire contains closed questions, so as to facilitate the process of analysis. There are specific options offered for every answer. The answers are either the typical “Yes or No” or Likert scale, ranging from 1 to 5. More specifically there are the following options:

- (1) Strongly disagree
- (2) Tend to disagree
- (3) Neither agree nor disagree
- (4) Tend to agree
- (5) Strongly Agree

Each participant reads the question and rates his/her answer according to his/her opinion. Likert scale types of questions are effective in terms of getting precise and consistent answers, which could be easily understood, completed and analyzed. Moreover Likert types of questions allow for a better understanding of a person’s attitude about an issue, offering all elements of this attitude, i.e., affective (a persons feelings), cognitive (a persons beliefs or knowledge), behavioral (a persons inclination to act towards a given situation). Likert questions

are offered in a positive manner.

Moreover there are questions with fixed and predetermined answers that need to be “circled” and in which more than one option is available. Also there is the option of “other, please specify” where a respondent could write the answer in case the given options do not offer one. Moreover it is noted that there are questions in which more than one option could be picked.

## The Questionnaire

### Part 1 General Information

**Age:**

**Gender:** *Please circle the one that you think is more appropriate*

Male

Female

Transgender

**Sexual orientation:** *Please circle the one that you think is more appropriate*

men

women

both

I don't want to answer

**Marital Status:** *Please circle the one that you think is more appropriate*

single

cohabite

engaged

married

divorced

widow

**Current Status:** *Please circle the one that you think is more appropriate*

- employed
- unemployed
- student
- housewife / househusband
- other..... (specify)

**Part 2**  
**Regarding services centre**

**Professionals that you meet frequently: *Please circle the one that you think is more appropriate***

- Case-worker
- Educator
- Psychologist
- Sociologist
- Volunteer
- Other..... (specify)

***Below is a series of statements concerning (social) services provided for you. After considering each statement, please choose the number that best fits with your views.***

- (1) Strongly disagree
- (2) Tend to disagree
- (3) Neither agree nor disagree
- (4) Tend to agree
- (5) Strongly Agree

**You felt welcome:**

- 1      2      3      4      5

**You felt protected:**

1    2    3    4    5

**The Centre offers many services (counselling, reception, training)**

1    2    3    4    5

**You have received appropriate support to change your situation:**

1    2    3    4    5

**You have found new reference points (work, information, services...) to change your life**

1    2    3    4    5

**You feel better in your life after working with the service**

1    2    3    4    5

**You feel optimistic for your future**

1    2    3    4    5

**You are able to manage your life in a better way**

1    2    3    4    5

**Your cultural, religious, moral values were respected in the Centre**

1    2    3    4    5

**You have received all information that you need**

1    2    3    4    5

**Opening times and location make the service accessible and easy to reach**

1    2    3    4    5

**Help was timely**

1    2    3    4    5

**Your privacy was respected**

1 2 3 4 5

**The staff members were professional**

1 2 3 4 5

**Individual counseling service was offered to you**

Yes No

**Group counseling services was offered to you**

Yes No

**You attend the service: *Please circle the one that you think is more appropriate***

Once in a week

Twice in a week

Fortnightly

Once in a month

**Duration of every meeting:**

.....

**How long have you been attending this centre? *Please circle the one that you think is more appropriate***

Under a week

Under a month

From 1 to 3 month

From 3 to 6 month

From 6 month to 1 year

More than 1 year

More than 2 years

**The Centre gives psychological support to couple or family mediation?**

Yes No

**In the centre and in the services...**

*Please circle the one that you think is more appropriate*

There are only men

Majority men

Equal numbers of men and women

Majority women

All women

**Have you attended a separated programme (for non nationals, gypsy, ethnic minority, sexual minority)?**

Yes No

**Do you need professional people that speak other languages apart from the language of the country of residence?**

Yes No

**Do you need a mediator from your culture?**

Yes No

**How have you become acquainted with this service? You can choose different answers or none**

Brochure or leaflet

Fellow national

Internet (website)

Internet blog or forum

Through word of mouth

Police

Radio

Television

Court

**To contact the centre, do you have to overcome obstacles? You can choose different answer or none**

Cultural difference  
Religious difference  
Personal physical and/or psychological disability  
Lack of knowledge about available services  
Lack of confidence in services  
Lack of support by friend and relatives  
Fear of expulsion from the Country  
Fear of reprisal against you or your relatives  
Community pressure and fear of dishonor  
Linguistic problems  
Shame or embarrassment

**Have you encountered difficulties in the Centre? You can choose different answers or none**

Too many formal rules  
Lack of knowledge about my culture  
Lack of my language interpreter  
Lack of psychologist of my culture  
Incorrect operator competence  
Sense of loneliness and lack of help

**Have you asked for help from other services / professionals / institutions?**

Yes No

**Yes: You can choose different answer or none**

Women's Association  
Anti-violence Centre  
Leaders of my community  
Media  
Police  
Witness Protection Programmeme  
Education school or institution  
Service centre for foreigners

Services for young people

Services for family

Health Services

Court

### Part 3 Regarding you

**What kind of this concept put you in a violent situation? You can choose multiple answer or none**

Cultural habits of my social group

Breach of alcohol and / or drug

Different method to educate children

Social Isolation

My personal story of life

My poor capacity to communicate emotions

My poor capacity to recognise my emotions

Stereotypes on men and women

Poverty and economic pressure

Separation or divorce

Stress or social pressure

**Have you suffered or inflicted some of this treatment? You can choose different answer or none**

Punch

Burn

Defamation

Evidence of economic dependence

Engagement/married with people you haven't chosen

Obligation of wearing, walking, using cosmetic and jewels...

Education obligation or prohibition

Social Isolation

Threat

Infringement of privacy (letter, phone call, mail...)

Pinch

Abuse

Food deprivation

Sleep deprivation

Reclusion at home

Continuous reproach

Slap

Not desired sex

Humiliation

## Feedback from questionnaire administration

### GERMANY

In Germany, questionnaires were distributed to various groups of migrant women. A first group was made up of members of the Turkish Women's Literature Circle at Kneippweg library, a community library in the suburb of Stuttgart. Many of them have DV experience or have heard about DV cases within their local communities. They all filled in the questionnaires without any problems. While completing the questionnaire, several women asked how to define violence and - more precisely - DV.

A woman said that every evening her husband required her to fully report about her activities during the day. Where did she go? Who did she meet? Who did she talk to? How much money did she spend? What for? Did she talk to other mothers when she picked up her children from school? etc. The woman explained that she does not see these questions as a form of control, DV or psychological pressure. She said that in her culture this was normal and that the questions asked by her husband were totally acceptable for her. It was her husband's right to ask her since he also had to take care for her and earn money for the family.

Other participants saw this point of view as critical. There was a very lively discussion on the role of culture with regards to violence. Can violence be defined within the context of a cultural background and how do different cultures deal with it? This discussion was not controversial in an emotional sense, but demanding from an analytic point of view, taking into account scientific studies of the role, function and definition of violence in different cultural settings. The women of the literature circle agreed that they were fully aware of the fact that, in German law culture, DV was a crime and that everyone in Germany, regardless of their cultural or social background, must accept these rules and regulations. Thus the discussion about culture and violence came to a quick end since all participants accepted the legal boundaries and definitions applicable to all of them.

The other questionnaires were distributed in "Mama lernt Deutsche" (mama learns German) courses. These courses are mostly attended by migrant women. Their educational achievements are sometimes lower due to the fact that some of them never had the chance to go to school after primary education in their countries of origin. Here tutors had to invest more time to explain the questions and had to translate some of the questions into Turkish or other migrant languages in order to tick the correct box or fill in the remarks made by each woman.

Other questionnaires were given to social workers directly working with women in social service centers. All these women have experienced DV in their families, many of them were victims

themselves. Participants offering fighting training were involved as well. These groups of women focused more on the questions asking for feedback on individual needs for service provision and counseling.

Before the questionnaire was handed out to the women, members of the SuniaGeel 2 team, tutors or social workers, briefly explained why the women were kindly asked to complete the questionnaire. They received basic information about the aims of the project Sunia Geel 2. They got a short introduction on European social programmes and a perspective on materials which will eventually be developed based on the input they gave through the questionnaires. All women were informed that these questionnaires give them a unique chance to share their personal thoughts and experience with others in the framework of the Sunia Geel 2 project and that their input will make a difference and might help other women, children and families to prevent cases of DV in their communities. This information resulted in a "good feeling" about the questionnaire and motivated participants to complete all questions.

## **IRELAND**

In Ireland, the questionnaires were divided among the family support teams and 60 service users were reached in the Exchange House frontline service (working directly with women who have experienced DV). The experience of administering the questionnaires in Ireland was positive. Some questions concerning the types of violence were difficult to ask, however as clients had the option not to answer if they didn't want to, this obstacle was overcome.

## **AUSTRIA**

In Austria questionnaires were distributed to various groups of migrant women by a counseling staff. They did a kind of guided interview with the questionnaire with each woman, as some questions were not clear to them or they were irritated. Especially there were problems with the questions in part 3 (if DV is a matter of cultural behaviour). The group of women said that this item reproduces stereotypes about cultural behaviour.

## **ITALY**

60 questionnaires were administered to Muslim women migrated in Italy (territory of Sicily, Lazio and Lombardy). Several public and private subjects (working with women victims of DV) were contacted. The majority of questionnaires was administered by phone (38), only 1 by internet (Skype), the others in the presence. At the beginning, it was not simple to get the confidence of women victims of a so delicate and intimate matter. First step was to explain the SUNIA GEEL 2 project. Second step was to translate in Arabic some words of the

questionnaire to allow their perfect comprehension. Later the questionnaire was administered. During these sections, there was embarrassment to answer to some questions, especially about the violence suffered.

## **ROMANIA**

No particular issues arises during the administration of the questionnaire in Romania.

## Needs Assessment Analysis

The Needs Assessment Analysis revealed a wealth of information concerning the needs of social services users in 5 partner countries (Ireland, Romania, Italy, Austria and Germany). This analysis is obviously provisional and has only an approximate validity. A deeper, scientific analysis will can validate this outcome.

## General Information about the Users

This analysis examines 300 social care service users that completed the “Sunia Geel 2 questionnaire”, 60 from each partner country. All the participants were women.

As presented below, the participants are Muslim women migrated in Italy (the range of nationality covers several countries of origin), Austria and Germany, Roma women in Romania, mainly Travellers in Ireland. The average age of the women service users results between 32 and 37 years old. It seems that the DV occurs mainly between adults and lesser between young or more mature people, and probably during the first serious sentimental engagement.

Country	Average Age	Ethnic Identity
Ireland	33,3	35 Traveller/ 2 White/ 23 Irish Travellers
Romania	34,8	60 Roma
Italy	36,2	25 Tunis/ 12 Maroc/ 5 Algerie/ 4 Egypt/ 4 Bangladesh/ 3 Mauritious/ 2 Palestine/ 2 Lybic/ 1 Pakistan/ 1 Giordania/ 1 Eritrea
Austria	32,8	7 Serbia/ 33 Turkey/ 12 Bosnia Herzegowina/ 7 Egypt/ 1 Russia
Germany	34,9	60 Turkey

The below data about the marital status show that victims of DV are often married or divorced. The single status is a risk factor only in Ireland, and cohabiting is a risk only in Romania and in Germany. The widow status is an irrelevant risk everywhere.

<b>Marital Status</b>						
<b>Country</b>	<b>Single</b>	<b>Cohabiting</b>	<b>Engaged</b>	<b>Married</b>	<b>Divorced</b>	<b>Widow</b>
Ireland	15	4	2	12	14	2
Romania	2	27	0	30	1	0
Italy	6	7	2	19	26	0
Austria	9	0	1	43	7	0
Germany	7	18	14	21	0	0

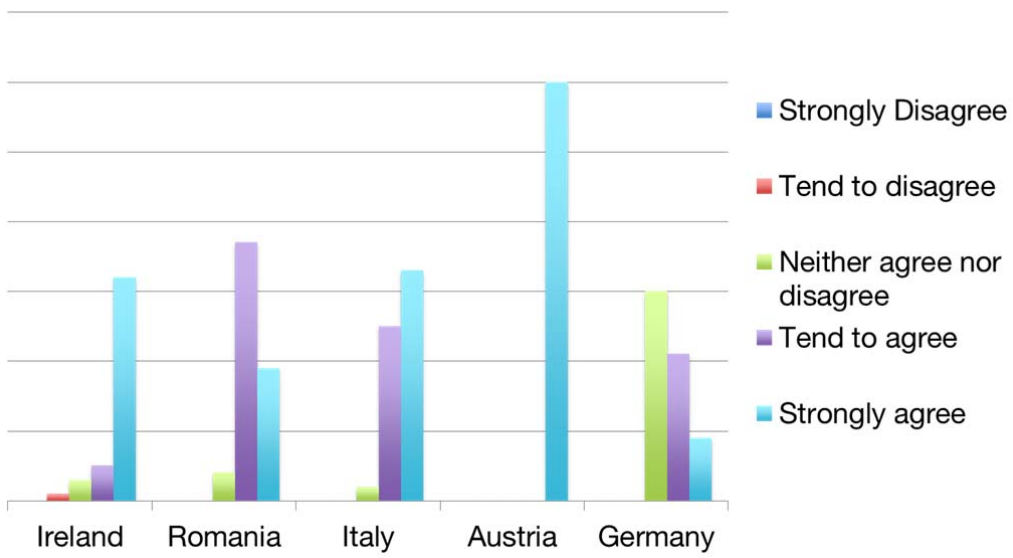
The question about sexual orientation shows that heterosexuality is a risk factor, more than female homosexuality. Anyway, homosexuality and bisexuality do not appear represented in Italy, Romania and Austria, and clearly under the social census percentage, probably because of socio-cultural restraints.

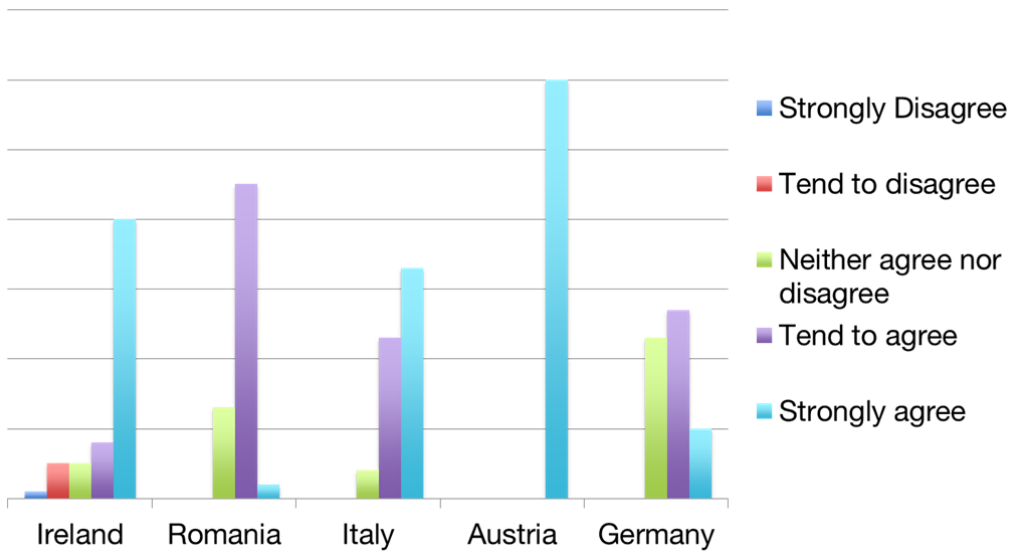
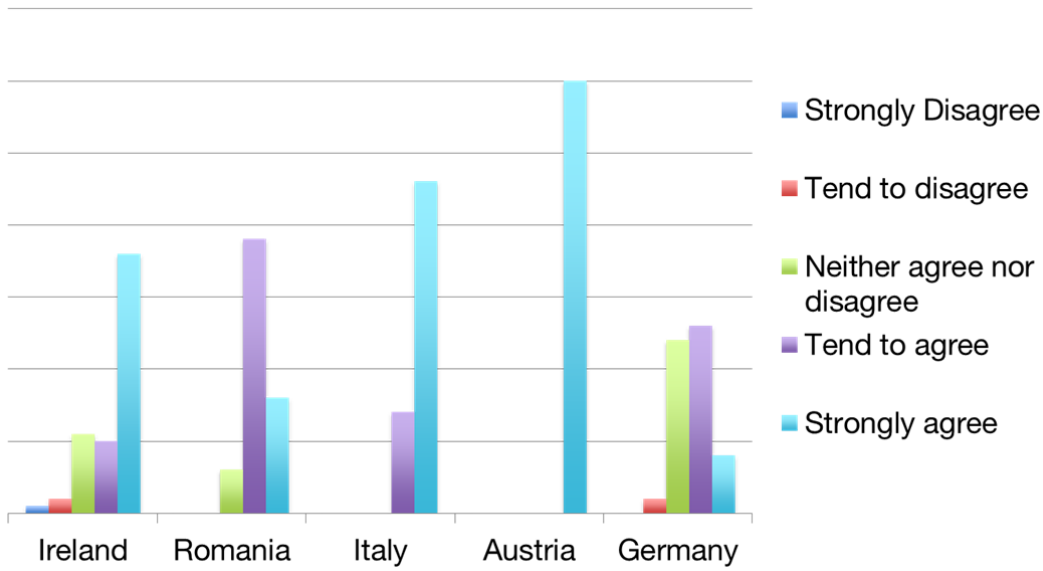
<b>Sexual orientation</b>				
<b>Country</b>	<b>Men</b>	<b>Women</b>	<b>Both</b>	<b>No answer</b>
Ireland	55	2	1	2
Romania	60	0	0	0
Italy	60	0	0	0
Austria	60	0	0	0
Germany	52	5	3	0

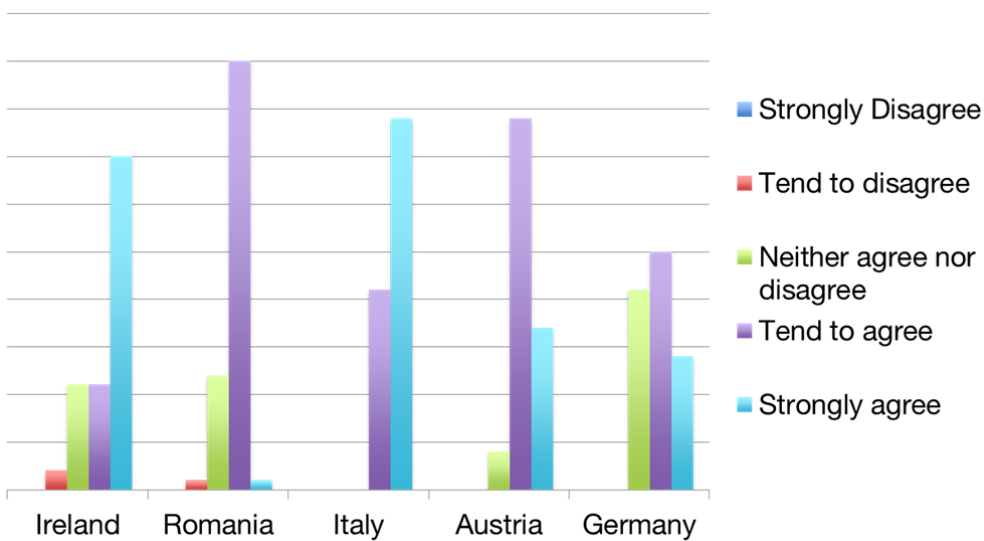
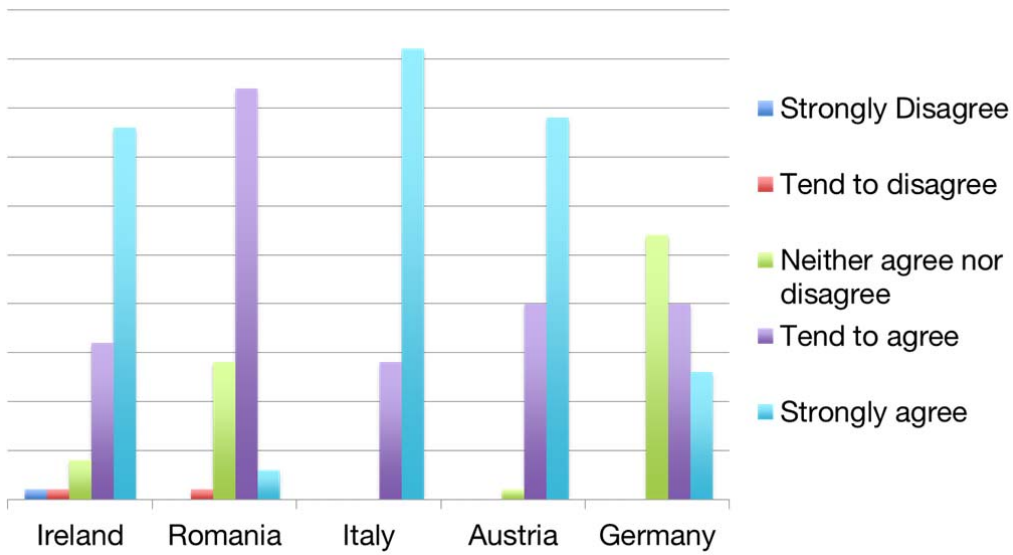
The answer to the question about current status shows, as presumable, that to be unemployed and/or housewife is a very important risk factor. The percentage of employed women is 11, 6% of the total victimized women (28 /240) in Ireland, Romania, Italy and Germany. The other women victims of DV have not a regular economic income. So, a job emerges as a safety factor from DV and maybe it is very important in post-traumatic rehabilitation: it is worthy of note that 4 Italian women gave much importance to their job, and were proud to specify that they are workers in a factory and interpreter.

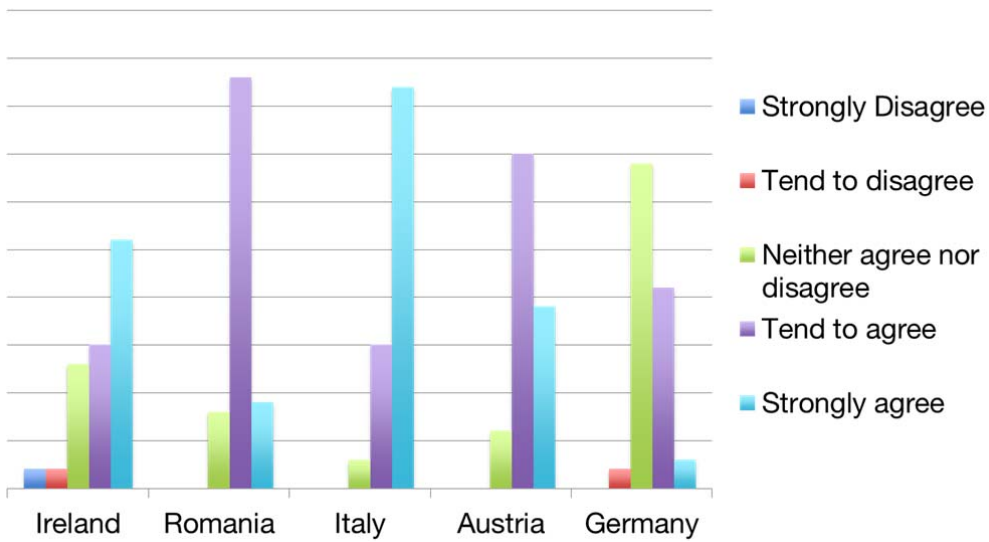
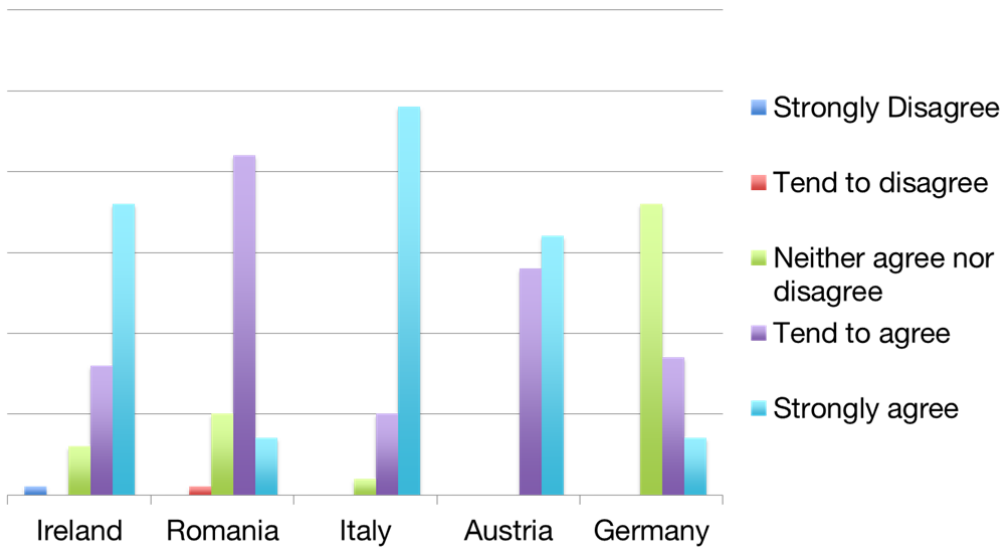
<b>Current Status</b>					
<b>Country</b>	<b>Employed</b>	<b>Unemployed</b>	<b>Student</b>	<b>Housewife</b>	<b>Other</b>
Ireland	8	30	4	18	1 trainee

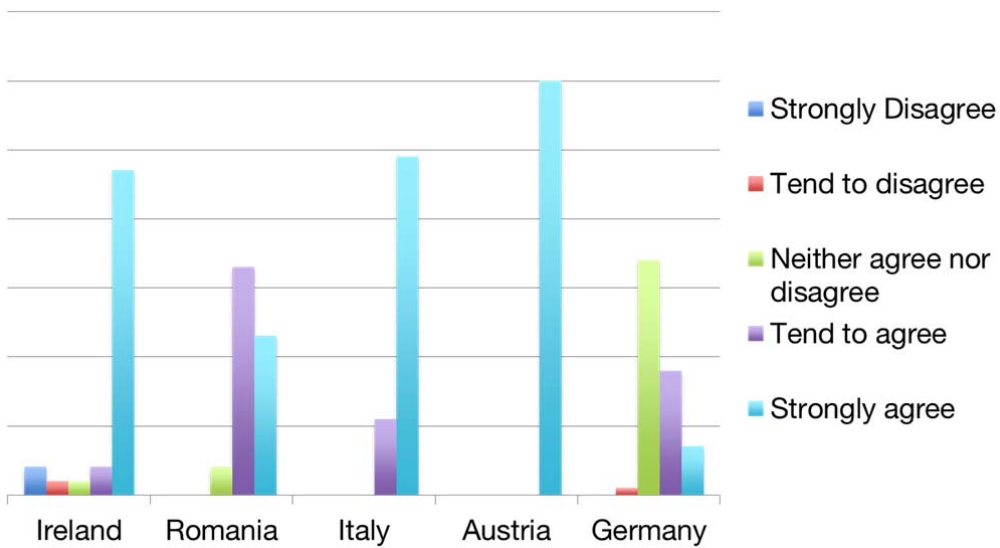
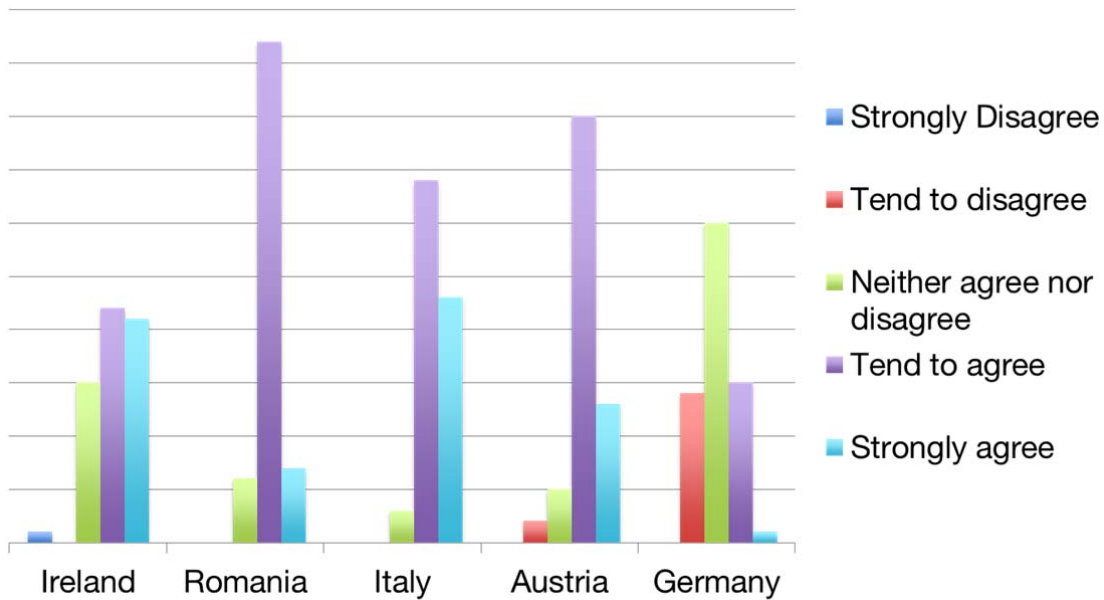
<b>Romania</b>	2	0	0	53	5 Law 416/2001
<b>Italy</b>	8	20	2	26	3 workers 1 interpreter
<b>Austria</b>	42	13	1	4	
<b>Germany</b>	10	29	7	13	1 sex worker

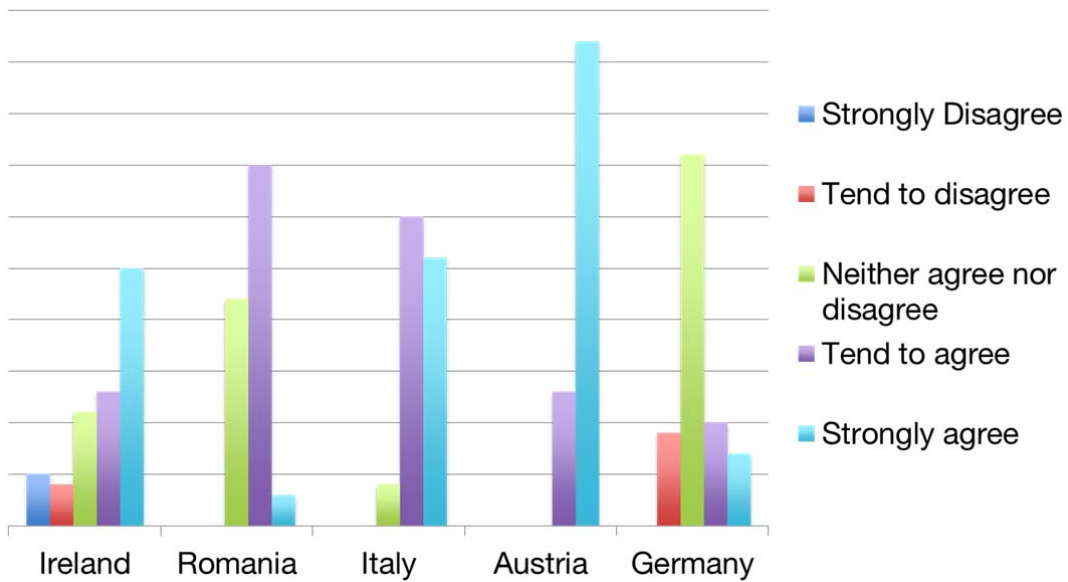
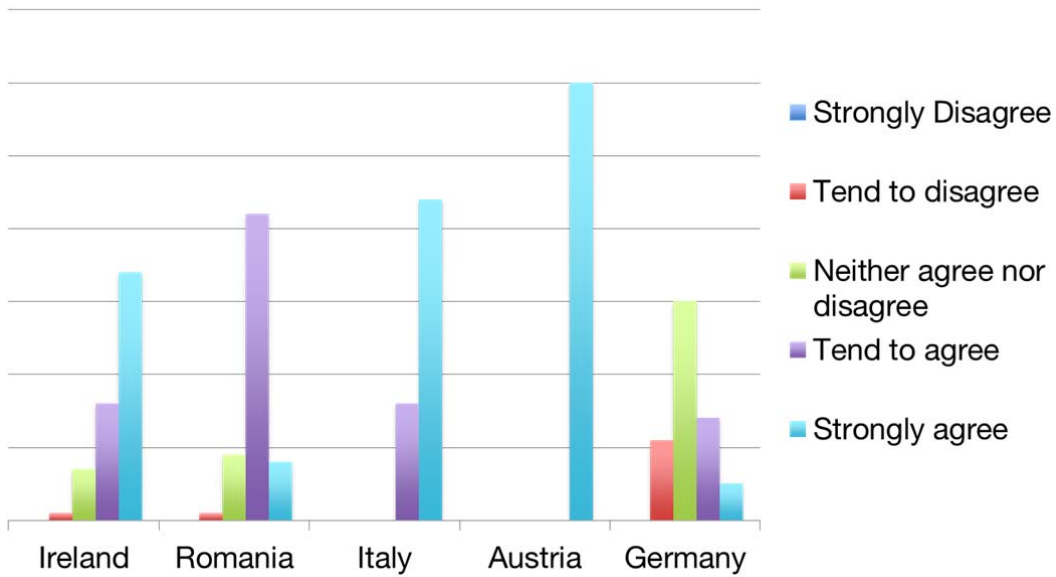


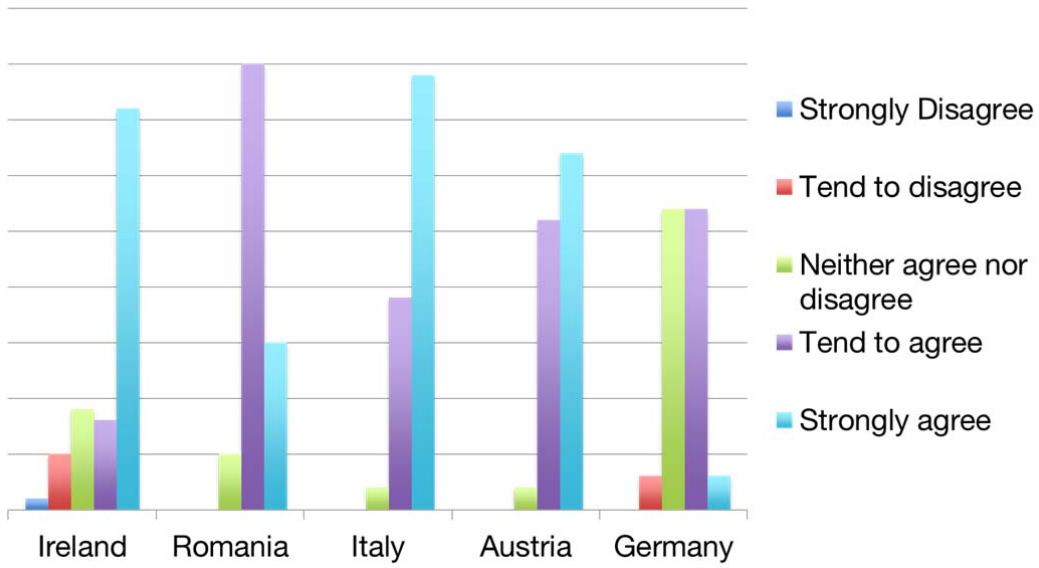






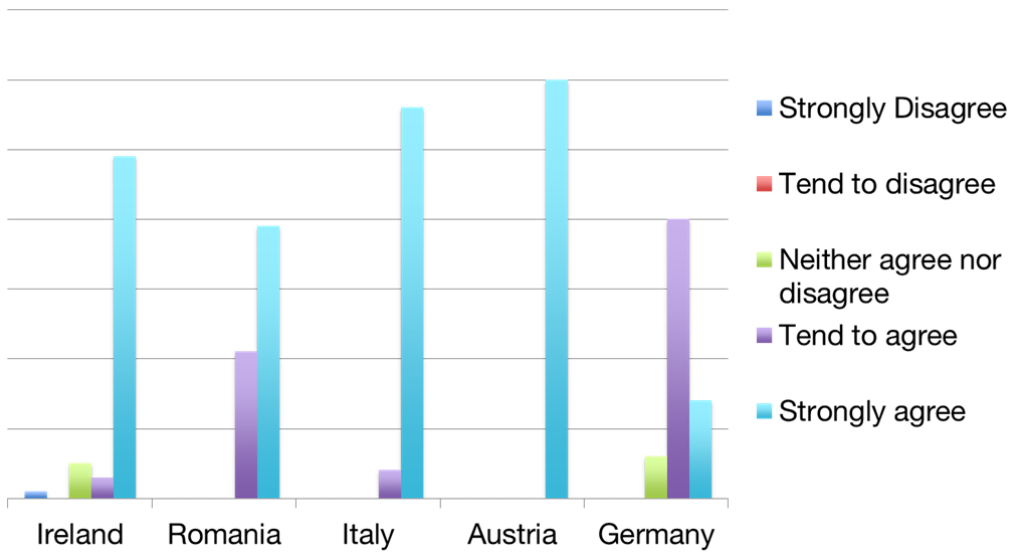
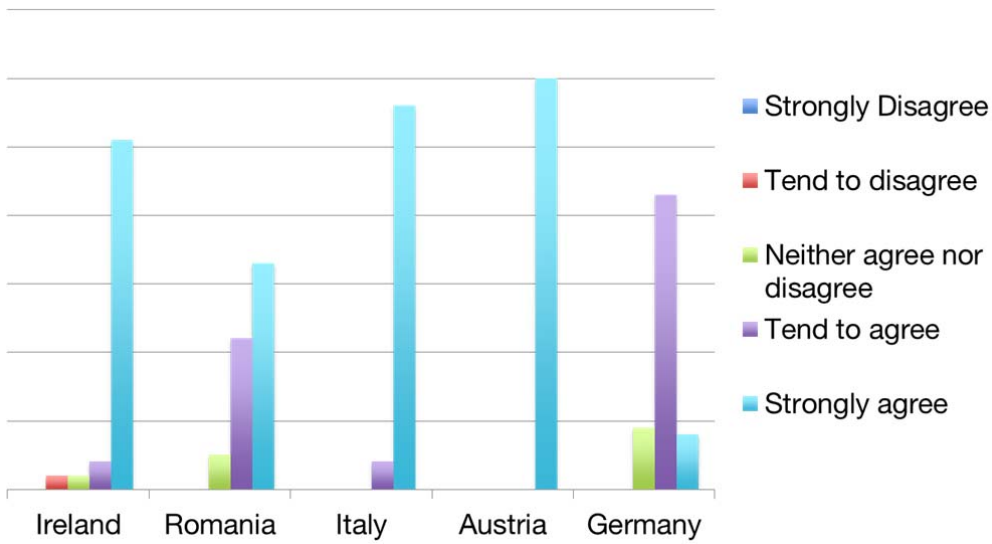






About professionals that women frequently meet in the social care centre, social workers are the best-represented category, followed by psychologists/counsellors, as presumable. Ireland seems to offer a wider range of opportunities than other countries. It is worth to note the lack of educators in Ireland, Romania and Italy. May this important role be underestimated? Surely not in Austria and Germany!

<b>Professionals that you meet frequently</b>					
	<b>Ireland</b>	<b>Romania</b>	<b>Italy</b>	<b>Austria</b>	<b>Germany</b>
Case worker	14	0	0	1	5
Social worker	32	57	33	44	35
Educator	2	0	2	36	13
Psychologist/ Counsellor	17	3	22	0	8
Sociologist	1	0	0	0	9
Volunteer	1	0	3	0	1
Other	12 family support 1 primary healthcare 1 solicitor/ refugees	0	0	0	2 Doctor



The item about services used shows that individual counselling is provided almost everywhere. Group counselling is provided to somewhat a third of the users. Family mediation is offered to everyone in Romania and Austria and, in most cases, in Ireland and Italy. Separated programmes are considered to be more than a third of the users (travellers, romand Muslim migrants).

<b>Services used or needed (positive answers)</b>					
	<b>Ireland</b>	<b>Romania</b>	<b>Italy</b>	<b>Austria</b>	<b>Germany</b>
Individual counselling	56	60	60	60	54
Group counselling	32	9	21	0	21
Family Mediator	45	60	37	60	11
Separated Programme	21	36	40	28	12
Linguistic mediation need	0	0	39	0	24
Cultural Mediation need	3	0	41	0	17
Other services asked	49	4	54	28	10

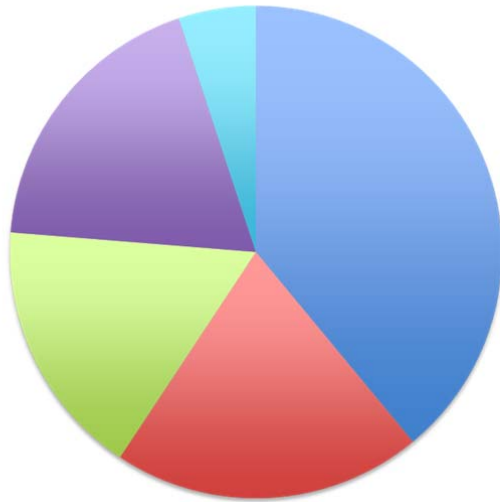
About additional needs, linguistic and cultural mediation appear important only in Italy and in Germany. Maybe, because travellers and Roma population are resident and use national languages but Italy's and Germany's target group is represented by migrants, and there is a lack of linguistic competences (especially for female migrants). Austria has also a Muslim migrant target, but their answers are on countertrend.

Except for Romania and Germany, the majority of users asked for help from other services. Most useful services were women associations in Italy, police and court in Ireland, services for family in Austria. Services used everywhere are anti-violence centres and health services.

<b>Other services asked for help</b>					
	Ireland	Romania	Italy	Austria	Germany
Women's Association	6		36		9
Anti-violence Centre	17	1	1	3	3
Leaders of my community	5	3	7		2
Media	4				1
Police	37		3	3	1
Witness Protection Programmeme					
Education school or institution	13		2		1
Service centre for foreigners			6	3	
Services for young people	12		3		
Services for family	22		27	19	
Health Services	34	1	16	1	
Court	30		1	2	

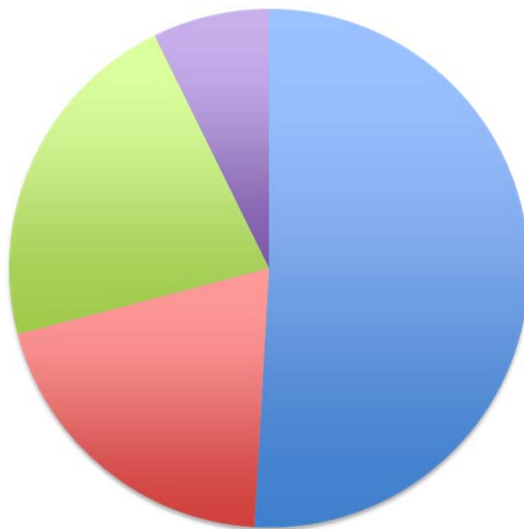


## Ireland



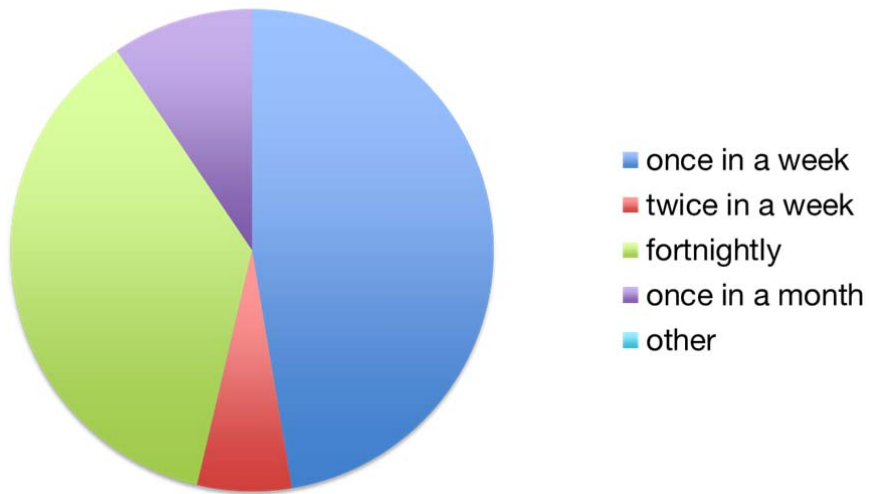
- once in a week
- twice in a week
- fortnightly
- once in a month
- other

## Italy

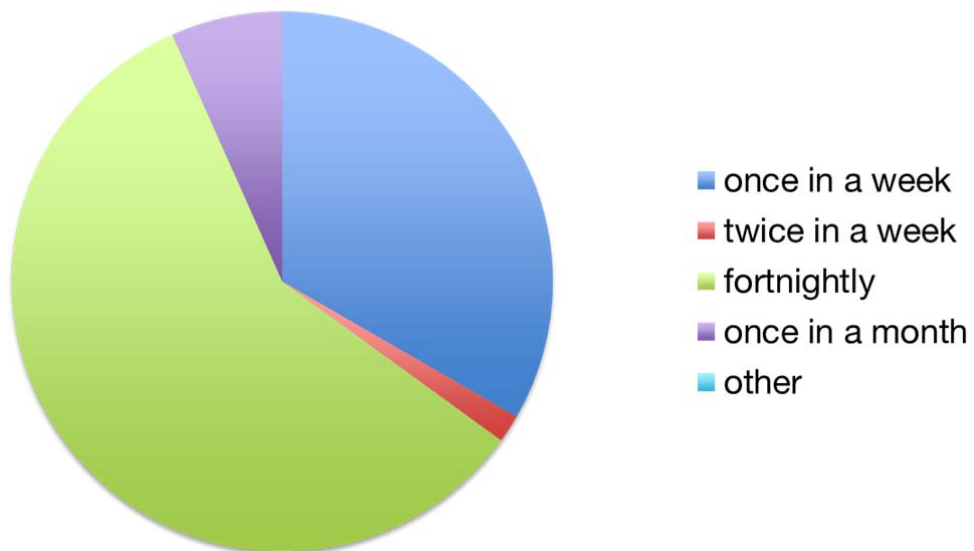


- once in a week
- twice in a week
- fortnightly
- once in a month
- other

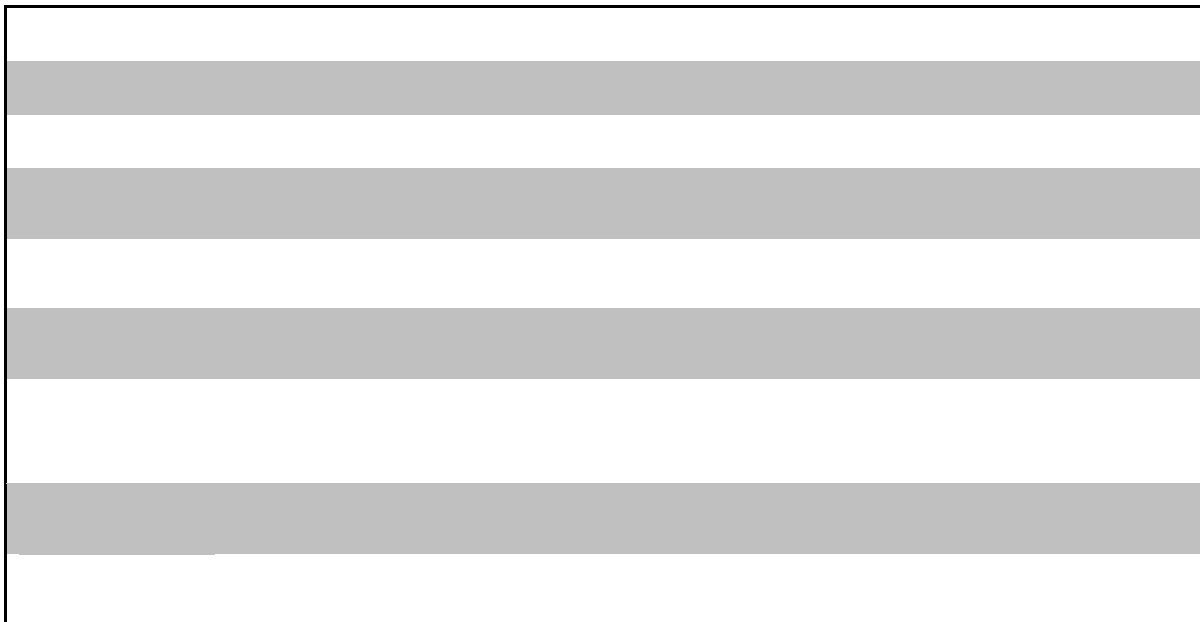
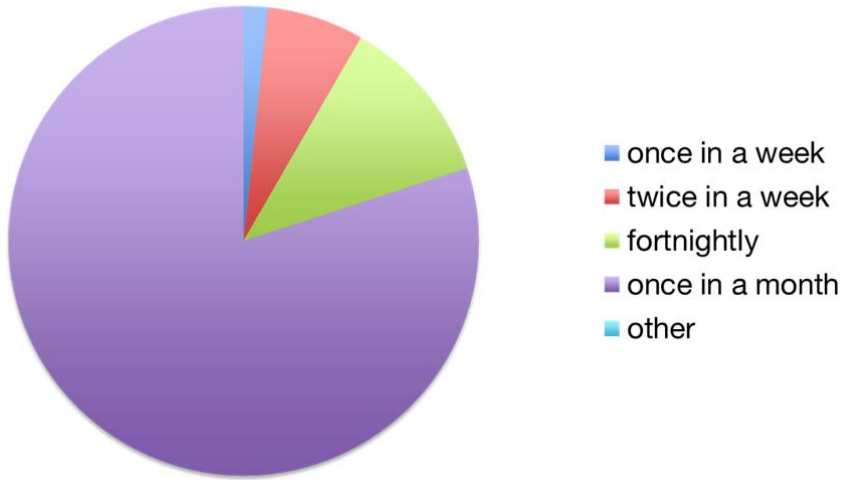
## Germany



## Austria



## Romania





We do not know the real gender composition of the centres' staff, but surely the users' **perception** is about a predominant female space, except for Ireland, where the male presence seems to be relevant.

<b>Service providers' gender</b>					
	Ireland	Romania	Italy	Austria	Germany
Only men	0	0	0	0	0
Majority men	3	0	0	0	0
Equal number	35	0	17	0	9
Majority women	17	60	25	60	6
Only women	4	0	18	0	45

About the routes of acquaintance of the services, the most useful is the “word of mouth”, followed by “fellow national” and “brochure and leaflet”. Informal channels seem to be preferred to the official ones. It is worth to note that internet failed its expected relevance everywhere and that the leaflet is a useful channel especially in Austria.

<b>How have you become acquainted with the service?</b>					
	Ireland	Romania	Italy	Austria	Germany
Brochure or leaflet	6	21	6	60	25
Fellow national	12	2	27	30	19
Internet	1	0	0	0	6
Court	5	0	2	0	1
Word of mouth	36	34	25	57	18
Police	4	2	4	0	7
Other	4 referral				

To contact the centre, users had to overcome obstacles. Our survey shows that these are personal, individual, interior obstacles, or they are social, relationship-wise ones, inside the belonging group identity. There are no obstacles between these women and the services providers or the national society in Ireland, Romania and Italy.

Cultural and religious obstacles, physical disabilities (that obviously affects the social relationship), the fear of expulsion and linguistic problems proved to be irrelevant. The only significant social obstacle is the lack of confidence in services!

Otherwise, personal obstacles (such as lack of knowledge about available services, or personal shame or embarrassment) or those related to the social group they belong to (such as lack of support by friends and relatives, fear or reprisal) are very important. It is worthy of note that the community pressure is a problem only in Italy, inside the Muslim migrant communities.

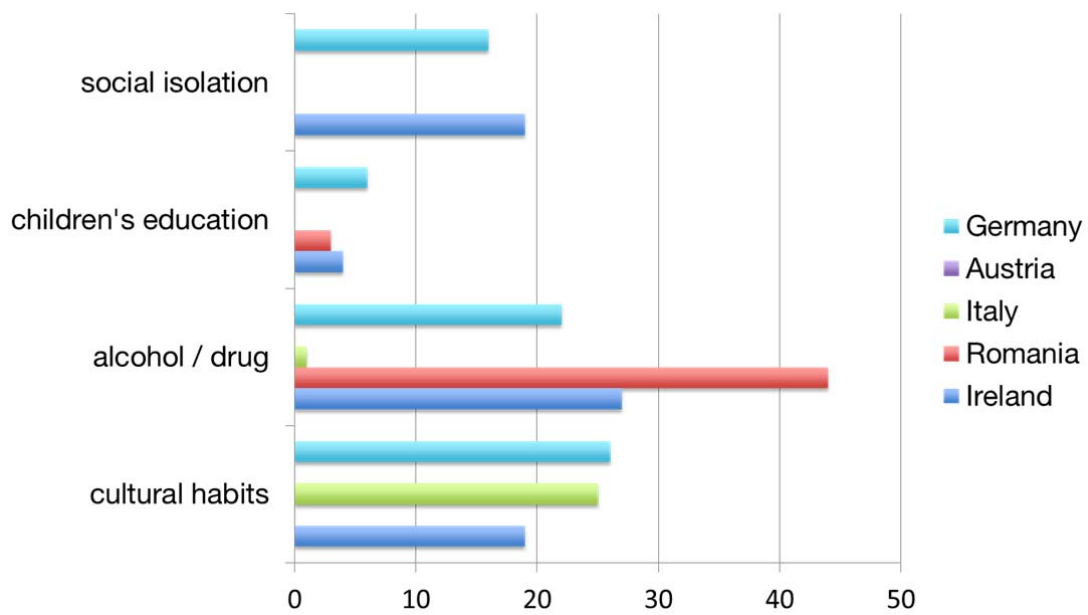
The situation is exactly the opposite in Germany and women in Austria preferred not to answer.

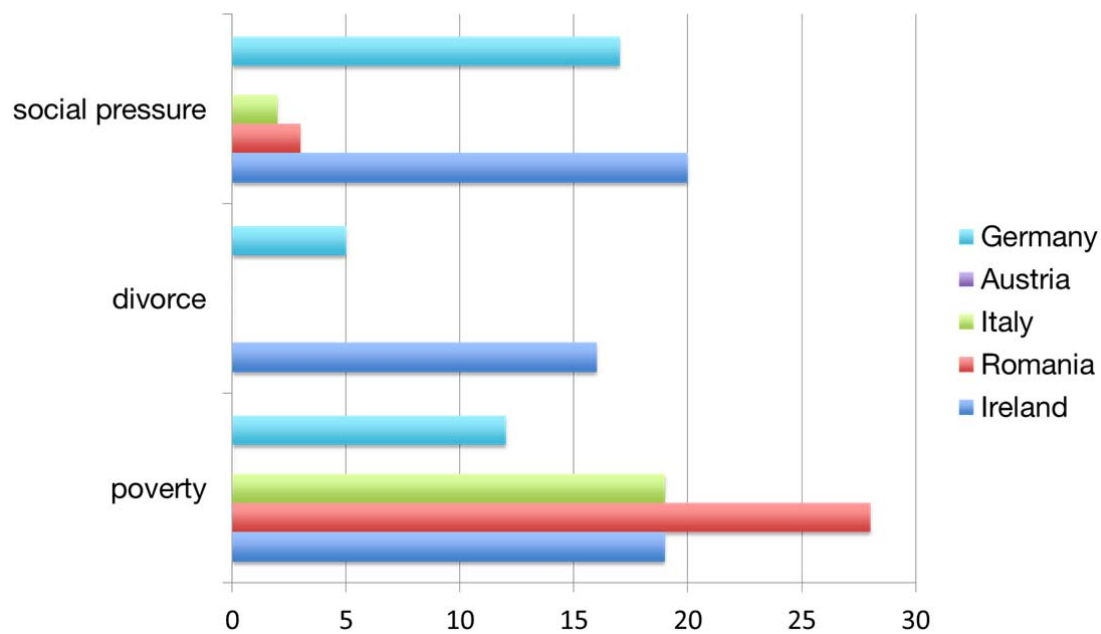
<b>To contact the centre, did you have to overcome obstacles?</b>					
	Ireland	Romania	Italy	Austria	Germany
Cultural differences	2	0	8	0	28
Religious differences	1	0	4	0	12
Personal disability	7	0	0	0	5
Lack of knowledge	7	8	2	0	43
Lack of confidence	10	11	3	0	6
Lack of support	9	1	10	0	8
Fear of reprisal	1	1	21	0	6
Linguistic problems	5	0	7	0	11
Shame or embarrassment	15	31	34	0	7
Fear of expulsion	0	0	1	0	5
Fear of dishonour	0	0	4	0	5

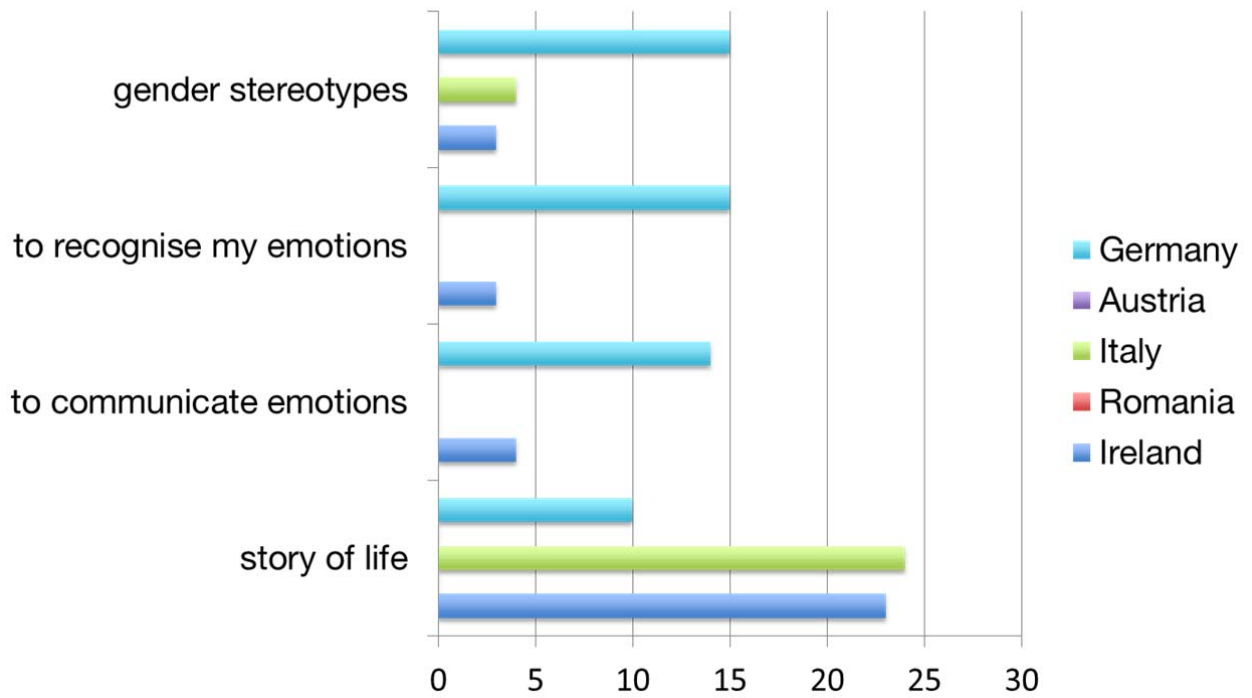
In the service centres, users had to face some difficulties. The most important is the individual sense of loneliness and the lack of help in Romania (it contradicts the positive evaluation of the service providers that we saw above). In Italy, non italian-speakers migrants need interpreters for their language and they desire a psychologist for their culture (an ethno-psychologist). Other items are fundamentally ignored.

In Germany, difficulties inside the services are related to formal rules and to intercultural attitudes. Austrian women preferred not to answer.

<b>Have you encountered difficulties in the centre?</b>					
	Ireland	Romania	Italy	Austria	Germany
Too many formal rules	2	3	3	0	14
Lack of knowledge about my culture	4	0	2	0	18
Lack of my language interpreter	0	0	18	0	4
Lack of psychologist of my culture	0	0	4	0	4
Incorrect operator competence	0	0	0	0	6
Sense of loneliness and lack of help	2	24	0	0	8







The items about the suffered or inflicted kind of violence gave different answers. Romania's answers are very much focused on punches, threats, reproaches and slaps. Those of Italy are focused on punches, unchosen engagements (remember that arranged wedding is popular in a lot of migrant cultures), obligation of wearing (some Muslim cultures have a strict dress code for women), humiliations, threats, reproaches and slaps. As usual, Ireland's and Germany's answers are more diversified and cover all items. Quite all Austrian answers are focused on punches, defamation and economic dependence.

<b>Suffered or inflicted treatment</b>					
	Ireland	Romania	Italy	Austria	Germany
Punch	41	28	32	14	27
Burn	14	0	1	0	2
Defamation	22	0	2	19	17
Economic dependence	19	0	0	22	24
Unchoosing engagement	10	0	13	3	10
Obligation of wearing	1	1	10	0	3
Privacy	13	0	2	0	11
Pinch	20	1	0	0	6
Abuse	39	0	3	0	16
Food deprivation	6	0	0	0	1
Sleep deprivation	20	0	2	0	2
Reclusion	14	0	7	0	3
Not desidered sex	22	0	6	0	12
Humiliation	28	0	48	7	16
Education prohibition	4	0	2	0	4
Social isolation	31	0	4	0	16
Threath	49	34	22	0	25
Reproach	9	23	23	0	10
Slap	33	47	23	0	1

To sum up, the comparison between all the 5 partner countries shows that the most used forms of violence are:

Type of violence	Answers in decreasing order
<b>Punches</b>	142
<b>Slaps</b>	104
<b>Pinchs</b>	27
<b>Sleep deprivation</b>	24
<b>Burn</b>	17
<b>Food deprivation</b>	7
<b>Abuse</b>	58
<b>Not desired sex</b>	40
<b>Threat</b>	122
<b>Humiliation</b>	99
<b>Continuous reproach</b>	65
<b>Evidence of economic dependence</b>	65
<b>Defamation</b>	60
<b>Social isolation</b>	51
<b>Engagement/married with unchosen people</b>	36
<b>Infringement of privacy</b>	26
<b>Reclusion at home</b>	24
<b>Obligation of wearing, jewels, etc.</b>	15
<b>Education obligation or prohibition</b>	10

## Conclusions

The Need Assessment Analysis revealed a wealth of information concerning the needs of 300 social service users in 5 partner countries (Ireland, Romania, Italy, Austria and Germany). As already said before, this analysis is obviously provisional and has only an approximate validity but some outcomes seem very interesting.

### About Service's Users:

- The average age of the women service users ranges between 32 and 37 years old. It seems that DV occurs mainly between adults and less between young or more mature people, and probably during the first serious sentimental engagement.
- Victims of DV are often married or divorced. The single status is a risk factor only in Ireland, and cohabiting is a risk only in Romania and in Germany. The widow status is an irrelevant risk everywhere.
- Eterosexuality is a risk factor, clearly more than female homosexuality. Often, the sexual orientation of DV victims is not declared in some partner countries, probably because of socio-cultural restraints, and it appears under the social census percentage.
- Being unemployed and/or housewife is a very important risk factor. The majority of women victims of DV has not a regular economic income. So, a job emerges as a safety factor from DV and maybe it is very important in post-traumatic rehabilitation.

### About Organisation and Quality of Services (users' perception):

- Professionals that women more frequently meet in the social care centres are: social workers, and psychologists/counsellors. The role of educators is underestimated in some countries.
- More or less, many services are offered in each country, but in some countries they are considerably more numerous than in others.
- Sevice users are usually satisfied with comfort and well-being in social care centres.

- Service users usually feel protected in all partner countries.
- Service users are usually satisfied with the global support received to change their situation.
- Service users usually think they have found new reference points (work, information, services...) to change their life.
- They generally feel a sense of improvement in their life after working with these services.
- They generally feel optimistic about their future.
- They think to be able to manage their life in a better way after working with the services, but it appears that the goal of empowerment (and the service users' satisfaction) can be surely improved.
- Cultural, religious and moral values of service users are generally well respected.
- The information given by the centers is considered complete by the users.
- Opening times and locations of the services are considered comfortable.
- The intervention of the services is considered timely and prompts.
- The staff members are considered very professional.
- Users' privacy is respected.
- About services offered, individual counselling is provided almost everywhere, group counselling is provided to somewhat a third of the users, family mediation is offered in most cases, separated programmes are considered to be more than a third of the users (that are travellers, roma and muslim migrants).
- No additional needs are evident and linguistic and cultural mediation appear important only for service users in Italy and Germany.
- The majority of users asked other services for help. There are local differences among the partner countries but services used everywhere are anti-violence centres and health services.
- The service attendance is very regular and, on average, users attend the centre once a week in Ireland, Germany and Italy; mainly fortnightly in Austria and once in a month in Romania.
- Services usually offer a long-term charge of these women (from 1 month to more than 1 year) in Ireland, Romania and Italy; in Austria and Germany the assistance lasts from 1 to 6 months, mainly.

- About the gender composition of the centres' staff, the users' perceptionis of a predominant female space, except for Ireland, where the male presence seems relevant.
- About the routes of acquaintance of the services, the most useful is the “word of mouth”, followed by “fellow national” and “brochure and leaflet”. Informal channels seem preferred to official ones. It is worthy of note that internet failed its expected relevance everywhere.
- To contact the centre, users had to overcome personal, interior obstacles, or social, relationship-wise ones, inside the group identity they belong to.
- There are no obstacles between the users and the services providers or the national society of the partner countries (except for Germany).
- Cultural and religious obstacles, physical disabilities, the fear of expulsion and linguistic problems proved to be irrelevant.
- Inside the service centre, the most important difficulties are the individual sense of loneliness and the lack of help in Romania; in Italy, non-Italian speaker migrants need interpreters for their language and desire a psychologist for their culture. In Germany, difficulties inside the services are related to formal rules and intercultural attitudes. Other items are fundamentally ignored. Austrian women preferred not to answer.

#### About DV:

- The service users' perceptions of the kind of concept that put them in a violent situation are very different. Social isolation is perceived as a risk factor only in Ireland and Germany. Alcohol and drug abuse of the perpetrator is a very important problem especially in Romania, Ireland and Germany. Cultural habit of the social group is perceived as a bigger problem than social isolation or alcohol abuse in Germany and Italy. Difference in Children's education methods is not a matter producing important quarrels and that can cause DV everywhere, especially in Italy and in Austria.
- Poverty and economic pressure are recognised as a very important risk factor everywhere (especially in Romania). Unexpectedly, separation and divorce are considered a risk factor only in Ireland. And in Ireland and Germany, stress and social pressure appear heavier than in the other 2 countries. Austrian women did not answer.
- Romanian and Austrian women had ignored all items concerning the importance of gender stereotypes, of their poor personal capacity to recognise and communicate

emotions, and their personal life experience. The last one, otherwise, is important in Italy and Ireland.

- The items about the suffered kinds of violence gave different answers. Romania's answers are very much focused on punches, threats, reproaches and slaps. Those of Italy are concentrated in punches, unchosen engagements, obligation to wear clothes, walking, using cosmetic and jewels, etc., humiliation, threats, reproaches and slaps. Quite all Austrian answers are concentrated about punches, defamation and economic dependence. Ireland's and Germany's answers are more differentiated and cover all items.
- The comparison between all the 5 partner countries shows that the most used forms of physical violence are: punches, slaps, pinches and sleep deprivation.
- The comparison between all the 5 partner countries shows that the most used forms of psychological violence are: threats, humiliation, continuous reproaches, evidence of economic dependence, defamation and social exclusion.
- The comparison between all the 5 partner countries shows a presence of sexual violence: (direct) abuse and (indirect) imposition of unwanted sex.

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## Annexes

### COUNTRY SPECIFIC LITERATURE REVIEW – Ireland - EXCH

Objective of WS1: To have a clear understanding of what has already been carried out in each partner country to prevent DV and offer support to those are at risk or victims of DV. Target Groups: Sinti and Roma, Muslim migrants and travellers according to partners' country context.

#### I. General information<sup>14</sup>

In this section, you will find some questions duplicated for each TG. If the question is not referring to the TG you will work with, please just select the option "TG not relevant"

**Please, select the TG/TGs you will work with**

- Sinti and Roma
- Muslim migrants
- **Travellers**

***Please, give a definition of the TG/TGs you will work with and describe its/their situation in your country***

*The aim of this question is having an overview about the social status of the TG/TGs you will work with in order to fully understand why it/they can be considered marginalised community.*

#### Traveller Demographics

The Traveller community are a minority ethnic nomadic group indigenous to Ireland. The history of where Travellers come from is lost to the strands of time. It is taken as fact that the Traveller community is Irish and is indigenous to Ireland. Their story and history is intertwined in the history of this island.

Within the Traveller community which is 0.53% of the total population; 4,997 are aged between 15 and 25 years which is 0.1% of the total population.

However, Traveller organisations believe the number of Travellers is higher. The recent Our Geels: All Ireland Traveller Health Study (2010) counted 40,129 Travellers on the island of Ireland, 36,224 of these in the Republic, a total of 0.86% of the national population.

Traveller population demographics mirror Third World statistics; 63% of the community are under the age of 25 and only 3% are over the age of 65, this compares to 33% and 13%

<sup>14</sup> In bold, the selected option.

respectively in the general population in Ireland. Traveller men, on average, die 15 years younger than settled men and Traveller women, on average, die 11 years younger than settled women in Ireland. (Our Geels: All Ireland Traveller Health Survey 2010)

### Importance of Family

The Traveller community means the community of people who are commonly called Travellers and who are identified both by themselves and others as people with a shared history, culture and traditions, including historically a nomadic way of life on the island of Ireland'. (The Equal Status Act 2002)

One cannot become a member of the Traveller community; one has to be born into the community. Belonging to the Traveller community also means you belong to an extended family. The concept of family/extended family is central to the community. A person's identity is tied up with the extended family they belong to. A person's family name will tell you a great deal about the person and the family they belong to.

Family ties and kinship are important especially at occasions of celebration, weddings, christening and holy communions and at times of serious illness and death.

On these occasions extended families come together in large groups. It is very normal to have five hundred people attending a wedding or a funeral. It is important to attend major family events especially funerals; a large funeral is considered a mark of respect to the deceased and their family.

Generally extended families have roots in different geographical areas around Ireland. Traditionally people returned to their home ground for burial. Today some people still follow this practice while others choose to be buried in the area where their families are now living.

### Nomadism

The Traveller community is considered a nomadic group. Nomadism does not only refer to travelling from one place to another; a person may stay in one area for a life time and still be considered nomadic. It is a mind-set, a way of looking at the world and interacting with it. Being nomadic is more than travelling. People have roots in geographical areas, but the family identity will take precedence over this. A Travellers person's sense of belonging is connected to the family first and the geographical area second.

### Employment

There is a strong emphasis on work within the Traveller community. Men and women both contribute income to the family either working in mainstream employment or self-employment. Income is generated by the family and people would prefer to work from home.

"Research into the economic activities of Traveller culture identifies an emphasis on income

generation rather than wage employment. However with increasing regulation and enforcement in work areas associated with Travellers (e.g. recycling, waste disposal, horse trading) opportunities for self-employment have become more difficult to find.” State of the Art Report: Exchange House 2011

#### Living Accommodation

The Traveller community, in general, experience poor standards in accommodation and health. Inadequate accommodation and access to health services are major issues affecting the Traveller community. 28% of Traveller families are without official places to live, and are currently living on roadsides or in unofficial halting sites.

“Many have to endure living in intolerable conditions with approximately one third having to live without access to the basic facilities of sanitation, water and electricity” (Irish Traveller Movement, 2010)

Many living on official halting sites are living in severely overcrowded and poorly maintained spaces.

#### Social Context

Friendships, family, contacts to neighbours or at work – social networks fulfil functions which according to Pierre Bourdieu can be called “social capital”. This means all material performances and resources "which are based on the affiliation with a certain group". This is valid particularly for people who are an ethnic minority.

The significance of social capital, however, consists of its convertibility into economical or cultural capital. Contact with the right people promotes the professional career, facilitates the acquisition of common, distinctive behaviour patterns within certain groups. Emotional support in the shape of affection and acceptance, as well as the possibility of communication help psychological stability; integration in the circle of family, friends and acquaintances convey a feeling of being home. The latter aspect is of great importance particularly for Travellers because they can rarely develop a sense of belonging through cultural similarities or geographic loyalty.

#### Social networks

##### Social and ethnic homogeneity

Besides family-centeredness, social and ethnic homogeneity are further common features of the social networks of Travellers. Their network relationships are basically limited to contact with people of the same socio-economic status, professional qualification, and same ethnic origin. While working people are mainly in contact to other working people, the friends of unemployed people are usually unemployed themselves.

#### Experiences with discrimination and prejudice

“Prejudices are a bundle of negative personal notions of a social group. Because of these notions this group is assigned certain notions by other people – regardless of individual or personal characteristics of single members of this group.”

Prejudices comprise attitudes, stereotypes and assumptions.

Discrimination is the acting out of prejudice

- Prejudice + power to act = discrimination  
The Traveller community continues to experience high levels of social exclusion and disadvantage. The Traveller community continues to experience racial discrimination both at the individual or interpersonal level and at the institutional level:
- 44% would not accept Travellers as members of their communities
- 73% would not accept a Traveller as a friend
- 93% would not accept a Traveller as part of his/her family

(Citizen Traveller Report 1999)

On an indicator used to measure social disadvantage, Travellers fare poorly on every point:

- Poverty
- Social exclusion
- Health status
- Infant mortality
- Life expectancy
- Literacy
- Education
- Training levels
- Access to decision making
- Political representation
- Gender equality
- Access to credit
- Accommodation
- Living conditions

**Please select the most prevalent age ranges for your TG/TGs**

- Sinti and Roma under 18 yrs
- Sinti and Roma 18-50 yrs
- Sinti and Roma over 50 yrs

- Muslim migrants under 18 yrs
- Muslim migrants 18-50 yrs
- Muslim migrants over 50 yrs
- Travellers under 18 yrs
- **Travellers 18-50 yrs**
- Travellers over 50 yrs
- No data available

**What is the most prevalent gender in your TG? (Sinti and Roma)**

- Male
- Female
- Data not available
- **TG not relevant**

**What is the most prevalent gender in your TG? (Muslim migrants)**

- Male
- Female
- Data not available
- **TG not relevant**

**What is the most prevalent gender in your TG? (Travellers)**

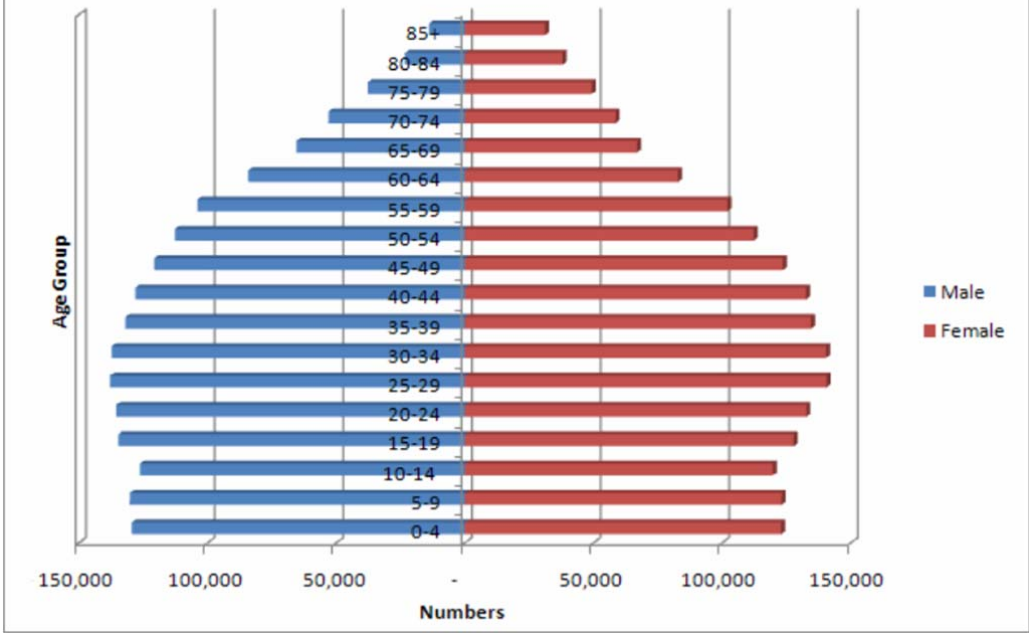
- Male
- **Female**
- Data not available
- TG not relevant

*If possible, please include more specific demographic information (% of age, gender etc, quoting source)*

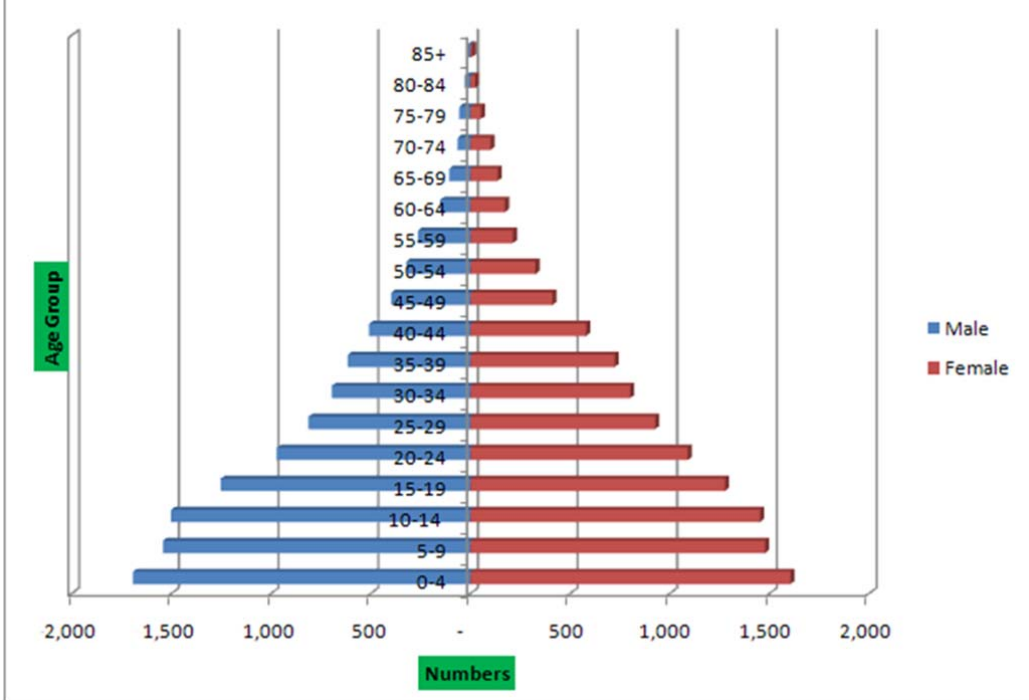
All Ireland Traveller Health Study

2006 Population Pyramid by Age and Sex (Central Statistics Office, 2006)

### Irish Population Pyramid by Age and Sex (Source: CSO Census 2006)



### Traveller Population Pyramid by Age and Sex (Source : CSO Census 2006)



**Main religious background of your TG (Sinti and Roma)**

- Christian
- Muslim
- Buddhist
- no data available
- **TG not relevant**
- Other \_\_\_\_\_

**Main religious background of your TG (Muslim migrants)**

- Christian
- Muslim
- Buddhist
- no data available
- **TG not relevant**
- Other: \_\_\_\_\_

**Main religious background of your TG (Travellers)**

- **Christian**
- Muslim
- Buddhist
- no data available
- TG not relevant
- Other: \_\_\_\_\_

*If possible, please include more specific information regarding religious backgrounds (please quote source)*

**Main**

The majority of Travellers are Roman Catholics. Faith is very central to their lives. The sacred and secular are very much intertwined in everyday life from the cradle to the grave. Everyday life experiences are connected to a person's spirituality. Blessings are central in how a person practices their faith; from before birth to death people seek blessings from God, in times of sickness or family occasions etc. Pilgrimage is an important feature in how people express their faith. The belief in the sacred has a normal interconnectedness in the everyday lives of people.

**Level of education of your TG (Sinti and Roma)**

- No education
- Primary level
- Secondary level
- Academic level
- no data available
- **TG not relevant**
- Other: \_\_\_\_\_

**Level of education of your TG (Muslim migrants)**

- No education
- Primary level
- Secondary level
- Academic level
- no data available
- **TG not relevant**
- Other: \_\_\_\_\_

**Level of education of your TG (travellers)**

- No education
- **Primary level**
- Secondary level
- Academic level
- no data available
- TG not relevant
- Other: \_\_\_\_\_

*If possible, please include more specific information regarding the level of education (please quote source)*

Education and Literacy

Traveller organisations have for many years expressed concerns regarding Traveller education in terms of equality of outcomes, data collection, and lack of interculturalism in the curriculum. The 1995 Task Force Report on the Travelling Community made 167 recommendations in the field of Traveller education - more than half of the total number of recommendations in the

report (Report of the Task Force on the Travelling Community, 1995). This reflected the massive need for change in the provisions that existed. Traveller educational status has been recorded repeatedly as considerably lower than that of their general peers, to an extent unmatched by any other community in Irish society. The 2006 census (Central Statistics Office, 2007c) revealed that 63.2% of Traveller children under the age of 15 had left school, compared to 13.3% nationally. Participation of Travellers in higher education was 0.8% (8 in 1,000). This compares to 30.2% (302 in a 1,000) of the national population. There are many possible explanations for this continued inequity. Advocates argue that it is difficult for Travellers to see the positive outcomes in staying on in mainstream education as many Travellers experience discrimination in trying to obtain employment (Danaher et al., 2009). There is a transgenerational issue, well established in the economics of education literature (Heckman, 1974; Harmon and Walker 1995). When parents have poor literacy, they then are not able to read or interpret the child's educational material or such literature as health instructions for taking medication. School policy must meet the challenges of attendance at school and assessment of children's skills and abilities with allocation to the appropriate class situation. All too often in the past separate or even segregated teaching of Traveller children occurred and assumptions about intellectual capability were coloured by the child's membership of the Traveller community. To address such factors the 'Report and Recommendations for a Traveller Education Strategy' was published in 2006, and proposed a 5-year strategy to examine Traveller Education including education in preschool and the early years, primary, post-primary, further and adult education and third-level education. The primary goal of the strategy is to achieve equality for Travellers in education, in terms of access, participation and outcomes (Department of Education, 2006).

The 'Report and Recommendations for a Traveller Education Strategy'

- examines existing provisions and supports for Travellers in education at all levels from preschool to higher education
- identifies objectives for Traveller education, sets out plans of action, with suggested time scales
- makes recommendations in relation to optimising or reallocating existing resources
- Sets out expected outcomes
- addresses all aspects of Traveller education taking a holistic lifelong learning perspective from preschool provision to adult and continuing education.

All Ireland Traveller Health Study

The general recommendations of the report include a focus on the need to meaningfully engage with parents of Traveller children, in particular through Community development and

relationship building with educational providers. Inclusionary education strategies within preschool, primary and post primary educational settings were viewed as essential in allowing Traveller children to fully enjoy their right to education. Further, recommendations included an emphasis on equality, inter-agency support and adequate funding of specialised assistance programmes. Within third-level education, the Strategy emphasised the need for alternative entry routes, support and mentoring of those Travellers entering third-level education.

In Northern Ireland, data from Connolly and Keenan (2002) suggest that

- 18% of Traveller children access preschool or nursery compared to 58% of the general population.
- 59% of Travellers aged between 16 and 24 years leave school with no qualifications, compared to 17% of this age group in the general NI population.
- 92% of Travellers have no GCSEs or higher qualifications.

**Is/Are there a predominant type/s of DV experienced by your TG (Sinti and Roma)**

- child abuse
- intimate partner violence
- male victims
- elder abuse
- **TG not relevant**
- Other: \_\_\_\_\_

**Is/Are there a predominant type/s of DV experienced by your TG (Muslim migrants)**

- child abuse
- intimate partner violence
- male victims
- elder abuse
- **TG not relevant**
- Other: \_\_\_\_\_

**Is/Are there a predominant type/s of DV experienced by your TG (travellers)**

- child abuse
- **intimate partner violence**
- male victims
- elder abuse
- TG not relevant

- Other: \_\_\_\_\_

***Provide more specific information about the option/s selected***

“Traveller women, alongside women of colour, experience a particular form of oppression as a result of the fusion of racism and sexism” (Fay, 1999:25).

There are two primarily marginalised groups within Irish society at present that are particularly susceptible to domestic abuse. These groups are the Traveller community and migrant women. In their 2005 study, Watson and Parsons held a number of focus groups with these communities of women (three with Traveller women and one with migrant women). There are no figures which can identify the level of abuse amongst Traveller women.

The Traveller women defined domestic abuse in broad terms, including both physical and emotional abuse. Such domestic abuse was not discussed formerly amongst the Traveller community, but as a result of education and media coverage, it is now being discussed more openly by Traveller women. However, there is still a reluctance to tell one’s family (especially one’s mother) and the fact that many women live in halting sites means it is difficult to access services by phone. It has been noted that traveller women use refuges as they are the only services available to her, however as will be seen below this may bring many problems with it. Traveller men are suspicious of Refuges and feel women are using them for reasons other than safety. It was felt by the focus group participants that while a Traveller only refuge was not necessary, a Traveller woman working in the refuge would help reduce the level of discrimination they sometimes feel in the refuges. Alternatively, training of the refuge staff in anti -discriminatory practice would also help reduce negative feelings experienced in the refuge. Traveller women rarely use helplines or other mainstream services. The women reported lack of support or intervention by the Gardai, who don’t believe them or take it seriously, or fear reprisals from their partners. However, it was acknowledged that some Gardai were helpful and acted appropriately. The women reported that the Court experience, if they were applying for a Barring Order is very traumatic and confusing for them. They also felt that breaches of Barring Orders should be taken more seriously and those who breach them should be sent to jail.

Underwriting these fears about DV, was the belief that Traveller men are controlling of their wives and may be economically controlling as well. However many of the issues facing Traveller women affect other women also: concern about the effects of DV on children, a reluctance to upset family members by disclosing abuse, the safety of refuges and the need for improved information on DV orders and marital rape.

In a study carried out by Exchange House (Allen and Forster, 2007) many of the same points

were made by the participants and also by the service providers who were surveyed as part of this study. The forms of violence reported to this study reflect the forms of violence found in most studies of DV i.e. physical abuse, (including life threatening assaults), verbal and psychological abuse and coercive control (Stark, 2006; Watson and Parsons, 2005). The nature, extent, dynamics and aetiology of the violence as reported by the respondents in this study appear to mirror very closely the experience of abuse in other communities and societies (Garcia-Moreno et al, 2006). The cultural context highlighted by the respondents in this study can be described as a close-knit community, which supports traditional family values and the indissolubility of the marital relationship. Women's roles in this close-knit society are primarily child-centred and family-oriented. Few women either work or live outside the family unit, and consequently they have few independent financial resources. Men are expected to be in charge of their families.

The Traveller women reported a range of help seeking behaviours which reflect those noted in other studies (Goodman et al, 2003, 2005). Many of these help seeking activities, however, involve interaction with official systems and services which are not designed for, nor always supportive of, the nature of the Travelling community's family-oriented way of life. The first of these difficulties is the lack of support they may receive from their extended families if they call the police for protection from violence: as one woman described it-“They don't get involved”. The 'loss of face' for the man appears to accentuate the fear of retaliation, which is a common fear for many abused women who seek external help. The Service Providers who were surveyed also recognised the discriminatory pattern of responses by many members of the police. They recognised the complexity for women who live on halting sites beside their husband's family or even their own family. This was also referred to by traveller women themselves. It would appear that for traveller women, both their ethnic identity and their physical location prevent them from obtaining the same level of protection as settled women (problematic as this may be for settled women also).

As discussed in the Watson and Parsons Report (2005), refuges may not be as supportive as they should be for Traveller women. Most refuges have a policy of admitting only one traveller woman at a time. Women also may not have the bus or taxi fare to bring her to the refuge, thus adding to the difficulty of her efforts to escape a violent situation. While the practice of some refuges was described by many respondents as excellent, and 'supportive, 24/7', there were concerns expressed about the response by staff in one or two refuges. Concern was also expressed about the reality of discrimination and “being looked down on” by some of the other residents. The ban on male children over the age of 14 was also a barrier to the use of refuges by traveller women. For traveller women, there are added difficulties in either obtaining a

barring order, or taking charges against her partner. The close-knit family lifestyle may mean that not only is a woman now confronted by an abusive husband, she may also be confronted by angry in-laws, and perhaps even, by her own parents and siblings, who do not wish to see her marriage fail. She may also have literacy difficulties which make the form-filling and legal procedures necessary for obtaining a barring or protection order almost insurmountable. Added to this is the difficulty of bringing children into town, perhaps on a number of occasions, to complete this process. The delay in cases coming to court was also referred to as a barrier. For Traveller women, there are added difficulties in either obtaining a barring order, or taking charges against her partner. It was suggested that a female police officer would be the most suitable person to help women with this procedure, calling to the site to help her fill out the necessary forms when possible.

Amongst the service providers, there were a large number of responses which recognised that traveller women experience discrimination in accessing services and networks outside the traveller community. However, there were also a minority of comments which suggested that violence is more acceptable within the traveller community because of 'cultural' or 'religious' reasons. It would appear from this small number of responses, that greater cultural awareness and training is necessary to enable such staff to identify the specific barriers to women's safety, within both the traveller community and the wider society.

Exchange House has also carried out a study of the views of Traveller men towards DV (McDonagh, 2007). As a result of this work, this service now provides educational groups for Traveller men, which is incorporated into other educational and recreational groups and settings.

There were a variety of opinions expressed regarding the longer term options which would be most secure for women leaving violent relationships. Long waiting lists for social and public housing for all members of the community were seen as a major barrier. Transitional housing provided by housing associations was seen by some women as an ideal solution to the problem of accommodation in the medium or even short term, but this may also result in pressures from a woman's in-laws. Accommodation in a specialized 'group scheme' was suggested as one way to overcome this barrier.

### **What types of professionals get involved/work in the field of DV?**

Types of professionals and their particular roles:

The primary specialised support services available to abused women are provided by voluntary groups. However, all professionals may become involved in working with abused women, depending on their work location. Social Workers who work in General and Mental Health

Hospitals become may meet abused women in the course of their work; however, no figures are available for these services. Similarly Social Workers in the Health Service Executive who work with abused and neglected children will also come across such abuse, but again this is not always recorded separately in the case notes. In some areas however, there is greater involvement by the HSE Social Work Staff in the issue of DV. In the HSE Dublin South West Region, a team of social workers have produced their own Guidelines for all staff (Barry et al, 2010). These were drawn up by the social work team, and are available to all HSE staff and other Social Workers in other agencies.

Lawyers, particularly those in the free Legal Aid Service, will represent women who have been abused when they apply for Court Orders. Medical and nursing personnel in General and Mental Health facilities will also come across abused women, particularly those who work in A and E Departments. The Irish Conference of General Practitioners has produced a Tutor Teaching Pack, (Kenny, 2009) to assist GPs working with abused women in their surgeries or other locations. The Gardai (Police Service) will be the most common professionals to interact with abused women and their abusive partners. The Gardai were the first professional group to develop and publish a Strategic Policy on the issue of DV. (For the full document see: <http://www.garda.ie/Documents/User/domestic%20violence%20policy%2023.11.10.pdf>)

Individual psychologists may also become involved in providing services for abused women. One such service is a voluntary service called WOVE (Women Overcoming Violent Experiences) which is a group work run on a voluntary basis by a psychotherapist. The Women's Therapy Centre is an individual service (is) run by psychotherapists, on a 'pay as you can afford' basis. Most of the clients utilizing this service are women who have left abusive relationships. Refuge Services often provide group work and art work for women and children utilizing their services. The Probation Service also works with perpetrators of abuse, and is often involved in the perpetrators' groups. Help Lines are all run by voluntary organisations, and often involve volunteers and some paid staff.

None of these professionals refer to DV specifically in their codes of practice.

#### Screening:

As mentioned above, there is as yet no overall screening technique used in Ireland. Women's Aid is currently training Maternity Staff in the Dublin Hospitals to utilize a screening instrument and this instrument is still in development. It is hoped that this may spread to other parts of the country in due course.

The Mental Service of the Western Region of the HSE also uses a Screening Tool, and this is appended as Appendix 1. This Tool is also being reviewed and redeveloped.

#### Training:

All social workers receive a number of hours of specialised training on DV as part of their postgraduate (or undergraduate) training programmes. These hours vary from University to University. However, all social work teaching staff are now in possession of the new HEVI 2008-2010 Guidebook and Teacher's Handbook, which act as a resource to support this teaching. The teaching on DV varies considerably for other professionals. Some of the Nursing Schools provide an hour's lecture for their nursing and/or midwifery students. There is little teaching also for medical students on this issue. However, for those working in Dublin, many hospitals provide in-service training of an hour or two to their young interns when they take up their first position. This training is carried out by experienced social workers who work in the A and E departments. As mentioned above, Women's Aid also provides a considerable amount of in-service training for a range of staff, including mental health staff, HSE social workers and maternity staff of all professions.

To date there is no specialized training on DV with marginalized groups, though this is often referred to in the general training.

Women's Aid occasionally organise training in which victims of DV may speak to staff members undergoing training. However this is not frequent.

**Please, describe the kind of services provided to the victims? Is there any good/innovative practice to be highlighted?**

Services provided to those experiencing DV are outlined above; they span across legal, medical, housing, welfare and counselling etc. There is a lot of good practice evident in the delivery of these services.

Quality of the provided services:

It is not possible to assess the quality of these services as no assessments have been carried out. However, many women will refer to supportive social workers and unsupportive social workers (Hogan and O'Reilly, 2007). Similarly, women will refer to helpful lawyers, doctors, nurses or Gardai, and also unhelpful members of these professions. Voluntary Services are more likely to carry out reviews of their services, but to date this has not occurred in the public service.

**To which extent does media (newspapers, TV, radio, online) in your country address DV in away that the general public may become more aware of / sensitive towards the issue?**

- Not at all
- Only in police (e.g. report stories on victims of DV or in relation to DV-rape)

- Sometimes (talk shows, background coverage of DV in print and TV)
- Regular (documentaries, features, background stories on DV in all media)
- More coverage in media targeting young audiences
- Public awareness campaigns by local / regional / federal government on DV
- Special public awareness campaigns by local / regional / federal authorities targeting migrant groups and DV
- **Public campaigns by NGOs, women's associations etc. with flyers, brochures etc.**
- Public educational campaigns at schools, educational institutions on DV
- Other:\_\_\_\_\_

**Do the mass media play a significant role in raising the attention of the issue of DV? Do they have an information role through, for instant, awareness raising campaigns?**

- Yes
- No

***Motivate your answer***

Public campaigns in Ireland by NGOs are widely used to raise awareness on the issue of DV. Organisations such as Women’s Aid are well known for running national media campaigns highlighting the issue.

**II. Bibliography**

**Please, quote at least 5 publications that deal with the theme of DV related to your country. For each of them insert: Author, Title, publication date, publishing house and provide a short summary (max 500 words) of the main aspects faced.**

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- Watson, D. and Parsons, S. (2005) Domestic Abuse of Women and Men in Ireland, Dublin: National Crime Council of Ireland.

### III. LEGISLATION INTO FORCE

*It would be important make a comparison with the research you did in SUNIA GEEL and highlighting changes, if any, or the maintenance of situations that still not receiving a legal protection. This will give the opportunity to understand if improvements have been made in the last year.*

**a. Please, present a brief description of the legal status in your country regarding DV.**

Irish DV Legislation

In Irish law there is no criminal offence of ‘DV’ (Watson and Parsons, 2005:31). A number of civil and criminal pieces of legislation however are available to women seeking official protection from intimate partner violence. The most widely utilized of this legislation is the DV Act 1996. The 1996 Act is civil legislation and provides complainants with three types of protective orders: Protection Orders, Safety Orders and Barring Orders. The first two orders do not require an abuser to leave the family home, but the third, the Barring Order, is the most effective legal instrument for abused women, as it forbids the perpetrator from entering the applicant’s home for a set period of time - up to a maximum of three years. The length of time for which the order is granted, if it is granted, is at the discretion of a District Court or Circuit Court Judge. Breaching one of these orders is a criminal offence for which a custodial sentence may be imposed. However, this is rarely imposed by the Courts. This Act may also be used by family members (other than those in an intimate relationship) to seek safety from an abusing family member who is over the age of 18 years). (See below for a detailed description of these orders).

The 1996 Act was amended by the DV (Amendment) Act 2002, as a result of a legal challenge taken by men’s groups, challenging the constitutionality of the provisions of the original Act in relation to the granting of Interim Barring Orders pending a full court hearing. Section 4 of the 1996 Act was amended to stipulate that if an Interim Barring Order is granted, “The Order shall have effect for a period, not exceeding 8 working days, to be specified in the Order, unless, on application by the applicant for the Barring Order and on notice to the respondent, the interim Barring Order is confirmed within that period by order of the court” (Irish Statute Book).

**b. Please, present the definition of DV within the legal framework and describe the types/forms of violence that are included in this definition (Physical, psychological, sexual, economical, etc). Does legal definition fit well with the cultural understanding of DV?**

What is DV in the Irish Context? (As outlined the Irish by Courts Service. [www.courtsservice.ie](http://www.courtsservice.ie))

As defined by the Irish Courts Service, DV is any form of physical, sexual and psychological violence which threatens the safety or welfare of family members and certain persons in domestic relationships. Physical or sexual violence against a family member is a crime. However, economic abuse or coercive control is not defined as abuse in Irish Law.

DV legislation protects spouses and children and offers legal remedies to dependent persons and persons in other domestic relationships where their safety or welfare is at risk because of the conduct of the other person in the relationship. It also gives An Garda Síochána powers to arrest without warrant where there is a breach of a court order.

What orders can the court make?

#### Safety order

A safety order prohibits the person against whom the order is made (the respondent) from engaging in violence or threats of violence. It does not oblige that person to leave the family home. If the person does not normally live in the family home, it prohibits them from watching or being in the vicinity of where the person applying for the order (the applicant) and dependent children lives. A safety order can be made for up to five years.

#### Barring order

A barring order requires the respondent to leave the family home and stay away from the family home of the applicant and/or dependent children. It may also include terms prohibiting the respondent from using or threatening to use violence. A barring order can be made for up to three years.

Once a summons has been issued for a safety order or a barring order the applicant can apply for a protection order or an interim barring order while waiting for the application to be heard in court.

#### Protection order

This is a temporary safety order. It gives protection to the applicant until the court decides on a safety or barring order application. It is intended to last until the case is heard and a decision made. It does not oblige the respondent to leave the family home.

#### Interim barring order

This is a temporary barring order. It is intended to last until the barring order application is heard in court and a decision made. Under the DV Act, 2002 a full court hearing must take place within eight working days of the granting of an interim barring order. The Court must be of the opinion that there are reasonable grounds for believing there is an immediate risk of significant harm to the applicant or any dependent person if the order is not made immediately and the granting of a protection order would not be sufficient to protect the applicant or any dependent person.

Who can apply for these orders?

Spouses and former spouses

Spouses and former spouses can apply for orders against each other because of violence towards themselves or towards their children.

Co-habiting couples

Where a couple are not married to each other but are living together as husband and wife, one partner can apply for protection against violence by the other partner. The protection available depends on how long they have been living together and on who owns the family home. If a woman has been living with her partner for six months during the past year, she can apply for a safety order. If they have been living together for six months during the past nine months she is entitled to apply for a barring order, unless the violent partner owns the family home in full, or has greater ownership rights than she has.

Others living together

An applicant can apply for protection against violence by someone over 18 whom they are living with if the court decides that their relationship is not primarily based on a contract. For example, two relatives living together or same sex couples living together could be covered. If the applicant comes within this heading, the courts will be able to give you a safety order. However one will not qualify for a barring order.

Children

Children may apply for orders but an adult or health board must make the application on their behalf.

Health Board

A health board may apply on behalf of a person or that person's dependent children.

A breach of any order under the DV legislation is a criminal offence. The Gardaí can arrest and charge a person who breaches such an order.

TABLE 1: APPLICATIONS FOR ORDERS: 2002-2009

	2009	2008	2007	2006	2005	2004	2003	2002		
Barring Order Applications	2,855	3,096	3,355	3,132	3,183	3,210	3,586	4,067		
Barring Orders Granted	1,106	1,251	1,420	1,357	1,265	1,295	1,575	1,740		
Protection Order Applications		3,134	3,354	3,794	3,137	2,850	3,054	3,109	3,677	
Protection Orders Granted	2,867	2,960	3,235	2,845	2,622	2,810	2,814	3,248		
Safety Order Applications	3,322	3,328	3,553	3,050	2,866	2,611	2,557	2,814		
Safety Orders Granted	1,339	1,502	1,556	1,221	1,037	987	1,108	1,187		
Interim Barring Order Applications	545	623	692	605	622	698	629	852		

Interim Barring Orders Granted there has been a decline in applications for all 451 445  
586 544 550 604 531 706

(Courts Service Website: [www.courtsservice.ie](http://www.courtsservice.ie))

As can be seen from these figures there has been a decline in all applications since 2002, except for Safety Orders, which increased slightly. The fall in the granting of all orders (except for a slight increase in Safety Orders) is a matter of concern. It is not clear what is responsible for this trend. It may be due to the fact that couples in Ireland can now divorce, and women are now using this option (which did not exist prior to 1995). However, it may also be due to the fact that the Court Services are becoming more reluctant to grant such orders, which is a worrying trend. However, it is not possible to identify with certainty the causes of this fall in both applications for and the granting of Protection and Barring Orders.

### **c. Please, identify potential gaps, deficits as well as legal deficiencies**

#### LEGAL DEFICIENCIES

Currently under the DV Act 1996 unmarried cohabitants need to meet strict eligibility criteria as follows:

- To be eligible to apply for a Safety Order, a cohabitant must have lived with the other person for 6 out of the previous 12 months.
- To be eligible to apply for a Barring Order, a cohabitant must have lived with the other person for 6 out of the previous 9 months AND have an equal or greater interest in the family home.

This means that many cohabitants and former cohabitants who cannot meet these criteria remain unprotected. Voluntary Services regularly work with women who cannot avail of protection under the Act because they cannot satisfy the eligibility criteria. Some current cohabitants may not have been living together long enough, or the period of cohabitation was interrupted, for example because the violent partner has spent time in prison or been out of the country. Women may hope that separating from a violent partner will end the violence and when they realise that this is not the case and that the abuse continues, it is too late to apply for protection against a former cohabitant partner.

In many cases, former cohabitants are not eligible because the very short window of opportunity to apply after separation has passed before they are willing or able to apply. This includes cases where the ex-partner was due to face criminal charges of assault for a very serious attack he had made against the woman and their child, cases where the woman cannot satisfy the cohabitation requirement because her partner has been in prison and cases where the woman is still harassed, abused and put in fear years after the ending of the relationship.

Research has proven that often separation does not end the violence and sometimes it actually escalates it. In 2008, 10% of callers to the Women's Aid Helpline disclosed that they were being abused by former partners to whom they were not married. It is therefore essential that cohabitants and former cohabitants can access protection without time limitations.

The Act also does not offer any protection to parties with a child in common but not residing together. This is very worrying as where there is a child in common there is often continued contact between the parents and with this contact the opportunity to continue the abuse.

Parties in a dating relationship are also not protected. Since the Act was passed, a number of groups including Women's Aid, the Law Society of Ireland, the Law Reform Commission, the Government Task Force on Violence against Women and Amnesty Ireland, have called for the Act to be amended in order to address these issues.

The disconnect between the Courts and Perpetrators' programmes is another area where greater cooperation could help improve victim's lives. As pointed out by Dobash et al (2000), mandated programmes, with mandatory imprisonment for those failing to comply would help strengthen these interventions.

#### **d. Please, present the legal rights of the victims**

##### Legal Rights of Victims of DV

As was outlined above, victims of DV are entitled to apply for any of the above three orders. They are entitled to Free Legal Aid if they have no income or their income is low. Under Irish Law, they are entitled to apply for a separation or a divorce. However this is a no fault divorce and the behaviour of the perpetrator is not taken into account in these hearings.

#### **e. Please, refer to legal regulations and the types/forms of punishment for perpetrators**

##### Breaches of Barring Orders:

The Garda Recorded Crime Statistics Report for 2006 states that there were 1,184 incidents of Breaching DV Orders Offences in that year alone. This resulted in 349 convictions. 95% of persons convicted were male and 5% were female. (Central Statistics Office, Garda Recorded Crime Statistics 2003-2006, 2008). On rare occasions, perpetrators of DV are ordered by the courts to attend a perpetrators' programme. However this is rare and there is no sanction if they refuse to comply. On rare occasions also, perpetrators are imprisoned for breaching a barring order, but there are no figures available to indicate how many are imprisoned for this offence.

In 2003, the Gardaí recorded 8,452 incidents of domestic abuse. (An Garda Síochána Annual Report, 2003). 90% of domestic abuse offenders in 2003 were male, whilst 93% of

complainants were female. Of the 1,418 arrests made in relation to domestic abuse, 1,203 were charged and 650 were convicted. (An Garda Siochana Annual Report, 2003).

#### Criminal Legislation

There are also three pieces of criminal legislation which can be utilized in cases of DV. (But they are not specific to DV). The most relevant of these is the Non-Fatal Offences Against the Persons Act, 1997 which legislates for assaults, harassment, threats to kill or to cause serious harm, stalking, endangerment and false imprisonment. The Criminal Damage Act, 1991, prohibits a person intentionally or recklessly damaging another's property, including money or animals. It is not possible to track the use of these legislative provisions in cases of DV as they are not recorded in Garda statistics with reference to DV incidents.

The Criminal Law (Rape) (Amendment) Act 1990, removed the exemption which existed in the Criminal Law (Rape) Act, 1981, in relation to marital rape, thereby permitting for the first time, the possibility of conviction for rape of a married woman by her husband. The 1990 Act also redefined the concept of consent, removing the need to offer resistance when not consenting to sexual intercourse. Since the introduction of the Act only one person has been convicted of Marital Rape.

#### **f. Please, refer to national legal cases related to DV issues object of relevant judgements of national courts or the European Court of Human Rights (if, any)**

*The aim of this question is to understand if there are some new elements introduced by the jurisprudence that could be innovate the legislation*

#### **g. Legislation establishing or regulating DV centres (if any)**

### **IV. POLITICAL LEVEL**

*Public sector (at State level)*

#### **a. Relevance of the DV issues in the political debate: in programmeme's party, parliament debate, etc.**

##### DV. POLITICAL LEVEL

##### THE NATIONAL STEERING COMMITTEE ON VIOLENCE AGAINST WOMEN

The Government established the National Steering Committee on Violence against Women (NSC) in 1998 on foot of a recommendation of the Task Force on Violence against Women. The Task Force recommended that the membership of the Committee should include

representatives from the key Government Departments, the Garda Síochána, Health Boards, GPs, Probation Service, and users of services. The Task Force considered it essential that the NSC include representatives from the key organisations in the sector operating on a national basis such as, and in particular, Women's Aid and the national representative bodies for women's refuges and Rape Crisis Centres.

The NSC meets on a quarterly basis. As a national committee, the membership comprises bodies which broadly function at national level.

The present membership of the Committee includes the Departments of Justice and Equality, Education and Skills, Health and Children, Community, Equality and Gaeltacht Affairs, and the Environment, Heritage and Local Government. Other State agencies include An Garda Síochána (Police), the Health Service Executive, the Courts Service, the Probation Service and the Family Support Agency. Non-state organisations represented on the Committee include SAFE Ireland (formerly the National Network of Women's Refuges and Support Services), Women's Aid, Rape Crisis Network Ireland, Ruhama, the Law Society, Dublin Rape Crisis Centre, the National Women's Council of Ireland, AkidWa and Pavee Point.

With the agreement of the NSC, Cosc reviewed the remit and functioning of the NSC in early 2008 in order to put in place a better structure for working in partnership. The new remit of the NSC is to:

- Advise on the development and implementation of policies and guidelines for action on domestic and sexual violence against women including those concerning services and supports, perpetrators, and State intervention;
- advise on research to be undertaken and needs assessments nationally;
- assist Cosc in the promotion of interagency co-operation and sharing of information;
- assist and advise Cosc in the development of codes of practice for collecting statistics and monitoring responses;
- assist and advise Cosc in promoting public awareness about the issues involved in violence against women;
- assist and advise Cosc in identification of legal issues affecting the prevention of, and action responding to, violence against women;
- share information on international developments in relation to the issue of violence against women.

The Task Force also recommended in their report that Regional Planning Committees be established in each of the eight former health board regions to draw together the services available to women in each of these regions in order to consolidate an approach to the treatment of victims of violence. In 2009 the HSE in conjunction with Cosc restructured the 8

Regional Planning Committees (RPC) into 8 Regional Advisory Committees (RACs). These committees are supported by the HSE to focus strategically on the services and needs in their regions as proposed by the 1997 Task Force Report. The RACs feed information to and from their regions and local area networks into the NSC and Cosc. An independent chair has been appointed to each RAC and all Chairs attend meetings of the NSC. The NSC also oversees two sub committees - The Legal Issues Sub Committee and the Public Awareness Sub Committee. The work plan for these committees is agreed with the NSC and their Chairs attend the NSC meetings as requested and report to the Committee.

#### National DV Intervention Agency

In 2003 a National DV Intervention Agency was set up on a pilot basis in an area of Dublin. Its remit and aim was to coordinate the activities of all statutory and voluntary agencies, including the Gardai and the Courts. However, Government funding was cut in 2008, and the agency was closed down.

In 2007, a new agency – The National Office for the Prevention of Domestic, Sexual and Gender-based Violence (now known as COSC) - was set up, within the Department of Justice, without discussion with any of the agencies working with abused women. This agency takes a gender neutral approach to DV.

#### COSC

Cosc is the National Office for the Prevention of Domestic, Sexual and Gender-based Violence. Cosc is an Irish word and means "to stop" or "to prevent". Following a Government Decision, Cosc was established in June 2007 with the key responsibility to ensure the delivery of a well-co-ordinated "whole of Government" response to domestic, sexual and gender-based violence. The work of Cosc covers issues relating to domestic and sexual violence against women and men, including older people in the community.

The office is an executive office of the Department of Justice and Equality. It is situated within the Department, but has been given a remit to address domestic, sexual and gender-based violence from a cross-government perspective rather than solely from that of the justice sector. Cosc's role covers co-ordination across the justice, health, housing, education, family support and community sectors. This work includes close interaction with non-governmental organisations (NGOs) supported by Government funds.

Cosc carries out its functions principally through interaction with interested and relevant organisations either on a one-to-one basis or through a small number of committees. The office strives to ensure a partnership approach working in a structure which minimises the number of committees. Cosc drives the follow-up action arising from these discussions with a view to improving co-ordination of preventative and responsive action.

The current primary function of Cosc is to drive the implementation of the first National Strategy on Domestic Sexual and Gender-based Violence 2010-2014

National Strategy on Domestic, Sexual and Gender-based Violence

One of Cosc's primary tasks has been the development of a National Strategy on Domestic, Sexual and Gender-based violence. The Strategy was approved by the Government on 9th February 2010 and Cosc will now focus on ensuring its implementation. The strategy sets out the general vision and objectives and actions to tackle these crimes. The overall aim of this work is to reduce the prevalence of the crimes and to ensure that the system of prevention and response functions effectively in a co-ordinated manner increasing the understanding of the general public and professional services, supporting victims and ensuring the accountability of offenders.

The actions required to tackle domestic and sexual violence primarily cut across the justice sector, the health sector, the education sector, the housing sector and the non-governmental sector. Progress must be made in the context of a common vision to ensure that those affected receive the benefit of a holistic service.

There are many issues to be tackled to achieve the vision, as well as many options regarding the content of the strategy. Cosc's approach is to encourage policy and service development based on solid evidence and evaluated results to ensure best public value and best outcomes for all effected by domestic and sexual violence.

**b. Action plans and policies (Please, refer to their particular fields of practice, as well as to the specific services that are provided)**

Cosc's Strategic Priorities 2010-2014

Strategic Priority 1: Implementation of the National Strategy on Domestic, Sexual and Gender-based Violence 2010-2014

Actions

Monitor, drive and review the implementation of the National Strategy.

Facilitate resolution of barriers to implementation of the National Strategy.

Strategic Priority 2: Enhance co-ordination of policies and services on domestic, sexual and gender-based violence.

Actions

Strengthen, facilitate and support the structures for interagency collaboration work.

Lead and drive effective follow-up work to enhance co-ordination in order to ensure effective preventative and response actions.

Ensure that domestic, sexual and gender-based violence is acknowledged in Government

Strategies.

Facilitate and encourage the sharing of information on policies, procedures and guidelines etc.  
Represent Ireland at international form (EU, Council of Europe etc.) for exchange of information and enhancement of policies.

Strategic Priority 3: Provide a foundation for effective strategies to address domestic, sexual and gender-based violence based on sound empirical evidence.

Actions

Work with stakeholders to identify research projects to support the development of evidence-based policies and strategies.

Develop and implement an annual Co-ordinated Research Programmeme.

Monitor and review implementation of the programmeme.

Lead and drive the collation and analysis of high level data to assist the identification of trends in the incidence and prevalence of domestic, sexual and gender-based violence to inform policy and practice development.

Develop relationships with research units in other organisations to ensure maximum co-ordination on research and policy development.

Propose legislative and policy change on the basis of robust legal submissions.

Strategic Priority 4: Development and implementation of strategically-based actions which work with perpetrators of domestic and sexual violence.

Actions

Strengthen DV Perpetration programmemes to ensure greater effectiveness.

Fund DV perpetrator intervention programmemes and monitor the governance of the programmemes on an on-going basis.

Facilitate the development and implementation of risk management arrangements for high-risk DV perpetrators.

Support and encourage the delivery of National Strategy actions to manage risks posed by sexual and DV perpetrators.

Support and encourage the delivery of National Strategy actions to deal with sexual violence perpetrators.

Strategic Priority 5: Increase awareness of the nature and extent of domestic, sexual and gender-based violence, as well as of the services available to those experiencing this violence.

Actions:

Develop an annual Cosc communications plan.

Monitor, implement and review the plan.

Support and encourage effective and collaborative awareness raising campaigns.

Support awareness-raising activities of NGOs and evaluate the effectiveness of the Cosc Grant Scheme.

**PREVENTION:**

Cosc works in collaboration with voluntary bodies such as Women's Aid to fund public awareness campaigns on DV at a National level. It has also funded a campaign supporting violence against men in intimate relationships. It is also involved in a 'mapping' exercise to provide an overview of all the services for abused women and men in the State. It is also developing a Second and Third level strategy to educate young people on the issues of domestic abuse.

**PROTECTION:**

The legislation outlined above helps provide protection for both women and men victims of DV. All social work staff receive training on the dynamics and effects of DV during their training programmes. Some Nursing courses provide one or two hours lectures for future nurses who may encounter such abuse in their work. The Royal College of Physicians in Ireland have developed a training manual for General Practitioners to help them to recognise and support abused women (Kenny, 2009). Women's Aid are currently involved in training the nursing, medical and social work staff of all the Maternity Hospitals in Dublin to assist them in introduction screening programmes for all women attending these hospitals. This programme may be extended into other maternity hospitals across the country.

**c. Please provide relevant information regarding the particular strategies that are employed in the following areas of activities: • Prevention (awareness and education) • Protection (intervention, psychological and economic empowerment/independence)**

The statistics outlined in the previous section are the only statistics available from the Legal and Police system at present. As mentioned above, there are serious gaps in the cooperation between agencies particularly in relation to perpetrator programmes. There is little analysis of the impact of these programmes and no connection between the Court system and these programmes. In 2008, ThangamDebbonaire carried out an analysis of the Irish Perpetrator Programmes. At that time there were 12 working programmes, some with funding from the Department of Justice, Equality and Law Reform, but all highly dependent on voluntary work. While there are accreditation standards for these programmes in the UK, there are no accreditation standards or unified approaches in the Irish system. While all the programmes assessed stated that women's safety was their priority, there were varying levels of contact with these partners, and little contact with Women's Groups working with abused women. She also pointed out that not all the facilitators of these groups had a good understanding of DV,

and there were not sufficient skills for risk assessment. However this analysis did not contribute to any development or enhancement of the Irish perpetrator programmes. This is an area which requires serious review and planning to up skill the coordinators, include mandated attendance, and sanctions for those who either do not attend or continue to abuse while on or after the programme.

**d. Please include (if possible) a brief description regarding the costs of DV in your country in relation to 1. Material Values (medical treatment of the victims, legal services, damage to properties) 2. Immaterial Values (reduced Quality of life, trust, self-respect)**

#### COSTS OF DV

There are no figures available regarding the costs of DV in Ireland. These costs are part of the overall health, legal and social work services and are not enumerated separately.

*Third sector (at civil society level)*

**e. Please present the mechanisms and the existing structures and services that deal with DV. How are NGO's organized in terms of dealing with DV? Please refer to level of cooperation and interaction (if any) with public policies and action plans.**

Non Governmental Institutions:

There are a range of Non Governmental Institutions that deal with abused women and men in Ireland.

#### WOMEN'S AID

Women's Aid is the leading national organisation which has been working to address the issue of DV in Ireland for more than 35 years. In this time, the organisation has built up a huge body of experience and expertise on the issue, enabling them to best support women and share this knowledge with other agencies responding to women experiencing DV.

Women's Aid provides a range of services for Abused Women:

- They operate the National Freephone Helpline 1800 341 900 (10am to 10pm, 7 days a week except Christmas Day)
- They provide one to one support in six locations throughout Dublin including Cabra, Coolock, Swords, Dublin City Centre, Amiens and Ballymun.
- They provide a court accompaniment service in the Greater Dublin Area.
- They refer women to local DV support services and refuges.

All of their services are free, and provide confidential support to women and their children who are experiencing violence and abuse.

All of the above services to women operate from and are underpinned by the following

principles:

- Complete confidentiality.<sup>1</sup>
- Maximising women's safety at all times.
- Understanding the trauma of violence and supporting women's increasing autonomy while recognising the woman as expert in her own situation.
- Being informed and knowledgeable about the rights, entitlements and options for women and ensuring referral is appropriate and responsible.
- Advocating for women's rights.
- Addressing additional barriers and discriminations that women experience.
- Being committed to ensuring justice for the victim and accountability and sanctions against violent men.
- Recognising the best form of child protection in DV situations is woman protection.
- Supporting women to move from crisis to safety and independence.
- On-going commitment to action for political and institutional change.
- Encompassing key feminist principles within the philosophy and ethos of the organisation.

Women's Aid also:

- Trains students at the Garda Training College.
- Provides specialised training to assist a wide range of agencies in providing appropriate services to women experiencing DV including: nurses, social workers, doctors, mental health workers, family support workers, community care workers, and mixed professionals working with adults and children out of home.
- Is Specialist Support Agency on Violence against Women to Community Development Projects and Family Resource Centres nationwide, providing training and information to over 300 community groups.
- Is represented at policy level in both national and local fora such as the National Steering Committee (NSC) on Violence against Women, the Legal Issues and the Public Awareness Sub-committees of the NSC, the Irish Observatory on Violence against Women, the Women's Human Rights Alliance, the Legal Aid Board External Consultative Panel and the Courts Service Users Panel.
- Works to raise awareness of the complexity and devastating consequences of DV through a variety of means from media activity, provision of information, collation of statistics, and campaigns such as the 16 Days of Action Opposing Violence against Women.
- Conducts research in the area of DV and seek to influence legislative change to improve state responses to women experiencing DV.

1 Women's Aid has a policy in line with the Children First Guidelines which callers and clients are made aware of if disclosing child abuse.

#### Policy and Research

Women's Aid aims to keep the issue of violence against women on the political agenda.

We provide relevant information and recommendations to government and other relevant agencies on the nature and prevalence of DV, the barriers faced by women experiencing DV, the inadequacies of existing legislation/systems, and information on how to improve system responses to women.

In the past, Women's Aid has successfully lobbied for the introduction of the DV legislation, for the establishment of the Government Taskforce on Violence against Women, and for increasing funding for DV frontline services.

They continue to lobby for the improvement of the DV Act, for the implementation of recommendations made in our research on improving the criminal justice system response to DV, for progressing issues of custody and access in the context of DV, and for better response to the needs of marginalized women experiencing DV.

Women's Aid also prepares submissions to various government bodies, policy and law makers including COSC, An Garda Síochána, and the Health Service Executive. This work aims to build political will and provide relevant information and recommendations on how to better address crimes of violence against women, provide appropriate services, and protect women and their families. (Adapted from Womens Aid Website, [www.womensaid.ie](http://www.womensaid.ie)).

#### SAFE IRELAND

Safe Ireland is a national network of 41 organisations which work to support abused women and their children.

The Network and its membership strive for the creation of a society that accepts its responsibility for the eradication of all forms of violence against women and their children. It seeks to bring about social change that will have positive and meaningful impacts on the lives of all women and children, especially those experiencing DV.

The values and beliefs, which inform the work of SAFE IRELAND, are:

- The understanding that violence against women is underpinned and sustained by gender inequality
- Commitment to striving for real and profound change towards a society that embodies respect for human dignity and equality and which challenges the discrimination and inequalities experienced by women
- commitment to building learning organisations that promote collective and democratic structures and that strives to create infrastructure and working relationships which model

positive uses of power

- The belief and trust that by drawing on the experience, wisdom and power of women and their children and by working collaboratively we can make a difference.

The two integral parts of SAFE IRELAND's service to its members are support and representation.

Through support of its members SAFE IRELAND delivers:

- Research on best practice
- fora to discuss and develop solutions for issues which are of concern to members
- The scale to undertake projects which would not be feasible for members to undertake alone
- mentoring
- Network Knowledge (e.g. the sharing of experience across the Network)

Through representation of its members SAFE IRELAND delivers:

- A voice to both its members and women and children experiencing DV on national and international committees
- input into legislation and social policy that govern and administer social standards which affect women and children experiencing DV
- Public exposure at a national level

The two elements of the service are intrinsically linked, each facet of the service developing through the outputs of the other. (E.g. a member's discussion forum may lead to the Network representing its members on another national committee or the outcome of a national committee meeting may add to the Network's database of knowledge). (Adapted from the Safe Ireland website, [www.safeireland.ie](http://www.safeireland.ie))

## EXCHANGE HOUSE

Irish Travellers are a minority ethnic group, mostly existing in Ireland but with communities across the United Kingdom and further afield. In the Republic of Ireland, it is estimated there are more than 36,000 Travellers, which would make them just slightly more than 1% of the population of the country. Exchange House is a multi-disciplinary service provider offering Family Support, Youth Services, Addiction Services and Education Services to members of the Traveller community in the Dublin area. They also deliver a national service through training, provision of expertise and partnerships with other organisations providing services to Travellers in Ireland.

Exchange House National Travellers Service is the largest Traveller specific front line service provider in the country. It provides a large range of services, including social work and family support, One to One counselling, Parent Plus Programmes and Housing and

Accommodation Advice and Support. It also provides an Addiction Service, an AA Programmeme and a DV Support Programmeme. It provides a range of Educational programmemes, including a FAS Training Initiative and Community Employment Scheme. It provides FETAC Levels 1-5 programmemes, and has received a National Education Achievement Award for its work in this area. It is also involved in EU Initiatives. It also runs a Youth Service, including a Stay-in –School Programmeme, and After School Projects, including a library, computer access and engaging parents in Children’s Education. There are also a number of outreach services, including Youth Arts, Sports, Addiction Awareness and Social and Political Education, as well as Summer Projects. (Adapted from Exchange House Website, [www.exchangehouse.ie](http://www.exchangehouse.ie)).

#### Pavee Point

Pavee Point is a voluntary, or non-governmental, organisation committed to the attainment of human rights for Irish Travellers. The group is comprised of Travellers and members of the majority population working together in partnership to address the needs of Travellers as a minority group experiencing exclusion and marginalisation.

The aim of Pavee Point is to contribute to improvement in the quality of life and living circumstances of Irish Travellers, through working for social justice, solidarity, socio-economic development and human rights.

An ethnic minority group is a group of people who identify with one another and share values, customs and traditions, often a common language, and a common ancestry. Travellers fit this definition very well:

Most Travellers are strongly religious, and in Ireland, most Travellers are Roman Catholics. The family is very important to Travellers, and Travellers think about family as including the ‘extended family’.

Not all Travellers are nomadic, meaning they don’t all move around the country. For various reasons, including government policy which discouraged Travellers from nomadism and local authority policies which encouraged Travellers to move into standard council housing, the majority of Travellers in Ireland live in static accommodation.

Traveller Health, A National Strategy 2002-2005 states “While the situation for all women who have to leave their home in search of a violence-free life is difficult, Traveller women experience additional dilemmas which make it more difficult for them to access help and support and explore their options. This is brought about by a combination of discrimination in services and professions (institutional and individual) and a lack of culturally appropriate provision.

The Sexual Abuse and Violence in Ireland (SAVI) Report, 2002, states: “In order to achieve more culturally appropriate services (for Traveller women), the provision of training to increase

both awareness and skills amongst service providers is needed. This should include awareness-raising regarding racist attitudes.”

The Pavee Point Violence Against Women programme aims to raise awareness of and help tackle the issue of Violence against Women. The strategy, developed through 2005 to 2007, is essentially still in force today.

The programme will promote awareness and provide training on the issues of sexism and VAW with Traveller women, Traveller groups, service providers and the wider community based on feminist, anti-racist and human rights principles. (Adapted from Pavee Point Website: [www.paveepoint.ie](http://www.paveepoint.ie))

#### AKIDWA

AkiDwA as an organisation emerged from regular meetings held amongst fellow migrant women, from 1999 to 2001, convened by Salome Mbugua, a Kenyan migrant woman who had arrived in Ireland in 1994. The first meeting was held in city centre Dublin, in Temple Bar, in 1999. In 2001, through the support of the Catherine McAuley Centre, Salome mobilised a group of African women to come together to share their experiences of living in Ireland. What emerged from this meeting were feelings of exclusion, isolation, racial abuse and discrimination, issues related to gender based violence were also raised. AkiDwA sought and obtained funding from the Combat Poverty Agency in 2002 to carry out a pilot needs assessment with African women living in Ireland. The survey elicited over two hundred female participants from seventeen counties.

The organisation is a national network of migrant women and has members from 36 countries of origin. AkiDwA is a member of the European Network of Migrant Women and is also a member of the Black European Women’s Council. The organisation has links and networks with organisations and institutions in Europe, Africa and the United States.

#### AkiDwa Programme Objectives :

**Gender Based Violence:** AkiDwA’s gender based violence (GBV) programme focuses on female genital mutilation, DV and sexual violence. AkiDwA works to improve delivery of culturally appropriate support services for GBV related issues, provides guidance and training to migrant women experiencing DV and women with medical concerns related to genital mutilation. AkiDwA advocates for legislation to prohibit female genital mutilation in Ireland, including the principle of extraterritoriality.

**Employment:** AkiDwA’s employment programme focuses on migrant women’s access to the labour market, recognition of skills, education and work experience from abroad and the impact of the current recession on migrant women and families. The attainment of economic independence is crucial for women, especially for migrant women experiencing DV so that they

can make decisions based on safety and not poverty.

Gender Based Discrimination: AkiDwa's gender based discrimination programme advocates for the equality of treatment and engagement for migrant women through legislation, policy and practice reform and through awareness raising training and promoting balanced public debate. AkiDwa's policy work aims to progress equal access to rights, services and economic opportunities and monitors safety and protection issues, in particular within State systems, lobbying for necessary reforms. AkiDwa supports the strengthening of women's voice in civic and political structures.

AkiDwa's long term legacy outcome is that the rights of African and migrant woman living in Ireland will be respected and protected.

"We are working together in solidarity, building an integrated society, one in which all people are valued, treated with respect and dignity, and enjoy equal opportunities and protections."

Salome Mbugua, Director, AkiDwa

Gender Based Violence

Gender-Based Violence (GBV): The organisation is a respected authority in gender-based violence (GBV) work for migrant women in Ireland. GBV work covers a broad area and AkiDwa focuses on Female Genital Mutilation (FGM) and DV. AkiDwa works to improve delivery of support services for GBV related issues and provides guidance and training to migrant women experiencing DV.

Understanding Gender-Based Violence: An African Perspective. This research was undertaken in response to the changing client profile attending gender-based violence service providers in Ireland and to address the needs identified by women contacting AkiDwa in relation to gender-based violence issues, including female genital mutilation and DV. A summary booklet was developed to offer concise and helpful information to service providers working in this area.

**f. Please refer to particular fields of practice, as well as to specific services that are provided. Please provide the relevant information regarding the particular strategies that are employed in the following areas of activities:**

- **Prevention (awareness and education)**
- **Protection (intervention, psychological and economic empowerment/independence)**

Please, refer to answer section IV c.

**g. Please, compare potential gaps, deficits as well as strength of the actions and services provided by the two kinds of actors.**

NEEDS, GAPS AND DEFICITS

Traveller and migrant women have a number of issues that need attention within the Irish

system.

- 1) Literacy (for Traveller women) and language difficulties (for migrant women) present serious challenges for them in accessing Court Orders. This is an issue which Women's Aid has addressed by outlining sections of their website in seven languages- Spanish, Russian, French, Chinese, Polish , Arabic and Romanian.
- 2) Discriminatory views by settled service providers also proved to be a challenge for Traveller and migrant women. This needs to be addressed with training and cultural awareness.
- 3) Discriminatory approaches by some Gardai also deflect from the level of safety abused women should expect from the Police Force. This has serious implications for Traveller women in particular, who have few options in accessing safety because of the manner of their lifestyle which means they live closely with other families, including their husband's family.
- 4) The cultural norms in both communities leave women vulnerable to abuse and control. Patriarchal views of women's roles, and the view that marriage is indissoluble creates major barriers for women from these communities.
- 5) Greater involvement by members of their own communities in service provision would help overcome some of the issues allied to both discrimination and cultural barriers.
- 6) Specific housing for Traveller women, as they themselves suggested (Allen and Forster, 2007), would help reduce their fear of leaving their marriages, and allow them to live in a manner which would not stigmatize them in the eyes of their own community.
- 7) Better information, provided in a number of languages in public places, such as Hospitals, Court Houses, etc, would help inform both communities of their rights to safety and support.
- 8) The development of specific cultural support groups around the country (as provided by Exchange House and AkiDwa in Dublin) would also help support women living in rural areas.
- 9) The reform of the asylum system, in which migrant women have to live with their partner in hostel style accommodation, while awaiting decisions on their asylum process, would help to reduce the tensions that may add to DV levels and provide women with independence and safety.
- 10) The involvement by religious leaders of all faiths in discussing the issue of woman abuse in their Churches and Mosques would also help to remove any religious support for cultural norms which support the control and abuse of women in those communities.

**h. Are there a collaborative efforts and joint initiatives/synergies among the different services providers and institutional actors?**

COOPERATION BETWEEN STATE AND VOLUNTARY SECTOR

There is considerable cooperation between voluntary agencies and some State agencies. Medical social workers in hospitals will refer women to a specialist DV agency such as Women's Aid, or a refuge. As Holt (2003) however notes, the emphasis in Child Protection Services (provided by the Health Service Executive at present), is on the protection of children, and the impact of DV appears to be side-lined or ignored. In an analysis of child protection case files in an Irish Community Care setting (Ferguson and O'Reilly, 2001:30), a remarkably high figure of 55 out of 74 cases (74%) cited DV as either the only problem, or one amongst other problems. Yet despite these findings, there are only patchy relationships between DV services and these Child Protection services. This is an issue that is common to other jurisdictions, such as the UK. At National level, representatives of Voluntary and State services are members of the National Steering Committee on Violence Against Women (as discussed above).

There is developing cooperation between COSC and Voluntary agencies.

Most Voluntary agencies however are primarily funded by a range of State agencies. The Health Service Executive, the Family Resource Agency, and various Government Departments fund these services. However, recent budgetary difficulties may create difficulties in the level of funding remaining at the same level.

In Dublin, the Housing Authority is working closely with voluntary agencies that provide transitional housing for abused women who have left their relationships. It is hoped that such women will be provided with public housing, even if they have a share in their former family home. This is derogation from normal housing policy, but is an example of the development of better links with State agencies.

## COUNTRY SPECIFIC LITERATURE REVIEW – Romania- ANUP-International

Objective of WS1: To have a clear understanding of what has already been carried out in each partner country to prevent DV and offer support to those are at risk or victims of DV. Target Groups: Sinti and Roma, Muslim migrants and travellers according to partners' country context.

### I. General information

In this section, you will find some questions duplicated for each TG. If the question is not referring to the TG you will work with, please just select the option "TG not relevant"

**Please, select the TG/TGs you will work with**

- **Sinti and Roma**
- Muslim migrants
- Travellers

***Please, give a definition of the TG/TGs you will work with and describe its/their situation in your country***

*The aim of this question is having an overview about the social status of the TG/TGs you will work with in order to fully understand why it/they can be considered marginalised community*

The target group is represented in Romania by any person who is a victim of DV (not just Roma). When working in groups Roma people are included in groups and the work is done together with the majority of population.

- The Roma are a people like any other, dispersed across many lands and territories over time and circumstance. Roma groups often have similar occupations, drawing upon traditions of peripatetic and mobile economies that exploit niche markets, such as peddling and trading certain livestock (horses, dogs, and small birds). Roma artisans have also made livings from repairing items deemed “uneconomic” to mend, such as pocket watches, tea-pots and porcelain dishes—the originators of what is now described as the *circular economy*. Many Roma, Gypsies, and Travellers are engaged in recycling and have been for centuries, long before major environmental concerns. We were also healers and herbalists for the “country people.”
- Mobility has, for many Roma, been part and parcel of identity. It’s “not all waggons and horses” though and Roma have been engaged with agriculture (as they still are in many places), artisan skills and automobiles trading, road repairs and roofing. Metal work of all kinds has always been part of the Roma economy, as has craft production (baskets and bamboo

furniture, knives' handles, carved and decorated waggons, fairground signs). Many groups' names actually stem from occupations—the Balkan *Sepetçiler* are basket-makers (from the Turkish term for woven baskets) and represent a commercial skill that was used as the basis for organizing taxable communities in the past. Diversity in and amongst Roma groups has its origins in occupational identity, as much as in any other distinctions of culture.<sup>15</sup>

Often DV is explained with low educational level, with traditional lifestyle or fundamental religious values.

DV is mostly reported in families of poor and low-level income status with an increasing number of cases in high-level income families. This trend compares well to the situation in Romania, too.

Most victims of Roma are women. The environments of female Roma people with traditional, conservative family structures are characterized by the following:

- Family-centeredness
- Social and ethnic homogeneity

The vast majority of female migrants are part of a small **family-centred network**, their social network consisting mainly of the core family/family of origin. Contact with those people outside of the family tends to be less frequent than with family members. Only rarely are Roma able to maintain contact with people outside of the family for longer periods. This is a trend coming from the nomadic characteristic of their culture.

In addition to family-centeredness, **social and ethnic homogeneity** are additional common factors of the Roma minority. Their relationships within the networks are essentially restricted to people of the same social economic status, level of professional qualification and ethnic origin.

Their strong rooting in traditional family structures makes it difficult for members of the target group to register in standard offerings of social services or social counselling outside the family environment. Often, there exists a certain timidity or reservation towards club contents, the other club participants or the trainers.

Family life of many female Roma is very traditional. Women are responsible for the household, caring for and raising the children and for satisfying the needs of their husbands.

### Please select the most prevalent age ranges for your TG/TGs

<sup>15</sup>Gypsies, Roma, Travellers: An Animated History, June 5, 2013 by Adrian Marsh [Early Childhood Programme, Roma Initiatives Office](#); <http://www.opensocietyfoundations.org/voices/gypsies-roma-travellers-animated-history>.

- **Sinti and Roma under 18 yrs**
- **Sinti and Roma 18-50 yrs**
- Sinti and Roma over 50 yrs
- Muslim migrants under 18 yrs
- Muslim migrants 18-50 yrs
- Muslim migrants over 50 yrs
- Travellers under 18 yrs
- Travellers 18-50 yrs
- Travellers over 50 yrs
- No data available

**What is the most prevalent gender in your TG? (Sinti and Roma)**

- Male
- **Female**
- Data not available
- TG not relevant

**What is the most prevalent gender in your TG? (Muslim migrants)**

- Male
- Female
- Data not available
- **TG not relevant**

**What is the most prevalent gender in your TG? (Travellers)**

- Male
- Female
- Data not available
- **TG not relevant**

*If possible, please include more specific demographic information (% of age, gender etc, quoting source).*

There is a sizable minority of Romani people in [Romania](#), of 619,000 declared people or 3.2% of the total population (2011 census). The Roma are the most socially-disadvantaged minority group in Romania, even though there are a variety of governmental and non-governmental

programmes for integration and social advancement, including the [National Agency for the Roma](#) and Romania's participation in the [Decade of Roma Inclusion](#). As an officially-recognised ethnic minority, the Roma people also have guaranteed representation in Parliament and official recognition of their language in localities where they make up more than 20% of the population.<sup>16</sup>

In the county of Ialomița, which has been chosen in this project as being a county with a significant Roma population, the situation of the victims of violence is the following<sup>17</sup>:

45 beneficiaries:

Age:

<18 years - 55.5%

18 - 50 years old - 37.7%

> 50 years - 6.6%

Gender:

male - 22.2% (children)

female - 77.7%

Religion:

≈ 90% Orthodox Christian

**Main religious background of your TG (Sinti and Roma)**

- **Christian**
- Muslim
- Buddhist
- no data available
- TG not relevant
- **Other : new protestants**

**Main religious background of your TG (Muslim migrants)**

- Christian
- Muslim
- Buddhist
- no data available
- **TG not relevant**
- Other: \_\_\_\_\_

<sup>16</sup>Wikipedia , Census of 2011

<sup>17</sup>Annual Report of the DGASPC-Ialomița , 2012

### Main religious background of your TG (Travellers)

- Christian
- Muslim
- Buddhist
- no data available
- **TG not relevant**
- Other: \_\_\_\_\_

*If possible, please include more specific information regarding religious backgrounds (please quote source)*

The most of the Roma people in Romania are Christians of orthodox religion ( $\approx 90\%$ ). But in the last decades we face a trend towards Pentecostals and New Protestants.

### Level of education of your TG (Sinti and Roma)

- **No education**
- **Primary level**
- **Secondary level**
- Academic level
- no data available
- TG not relevant
- Other: \_\_\_\_\_

### Level of education of your TG (Muslim migrants)

- No education
- Primary level
- Secondary level
- Academic level
- no data available
- **TG not relevant**
- Other: \_\_\_\_\_

### Level of education of your TG (travellers)

- No education
- Primary level

- Secondary level
- Academic level
- no data available
- **TG not relevant**
- Other: \_\_\_\_\_

*If possible, please include more specific information regarding the level of education (please quote source)*

Education - not very relevant, violence reach people with different degrees of schooling. But generally, the victims of DV are people with low education and training. In lalomita county require specialized support especially those with low tuition.

**Is/Are there a predominant type/s of DV experienced by your TG (Sinti and Roma)**

- **child abuse**
- **intimate partner violence**
- male victims
- elder abuse
- TG not relevant
- Other: \_\_\_\_\_

**Is/Are there a predominant type/s of DV experienced by your TG (Muslim migrants)**

- child abuse
- intimate partner violence
- male victims
- elder abuse
- **TG not relevant**
- Other: \_\_\_\_\_

**Is/Are there a predominant type/s of DV experienced by your TG (travellers)**

- child abuse
- intimate partner violence
- male victims
- elder abuse
- **TG not relevant**

- Other: \_\_\_\_\_

**What types of professionals get involved/work in the field of DV?**

In all 42 counties along the country and the Municipality of Bucuresti the DGASPC –structures- *General Directorate for Social Assistance and Child Protection* - are responsible for the coordination of the DV issues. They cooperate with the following institutions:

- Local Police Office
- Department for Public Safety
- Crises and Emergency Service (Centre de Primire in regim de urgenta )
- Child Protection Centers
- Public Prosecutor
- School Inspectorate
- Labour County department
- NGO-s

**Please, describe the kind of services provided to the victims? Is there any good/innovative practice to be highlighted?**

Different institutions and counselling offices from the police, justice and the psycho-social area cooperate for an efficient prevention and intervention of violence. The partnership aims to reduce and to prevent DV and a prompt counselling and support for victims and offenders while the offender (mostly male) is sent-off. Besides the police action and the counselling, the consistent law enforcement and protection measures according to civil law – in particular the protection against violence legislation – are the NGO-s for counteracting DV. These NGO-s are authorized by Law to develop such activities. They can not act, if they are not certified to do it.

**To which extent does media (newspapers, TV, radio, online) in your country address DV in away that the general public may become more aware of / sensitive towards the issue?**

- Not at all
- Only in police (e.g. report stories on victims of DV or in relation to DV-rape)
- Sometimes (talk shows, background coverage of DV in print and TV)
- Regular (documentaries, features, background stories on DV in all media)
- More coverage in media targeting young audiences
- **Public awareness campaigns by local / regional / federal government on DV**

- Special public awareness campaigns by local / regional / federal authorities targeting migrant groups and DV
- **Public campaigns by NGOs, women's associations etc. with flyers, brochures etc.**
- Public educational campaigns at schools, educational institutions on DV
- Other: \_\_\_\_\_

**Do the mass media play a significant role in raising the attention of the issue of DV? Do they have an information role through, for instant, awareness raising campaigns?**

- Yes
- No

***Motivate your answer***

Mass media and social media play an essential role in raising awareness on DV. Mass media such as radio, TV and newspapers have been reporting about selected cases of DV and thus increase awareness of the problem. In addition, articles on social services, help lines, DV crisis intervention, and other initiatives help victims to seek help and to get informed about possible sources of support and assistance.

Sometimes they support national TV campaign projects like:

Ministry of Labour project "Family violence should not leave you cold!"), national campaign , 2012 .The campaign to amend the Law on DV (during 2011-2012).

Within the Summary of the research report, January 2013 of the ***"Awareness Raising and Public Awareness on Preventing and Combating Violence - Component "Campaign Launch and Run Caravan"*** sample availability has been made based on volunteer subjects. They run about 50 questionnaires in each of the 35 locations, representing the Caravan stops (29 localities and the 6 sectors of Bucharest), in total 1884 subjects. Subjects were recruited following two rates demographic (gender and age) initially indicated, according to the local structure.

A fifth of experts considered that the population is largely informed about the institutions involved in combating VF. The main argument included information campaigns on which opinions are still divided. On one hand, "the population is well informed from several sources: TV, media, schools, etc.," "required information offered to the public through the media, internet", "marketing campaigns, posters, leaflets, radio and television, written press, " television, the media, schools, SPAS-s, Church ", " the population is informed by media prevention campaigns, leaflets, etc., "" institutions shall regularly inform the public about related services and data contact them ", " the general population knows that it can address

DGASPC or police ", " population was informed through the media and school level were developed prevention programmes on DV ", " were distributed flyers on several occasions emergency center were published several articles in the press ", " popularizing the necessity of submitting under 112 complaints to the police station. " On the other hand, "the population is informed in particular by TV spots aired quite often, but not enough", "multiple sources of information are, but people are indifferent", "media broadcast only violence, not the institutions involved "18.

## II. Bibliography

**Please, quote at least 5 publications that deal with the theme of DV related to your country. For each of them insert: Author, Title, publication date, publishing house and provide a short summary (max 500 words) of the main aspects faced.**

- Ana Muntean , Anca Munteanu - Violence, trauma, resilience, Publishing House Polirom 2011.

Violence is a widespread phenomenon and affecting both individuals as well as social groups. The volume offers a comprehensive study of violence placed in the broader context of trauma and resilience, in an attempt to identify the most effective methods of prevention. Are shown the forms of violence in prevention policies, a multifaceted analysis of the trauma and suffering, the main ontogenetic stages or potentially traumatic events and the possibility of intervention in the child, family, group and society as a whole in terms of growth "assisted resilience." With an extensive bibliography, the book is useful for psychologists, social workers and sociologists, as well as for students in the field of social and human science.

- Ana Muntean, Julian Sagebiel - Practice in Social Work. Romania and Germany, cap. Theoretical and institutional difficulties in determining the size of DV in Romania, Publishing House Polirom, 2007  
A comparative study about practices used in the two countries.
- Ministry of Labour, Family and Equal Opportunities, the National Agency for Family Protection - User intervention in cases of DV, 2009.
- National Agency for Family Protection - User intervention in cases of DV, 2007.

<sup>18</sup> MINISTERUL MUNCII, FAMILIEI, PROTECȚIEI SOCIALE ȘI PERSOANELOR VÂRSTNICE DIRECȚIA PROTECȚIA COPILULUI Proiect Campanie de conștientizare și sensibilizare a opiniei publice privind prevenirea și combaterea violenței în familie – componenta „Lansarea campaniei și derularea caravanei” [www.copii.ro](http://www.copii.ro), Sinteza raportului de cercetare, pg 17

- George Neamțu - social treaty, cap. DV and child maltreatment, Publishing House Polirom, 2003.
- UNICEF - our right to be protected against violence - and action learning activities for children and young people , Publishing House VANEMONDE

### III. LEGISLATION INTO FORCE

*It would be important make a comparison with the research you did in SUNIA GEEL and highlighting changes, if any, or the maintenance of situations that still not receiving a legal protection. This will give the opportunity to understand if improvements have been made in the last year.*

#### **a. Please, present a brief description of the legal status in your country regarding DV.**

- **Law no. 217/2003** on preventing and combating DV, republished **GD. 49/2011** approving the methodology on prevention and intervention in the multidisciplinary team and the network in cases of violence against children and DV. **Order no. 383 of 12 July 2004** approving quality standards for social services in the field of DV victims. **Order no. 385/304/1018 of 21 July 2004** approving the Guidelines on the organisation and operation of the units to prevent and combat violence. **Order no. 384 of 12 July 2004** approving the Procedure for cooperation in preventing and monitoring cases of DV.
- **Law 25/2012** regarding modification and completion of the Law 217/ 2003 for preventing and combating family domestic.

#### **b. Please, present the definition of DV within the legal framework and describe the types/forms of violence that are included in this definition (Physical, psychological, sexual, economical, etc). Does legal definition fit well with the cultural understanding of DV?**

DV is any intentional act or omission, except in self-defence or defence actions, manifested physically or verbally committed by one family member against another member of the same family that causes or may cause injury or physical, mental , sexual, emotional or psychological, including threats of such acts, coercion or arbitrary deprivation of liberty. Constitution also prevents family violence to women in affirming their fundamental rights and

freedoms.

a) DV occurs in the following forms:

**verbal violence** - addressing by offensive language, brutal, and the use of insults, threats, degrading or humiliating words and phrases;

**b) psychological violence** - the imposition of the will or control, causing the tension and mental suffering in any way or by any means, violent demonstration on objects and animals, verbal threats showing of weapons, neglect, privacy control acts of jealousy, the constraints of any kind, and other similar actions;

**c) Physical** - injury or damage to health by hitting, shoving, slamming, pulling hair, pinching, cutting, burning, choking, biting, in any form and by any intensity, including masked as the result of accidents, by poisoning, poisoning, and other similar actions;

**d) sexual violence** - sexual assault, imposition of degrading acts, harassment, intimidation, manipulation, brutality for maintenance of forced sex, marital rape;

**e) economic violence** - prohibition of professional activity, deprivation of economic resources, including lack of primary livelihoods such as food, medicine and basic necessities, deliberate avoidance action person's property, prohibiting the possession, use and disposal of common property, unfair control over common goods, refusing to support the family, imposing hard and harmful to the detriment of health, including a minor family member, and other similar actions;

**f) social violence** – imposing isolation of the person from family, community and friends, attending educational institution ban, imposing isolation in detention, including the family home, deprivation of access to information, and other similar actions;

**g) spiritual violence** - underestimating or diminishing the importance of moral and spiritual satisfaction by prohibiting, taking in ridicule , punishing the aspirations of family members, the access to cultural, ethnic, linguistic or religious values, imposing to joining unacceptable spiritual and religious beliefs and practices and other similar actions or similar repercussions.

**c. Please, identify potential gaps, deficits as well as legal deficiencies**

- Does not meet the deadline set in law to issue protection orders;
- The absence of punitive measures for the aggressor;
- The non existence of correlated services for the victims for their socio-professional integration (no social services for a long period of time, no social housing, no jobs, etc..)

“A good implementation of Law 25/2012 depends on a number of factors says the **Report's Research** of the Campaign conducted by the Ministry of Labour, Family, Social Protection and Seniors –department child protection:

- "necessity of detailed legislative provisions on enforcement and set up more shelters for victims";
- "more information campaigns of legal measures";
- "knowledge of the law and its coercive measures could reduce VF"
- "procedures of the penal framework not applied yet or not sufficiently elaborated"<sup>19</sup>.

Social services for victims often function as emergency services, first-help actions but rarely as full-service long-term assistance. Often victims fall back into old rituals and become victims again, often by the same perpetrator.

#### **d. Please, present the legal rights of the victims**

Victim's rights (according to law):

Right to:

To respect the personality, dignity and his private life;

The information on his rights;

Special protection appropriate to the situation and its needs;

To counselling, rehabilitation, social reintegration, as well as free medical assistance under this Act;

Counselling and free legal assistance to the law.

#### **e. Please, refer to legal regulations and the types/forms of punishment for perpetrators**

Forms of punishment of the perpetrators:

**Law no. 217/2003** on preventing and combating DV, republished, provides a number of obligations and prohibitions:

Temporary evacuation of the aggressor from the family home, whether it is the owner of the property;

- Reintegration of the victim and, if appropriate, children in the family home;

<sup>19</sup> MINISTERUL MUNCII, FAMILIEI, PROTECȚIEI SOCIALE ȘI PERSOANELOR VÂRSTNICE DIRECȚIA PROTECȚIA COPILULUI Proiect Campanie de conștientizare și sensibilizare a opiniei publice privind prevenirea și combaterea violenței în familie – componenta „Lansarea campaniei și derularea caravanei” [www.copii.ro](http://www.copii.ro), Sinteza raportului de cercetare, pg 19

- Limitation of the use of the perpetrator only on a part of the common house where it can be shared, so that the abuser does not come into contact with the victim;
- Order the abuser to maintain a specified minimum distances from victim to his children or other relatives to it or to reside, work or educational unit of the protected person;
- Ban the abuser from entering certain places or defined areas that they frequent or protected person visits them regularly;
- Prohibit any contact, including telephone, mail or in any other way, with the victim;
- Order the abuser to reach police held weapons;

Custody of minor children and establish their residence;  
 The same judgment, the court may order the abuser to pay rent and / or maintenance of temporary accommodation where the victim, minor children or other family members live or will live because of the impossibility of staying in the family home;  
 And the court may order the abuser to attend counselling, psychotherapy or recommend measures to control, conduct or treatment of some forms of care, particularly for rehabilitation purposes.

Violation of any of the mentioned measures ordered by the protection order is an offence of non-judgment and shall be punished by imprisonment from one month to one year. Reconciliation of parties removes criminal liability. In case of conviction, it can not suspend the conditional sentence.

**f. Please, refer to national legal cases related to DV issues object of relevant judgements of national courts or the European Court of Human Rights (if, any)**

*The aim of this question is to understand if there are some new elements introduced by the jurisprudence that could be innovate the legislation*

**g. Legislation establishing or regulating DV centres (if any)**

**Institutional Collaboration**

Within the county of Ialomita there is a Local Intersectoral work team, composed of representatives of various organisations / institutions authorized to intervene in the county in combating DV as follows:

General Department for Child Protection and Social Affairs Ialomita - team coordinator;

Ialomita County Police Inspectorate;

Gendarme Inspectorate of Ialomita county;  
Ialomita Public Health Department;  
Ialomita County School Inspectorate;  
Labor Inspectorate Ialomita;  
Probation Service Court Ialomita;  
Foundation "Flower Ialomiteanul.

#### IV. POLITICAL LEVEL

*Public sector (at State level)*

##### **a. Relevance of the DV issues in the political debate: in programme's party, parliament debate, etc.**

Although in the last 10 years, there have been made a lot of progress in the domain of promoting a legislative framework on prevention and combating DV, there are still problems left in this domain like : lack of information for the victims, stigmatising the phenomenon, few emergency centres for the victims and lack of financing the services.

As a result of an increased interest towards the domain, the Romanian Parliament, by its specialised department promoted in 2012 a new Law – Law 25/2012 regarding the modification and completion of the Law 217/ 2003 for preventing and combating family DV.

A set of prevention activities have been organised in cities ( few in rural areas), a national Campaign on preventing DV took place in 2011.

The results of this Campaign organised by the **Ministry of Labour, Family, Social Protection and Seniors-direction for child protection** recognised a lot of gaps between the existent legislative framework and the results of the population concerning the awareness of the phenomenon, rights of the victims, prevention, counselling both victims and perpetrators.

##### **b. Action plans and policies (Please, refer to their particular fields of practice, as well as to the specific services that are provided)**

##### **Level of awareness**

Education and information among potential and real victims of DV in Romania still needs to be improved. Many people know about services “out there” but they do not know where to go, whom to call, whom to talk to and how to access services which could support or assist them.

Many victims are unaware of their rights and privileges, of the simple fact that these social services are provided for free as part of national social system in Romania.

Another deficit is the fact that often DV is linked by most people to rape, sexual violence and physical violence. Other forms such as psychological violence, violence through constant insults, verbal violence etc are not regarded as part of DV and are thus not reported or listed.

### **Major needs in every level of intervention**

Major needs in Romania are a clear analysis of DV linked to cultural traditions in conservative families (both Romanians and Roma) where the role of women and children are described as inferior to men, fathers and husbands. Often DV is seen as part of the way men has to treat his wife, women or children and thus not identified as violence.

Major needs of intervention briefly can be described as:

- Cultural intervention on gender roles in specific communities
- Political intervention on increasing protection for victims
- Political intervention on awareness of needs of men as potential victims
- Socio-political intervention on rights of perpetrators and access to therapy and rehabilitation

### **c. Please provide relevant information regarding the particular strategies that are employed in the following areas of activities: • Prevention (awareness and education) • Protection (intervention, psychological and economic empowerment/independence)**

Regarding **prevention** there have been done work in city districts and networking with all relevant actors in the fields of children and adolescents, multipliers, public relations services trough information events, education, workshops, campaigns.

Concerning the protection the victims are assisted with counselling and in case of emergency, they are assisted in 43 emergency centres ( one per each county).

Prof. Monica Alexandru from the University of Bucharest states that in Romania there are 3 types of prevention:

1. **Primary prevention** is part of the general approach to reduce the incidence of violence before violence takes place. It contains actions, programmes, campaigns addressed to larger populations (country, county, city) in order to raise their awareness and reduce tolerance to violence.
2. **Secondary prevention** is included in the work and aims to identify people who are at risk or identifying risk factors in the production of violence. It is addressed to high-risk groups to exhibit a certain behavior or victimization risk groups (children and adolescents living in

families with violence, women undergoing unemployed or low income and dependent on someone, unemployed, etc.).

3. **Tertiary prevention** focuses on the diminution of conditions to produce violence in couples experiencing violence (victims of female abusers, abused children). It means preventing recurrences, punishment and / or recovery to aggressors, safety of victims, recovery or treatment of the effects and consequences (post-traumatic therapy, psychotherapy, treatment of affective and medical disorders, victim empowerment, protection measures, knowledge of rights, etc.).

As protection services we can mention the following services:

Centre for sheltering victims of DV (shelters)

It is a social unit, with or without legal personality, which provides protection, housing, care and counseling to victims.

Receiving the shelter is made only in case of emergency, in order to isolate the victim from aggressor.

Shelter location is secret, so center staff and other professionals who come into contact with victims are obliged to keep the confidentiality on housing location and identification of victims and their children. Confidentiality can be violated only by agreement of the beneficiary.

Minimum service in a shelter: housing (between 7-60 days), social support counseling, legal advice, medical care.

Rehabilitation centers for victims of DV

It is a social unit, with or without legal personality, which provides hosting, care and rehabilitation and social reintegration of victims of DV.

Minimum services provided in a rehabilitation center: housing (up to 90 days in exceptional circumstances a maximum of 180 days), social support counseling, legal advice, social and professional reintegration, assistance and care.

Assistance centers for perpetrators

It is a social unit, with or without legal personality, which provides for the family aggressors treatment or rehabilitation and social re-integration, in a residential, or semi-residential system, educational measures, counseling and family mediation.

Minimum services provided within a center for abusers: psychological counseling, legal counseling, mediating conflict, psychological treatment, psychiatric, rehabilitation and detoxification (given in hospitals or health care facilities that ended the cooperation agreement) information and guidance.

Such assistance center has got a team consisting of psychologists, social workers and a legal

advisor who provides advice to persons who abuse their families.

Centre for preventing and combating DV.

Minimum services provided: counseling, information and guidance, legal advice.

Centre of information and awareness.

Minimum services: information and education; hotline.

**d. Please include (if possible) a brief description regarding the costs of DV in your country in relation to 1. Material Values (medical treatment of the victims, legal services, damage to properties) 2. Immaterial Values (reduced Quality of life, trust, self-respect)**

No data available, as the service of DV is included in other services of social assistance, it is not treated separately.

**e. Please present the mechanisms and the existing structures and services that deal with DV. How are NGO's organized in terms of dealing with DV? Please refer to level of cooperation and interaction (if any) with public policies and action plans.**

**Types of professionals involved/work in the field of DV and particular role that each one of these categories has**

Most cases of work in the field of DV in Romania are handled by social workers either employed in public service institutions or working for an NGO. In addition, there are psychotherapists, medical professionals, lawyers and other categories of social work and family-outreach service.

These social workers and other professionals working with and for victims and perpetrators involved in DV have a fully-trained, qualified and state-acknowledged professional background (diploma social workers). In the rural areas the services belong to the tower halls and in many cases they do not have a qualified professional background.

The most important types of professions the field of DV are:

Social workers – Social workers with diploma from university of university of applied sciences (BA or MA);

Psychologist and psycho therapist – Working for both governmental and non-governmental institutions, also for police forces and courts, active in therapy and protection of victims.

Police force – members of police and law enforcement .

Lawyers– Legal professionals specialising in family and youth law, gender laws, female jurisdiction, preventive law and rights both of victims and perpetrators

Clerical services, priests –churches in Romania offer more and more services for families in need, but also for victims and perpetrators. Priests active in this field often have special training in family counselling with elements of psycho therapy.

### **Mechanisms and the existing structures and services by NGOs in Germany**

Public social service is responsible for preventing abusive behaviour of parents and family violence, there are Departments in all the 43 counties of Romania and bilateral co-operation with authorised NGO-S. All These Institutions have local branches which are interlinked with each other. These local branches collaborate with member institutions such as health services, police, courts, school and educational system, labour unions, municipal administration.

Police can identify various risk and inform the social worker, the police can facilitate early intervention in producing violence and may refer to situations with high risk of producing violence, community doctors and nurses - during consultations in the office or home visits can identify various issues facing families and their children. They can provide families by directing them where they can go when they need support or to prevent violence;

Teachers are a good source to prevent violence and to provide information to families with problems;

Priest can assist families in the community and can disseminate information on the production and consequences of violence. Priests can inform social workers about the existence of risk factors that may contribute to violence;

Community members can support the initiatives proposed by various professionals and social workers can inform the existence of risk factors in the production of violence.

- f. Please refer to particular fields of practice, as well as to specific services that are provided. Please provide the relevant information regarding the particular strategies that are employed in the following areas of activities:**
- Prevention (awareness and education)
  - Protection (intervention, psychological and economic empowerment/independence)

see section IV c.

- g. Please, compare potential gaps, deficits as well as strength of the actions and services provided by the two kinds of actors.**

Though the system of social assistance made enormous progress in the last decade in Romania beginning with the legislative framework and continuing to a diversity of institutions

and services dealing with DV, we can mention that in accordance with the last data of the **Ministry for Labour, Family, Social Protection and Seniors**, the mentality of preventing and combating DV is not enough developed. There are prejudices concerning the domain, myths and facts which proves that the population is not enough informed about the rights of the victim, the punishments for the abusers; the mechanism of the existent services is not functioning well, the professionals are leaving the system because of the low salaries, etc.

In the **Report's Research** of the Campaign conducted by the Ministry of Labour, Family, Social Protection and Seniors –department child protection there are some proposals to combat DV:

- conduct information and awareness raising campaigns on DV;
- strengthening institutional cooperation;
- ☒ improving the legislative framework;
- ☒ funding for DV;
- ☒ education programmes in schools;
- ☒ counselling of the victims;
- ☒ provision of social services, in particular, shelters;
- ☒ aggression therapy<sup>20</sup>

#### **h. Are there a collaborative efforts and joint initiatives/synergies among the different services providers and institutional actors?**

More and more there are initiatives concerning the **interaction** of various providers in conducting actions addressed to DV , especially between DGASPC and NGO-s ,between private financing and public one.

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<sup>20</sup> MINISTERUL MUNCII, FAMILIEI, PROTECȚIEI SOCIALE ȘI PERSOANELOR VÂRSTNICE DIRECȚIA PROTECȚIA COPILULUI Proiect Campanie de conștientizare și sensibilizare a opiniei publice privind prevenirea și combaterea violenței în familie – componenta „Lansarea campaniei și derularea caravanei” [www.copii.ro](http://www.copii.ro), Sinteza raportului de cercetare, pg 19

## COUNTRY SPECIFIC LITERATURE REVIEW – Italy - CESIE

Objective of WS1: To have a clear understanding of what has already been carried out in each partner country to prevent DV and offer support to those who are at risk or victims of DV.

Target Groups: Sinti and Roma, Muslim migrants and travellers according to partners' country context.

### I. General information

In this section, you will find some questions duplicated for each TG. If the question is not referring to the TG you will work with, please just tick the box "TG not relevant"

**Please, select the TG/TGs you will work with**

- **Sinti and Roma**
- **Muslim migrants**
- Travellers

***Please, give a definition of the TG/TGs you will work with and describe its/their situation in your country.***

*The aim of this question is to get an overview of the social status of the TG/TGs you will work with, in order to fully understand why it/they can be considered a marginalised community.*

#### **Sinti and Roma**

According to the **National Strategy for the Inclusion of Roma, Sinti and Caminanti Communities - European Commission Communication No. 173/2011<sup>21</sup>**, the Roma, Sinti and Caminanti people (from now on RSC) living in Italy, are characterized by the heterogeneity of: 1) groups; 2) dialects and specific linguistic varieties; 3) cultures. It is possible, then, to divide the community in three reference groups:

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<sup>21</sup>[http://ec.europa.eu/justice/discrimination/files/roma\\_italy\\_strategy\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/roma_italy_strategy_en.pdf)

- The first group consists of approximately 70,000 people (Italian citizens) whose first records date back to the fourteenth century and are distributed throughout the Country;
- the second group consists of about 90,000 Roma people from the Balkan region (Non-EU citizens) who arrived in Italy, in the 90's, especially after the disintegration of the former Yugoslavia. This group is mainly settled in Northern Italy;
- the third - and more recent - group of migration is made of Roma people with Romanian and Bulgarian nationality (EU citizens), who mainly live in large cities (Milan, Turin, Rome, Naples, Bologna, Bari, Genoa).

This *status quo* may be better understood if one takes into account the fact that when considering RSC communities we are referring to:

- Italian citizens
- citizens from other EU countries
- non-EU citizens
- foreigners who were granted asylum or subsidiary protection
- (*de facto*) stateless people, born in Italy from stateless parents.

Moreover, at present, the RSC communities are not concentrated in a specific area but they are scattered throughout the country. The old conception, which associated these communities with the solely connotation of “*nomadism*”, has been overcome: this term is outdated both linguistically and culturally, since it does not portray correctly the current situation.

On the basis of the data provided by the Council of Europe<sup>22</sup>, the RSC population average rate in Europe is about 1,36%, with approximately 11.256.900 people. As for Italy, the Council of Europe estimated, in September 2010, the average presence of about 140,000 Roma people – a datum indicating a presence between 110,000 and 180,000 units - corresponding to 0.23%

<sup>22</sup>[http://www.coe.int/t/dg3/romatravellers/default\\_en.asp](http://www.coe.int/t/dg3/romatravellers/default_en.asp)

of the total population. In 2010, according to the Ministry of Labor, there were in Italy about 130.000/150.000 Roma people, of whom approximately 70,000 are Italians.

However, according to the report *No data- No progress* (June 2010)<sup>23</sup>, «the lack of data on Roma communities remains the biggest obstacle to assess the living conditions and to analyze the impact of relevant national policies and measures».

Roma and Sinti communities in Italy speak *Roman* dialects and are mainly concentrated in Northern and Central Italy (in particular, Roma people are in all Regions, across the country, while Sinti people are mainly in Northern Italy). Differently, Caminanti people are mainly concentrated in the municipality of Noto (Sicily) and have adopted the local dialect.

In addition to these groups, mention has to be made of those irregular Roma people, whose exact number has not been officially set yet. For example, the Prefecture of Rome detected the presence, on the local territory, of 12,000/13,000 irregular Roma people, compared to 7,000 regular Roma people living in around 20 unauthorized camps<sup>24</sup>.

Social exclusion experienced by the RSC people is determined by complex and interrelated causes, involving both the host society and the RSC communities themselves. The widespread and damaging tendency to connect all forms of deviance and crime to the image of the RSC people is confirmed by both public surveys and the public opinion in such a way that these communities are more negatively connoted than any others.

The following data confirm the status of Roma community as the marginalised one in Italy:

- Household members aged 20 to 64 in paid employment (excluding self-employment) represent 10,5%,
- about 25 % said they are self-employed
- 28% of respondents aged 20 to 64 who considered themselves as unemployed, as well as up to 4 to 5 times more Roma than non-Roma, said they are unemployed.

<sup>23</sup><http://www.opensocietyfoundations.org/sites/default/files/no-data-no-progress-20100628.pdf>

<sup>24</sup> National Office on Anti-Racial Discriminations – National Focal Point, Presidenza del Consiglio dei Ministri. *National Strategy for the Inclusion of Roma, Sinti and Caminanti Communities - European Commission Communication No. 173/2011*, Roma (2012)

- 37% respondents aged 18 and above state that they are or will be entitled to private or state pension<sup>25</sup>.

RSC children aged 7 to 15 who work out of their home are 7%, but 6% did not understand the question, did not know or refused to answer. When asked which type of work children do outside their home, respondents said they are either collecting objects for reselling or recycling, or begging on the street for money. Other activities of RSC children working outside their home include working in a shop, on a farm, in a market or selling things in the streets, running errands or guarding cars.

The percentage of RSC respondents aged 16 and above seeking a job in the past 5 years, who said they experienced discrimination because of their Roma background, is 65%.

Almost 30% of respondents aged 35 to 54 suffer from health problems that limit their daily activities (Romareport limitations in daily activities due to health seven times more than non-Roma).

Analysing the issue of poverty among RSC communities, it is significant that 30% of persons live in households without at least one of the following basic amenities (indoor kitchen, indoor toilet, indoor shower/bath, electricity); 98% of persons living in households are at risk of poverty, among 51 % of persons living in households someone went to bed hungry at least once in the past month.

65% of RSC respondents aged 16 and above experienced discrimination because of their Roma background in the past 12 months. In all EU Member States, RSC men show greater awareness of anti-discrimination laws than RSC women, namely in Italy and Poland. 55% of respondents aged 16 and above know about a law forbidding discrimination against ethnic minority people when applying for a job<sup>26</sup>.

### **Muslim migrants**

Based on the data of the *Dossier Statistico Immigrazione Caritas e Migrantes* (2012), 32% of the 5.011.000 foreign citizens in Italy are Muslim Migrants. In particular, the Moroccan and Albanian communities are the most numerous – respectively, 506.309 and 491.495 inhabitants.

<sup>25</sup>European Union Agency for Fundamental Rights, UNDP. *The situation of Roma in 11 EU Member States – Survey results at a glance* (2012)

<sup>26</sup>European Union Agency for Fundamental Rights, UNDP. *The situation of Roma in 11 EU Member States – Survey results at a glance* (2012)

It needed to be emphasized that 69,5% of Muslim immigrants in Italy are male. The main factors which influence female presence in Islamic immigration are: perspectives of stabilisation in the arrival country; duration of settlement of their own community in the arrival country; impact of religious traditions on women's role in the society; role of women in the culture of their countries and geographical remoteness<sup>27</sup>.

The conclusions of a survey on the Islamic presence in Italy<sup>28</sup>, (in the framework of which 479 Muslims immigrants were interviewed, in prevalence men, with an average age of 33,5 and about 50% married with children) often contradict the stereotypes on Muslims which are still widespread in Italy.

This survey confirmed that immigration affects the more educated and intelligent members of Muslim society, people who developed a vision of life in which emigration doesn't represent simply a job opportunity. At the moment of leaving the countries of origin, the majority of Muslim migrants (34.9%) were students, 8.4% employees, 8.1% employers, 7.3% unoccupied people/ looking for an occupation, 10.1% of workers, whilst in Italy they are scattered on a great variety of activities: permanent workers (9.6%), unoccupied/ looking for an occupation (7.3%), autonomous workers (6.7%), students (5.6%), employees (5.2%), freelancers (5%), casual workers (4.2%), housewives (4%), domestic workers (3.8%). 45% have an insurance and social security, 54,5% are convinced that their income is not sufficient to live their lives with dignity.

At least 49.5% send a part of their incomes to help their families in the countries of origin (which previously spent their savings for the migration of one or more of their members). 58.7% live in a rented accommodation (43% with his own family and 15.7% with other families), 10% are guests of relatives/ friends, 8.8% are guests of humanitarian centers, 8.6% live in their own home, 5.2% without permanent housing, 3.8% live at their job place. Job insecurity and the lack of accommodation make the integration into Italian society more difficult.

Only 10.2% state they don't want to be integrated into Italian society or to share their values and beliefs, they want to live only respecting their own religious and cultural identity; 4.2% of interviewed people wish to change Italian society on the basis of their religious and cultural values; the great majority (73.9%) want to become integrated into the local society by

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<sup>27</sup>Centro Studi e Ricerche IDOS. *Dossier Statistico Immigrazione Caritas e Migrantes*. Roma (2012)

<sup>28</sup>Gritti R. Allam M. *ISLAM, ITALIA. Chi sono e cosa pensano i musulmani che vivono tra noi*. Guerini e Associati, Milano (2001)

accepting part of its values but maintaining their own religious and cultural identity; there is also 7.5% of Muslims who want to become assimilated by accepting all the local values in order to become Italians.

Particularly interesting is that fact that only 12.9% of those interviewed believe that their identity lies in their religious faith; 42.8% link their identity with the country of origin and the national belonging; 15.9% feel as belonging to both their countries of origin and Italy; 17.7% of those interviewed believe to be citizens of the world; 1.7% believe to be completely Italians (meanwhile, 2.1% of those interviewed have Italian citizenship) and 4.8% have an identity crisis.

Among the strongest reasons to migrate to Italy there are the pursue of a better life, escape from poverty, escape from war, search for opportunities of personal fulfilment, studying, escape from political repression etc. Italy has been autonomously chosen for building their own lives and for staying for a lifetime (43% of people); the majority of people highly appreciate democracy, freedom of speech and freedom of religion in Italy. 51.5% of those interviewed are quite satisfied with their lives in Italy.

#### **Please select the most prevalent age ranges for your TG/TGs**

- **Sinti and Roma under 18 yrs**
- **Sinti and Roma 18-50 yrs**
- Sinti and Roma over 50 yrs
- **Muslim migrants under 18 yrs**
- **Muslim migrants 18-50 yrs**
- Muslim migrants over 50 yrs
- Travellers under 18 yrs
- Travellers 18-50 yrs
- Travellers over 50 yrs
- No data available

#### **What is the most prevalent gender in your TG? (Sinti and Roma)**

- Male
- **Female**
- Data not available
- TG not relevant

**What is the most prevalent gender in your TG? (Muslim migrants)**

- **Male**
- Female
- Data not available
- TG not relevant

**What is the most prevalent gender in your TG? (Travellers)**

- Male
- Female
- Data not available
- **TG not relevant**

*If possible, please include more specific demographic information (% of age, gender etc, quoting source)*

**Sinti and Roma**

In many Member States, RSC communities represent a significant and growing proportion of the school age population and, therefore, the future workforce. The Roma population is young: 35.7% are under 15 compared to 15.7% of the EU population overall. The average age is 25 among Roma, compared to 40 across the EU<sup>29</sup>.

Some data are extremely significant in order to have a complete framework of the demographic situation of RSC community, also useful to analyse the situation of its social exclusion:

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<sup>29</sup>European Social Fund. *EU INCLUSIVE: Scambio di informazioni e buone pratiche riguardanti l'integrazione nel mercato del lavoro della popolazione Rom in Romania, Bulgaria, Italia e Spagna*, Soros Foundation, Romania (2012)

- The incidence of unemployment in Roma population is extremely high: in Italy the unemployment rate is at 37,3%.
- The activity rate of Roma population, in particular, is under the EU-27 average for the age group 25-60 (65,6% vs. 77,1%).
- Global data of active population rate underline the gender inequality, with women at 33,5%, men at 66,5%.
- The most frequent reasons for inactivity are: taking care of home (50,5% of inactive Roma population) and early retirement ( 22,5% of inactive Roma population)<sup>30</sup>.

### **Muslim migrants**

Muslims in Italy, according to the “*Dossier Statistico Immigrazione Caritas e Migrantes*” (2011) are almost 1.500.000 and the largest community is the Moroccan one, with at least 450.000 people. The majority live in Northern Italy, where the possibility of finding a job is higher, but even in Middle Italy there are significant communities<sup>31</sup>.

It is difficult to find specific data on Muslim presence in Italy due to a particular element: the different typologies of individual belonging to Islam. In fact, even if in surveys all people coming from countries with a Muslim tradition are considered as Muslims, the religious belonging comes through a personal choice presenting a wide range of distinctions. It is possible to find:

- a “cultural” belonging to Muslim community, spread among Tunisians and Algerians;
- forms of individual practice without stable ties with religious institutions, as in the case of Albanians;
- active commitment in religious organisations.

It is very difficult to verify and quantify the percentages of various forms of Islamic belonging in Italy, also if it is possible to have realistic hypothesis on the base of a direct observation of certain Italian areas: for instance, the analysis of attendance to mosques in Milan, Turin and Treviso underline that weekly Muslim practicing is limited to 3% of Muslims resident in these territories. This percentage rises up to 6-7% for the Ramadan, the most important religious festivity of the year.<sup>32</sup>

<sup>30</sup>European Social Fund. *EU INCLUSIVE: Scambio di informazioni e buone pratiche riguardanti l'integrazione nel mercato del lavoro della popolazione Rom in Romania, Bulgaria, Italia e Spagna*, Soros Foundation, Romania (2012)

<sup>31</sup>Centro Studi e Ricerche IDOS. *Dossier Statistico Immigrazione Caritas e Migrantes*. Roma (2011)

<sup>32</sup>The mention data are from A. Pacini, *I musulmani in Italia*, Relazione tenuta presso la Facoltà di Scienze Politiche

### Main religious background of your TG (Sinti and Roma)

- Christian
- Muslim
- Buddhist
- **no data available**
- TG not relevant
- Other:

### Main religious background of your TG (Muslim migrants)

- Christian
- **Muslim**
- Buddhist
- no data available
- TG not relevant
- Other:\_\_\_\_\_

### Main religious background of your TG (Travellers)

- Christian
- Muslim
- Buddhist
- no data available
- **TG not relevant**
- Other:\_\_\_\_\_

*If possible, please include more specific information regarding religious backgrounds  
(please quote source)*

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dell'Università di Padova nell'ambito del seminario sull'islam in Europa e nel mondo, organizzato dal GRIM (Gruppo di ricerca su islam e modernità), 29 gennaio 2001.

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In Italy, Islamic mosques with dome and minaret are five (Rome, Catania, Colle Val D'Elsa, Segrate, Brescia). The other ones are just places of worship, organized as Cultural Islamic associations or prayer halls in gyms, private buildings, basements. In 2007, the Italian Secret Service (SISDE) identified 735 of these "Mosques", with a great trouble in taking a census because of the lack of official data. The Imam of Florence and President of the Union of Islamic Communities in Italy (UCOII) stated that there are more than 800 Mosques spread on all the national territory but the correct number is unknown because of the absence of a unitary study<sup>33</sup>.

#### **Level of education of your TG (Sinti and Roma)**

- No education
- **Primary level**
- Secondary level
- Academic level
- no data available
- TG not relevant
- Other: \_\_\_\_\_

#### **Level of education of your TG (Muslim migrants)**

- No education
- Primary level
- **Secondary level**
- **Academic level**
- no data available
- TG not relevant
- Other: \_\_\_\_\_

#### **Level of education of your TG (travellers)**

- No education

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<sup>33</sup>[http://inchieste.repubblica.it/it/repubblica/rep-it/2012/04/25/news/donne\\_arabe\\_segregate-33913590/](http://inchieste.repubblica.it/it/repubblica/rep-it/2012/04/25/news/donne_arabe_segregate-33913590/)

- Primary level
- Secondary level
- Academic level
- no data available
- **TG not relevant**
- Other: \_\_\_\_\_

***If possible, please include more specific information regarding the level of education (please quote source)***

Article 10 of the *Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)* defines that States Parties shall take all appropriate measures to eliminate discrimination against women, in order to ensure to them equal rights with men in the field of education<sup>34</sup>. Article 34 of the *Constitution of the Italian Republic* clearly states that schools are open to everyone and primary education for at least eight years, is compulsory and free of tuition<sup>35</sup>.

### **Sinti and Roma**

Some data<sup>36</sup> are extremely significant to provide a framework of the level of education in RSC Community. The percentage of Roma people for each level of education is the following:

- 94,3% are low educated (0-2 level at the ISCED: International Standard Classification of Education by UNESCO) ;
- 5,2% have medium level of education (3-4 level at the ISCED);
- 0,5% obtained a high level of education (5-8 level at ISCED).

At least 10 % of Roma children aged 7 to 15 in Italy are identified as not attending school, meaning that they are either still in preschool, not yet in education, skipped the year, stopped

<sup>34</sup><http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>

<sup>35</sup>[http://www.senato.it/documenti/repository/istituzione/costituzione\\_inglese.pdf](http://www.senato.it/documenti/repository/istituzione/costituzione_inglese.pdf)

<sup>36</sup>European Social Fund. *EU INCLUSIVE: Scambio di informazioni e buone pratiche riguardanti l'integrazione nel mercato del lavoro della popolazione Rom in Romania, Bulgaria, Italia e Spagna*, Soros Foundation, Romania (2012)

school completely or are already working. Household members aged 20 to 24 having completed at least general or vocational upper-secondary education (pooled data) are 15%<sup>37</sup>.

Interesting data are those issuing from the *Parallel Submission to the CEDAW Committee in Italy* (2011)(concerning in particular the situation of RSC women in Italy), within which 74 of the 88 respondents provided information about educational attainment levels:

- 22 (30%) never attended school;
- 12 (16%) did not complete I education (school years 1-5);
- 11 (15%) completed I education;
- 9 (12%) started but did not complete primary II education (school years 6-8);
- 11 (15%) completed primary II education;
- 6 (8%) started but did not complete secondary education (school years 9-13);
- 1 (1%) completed secondary education;
- 2 (3%) enrolled in university but did not finish.

Romani women reported a variety of problems in the area of education such as high drop-out rates (due in part to forced and early marriage), differential treatment at school and poor quality education. It appeared that State authorities do not intervene effectively to counter school absenteeism among Romani girls, particularly in the case of drop out due to early marriage.

Out of the 49 respondents that provided reasons for school drop-out:

- 11 (22%) reported family or domestic responsibilities (three caring for parents, two parental deaths and six caring for siblings);
- 10 (20%) reported poverty (due to lack of necessary school equipment, inadequate housing conditions and the need to work to financially contribute to the family survival);
- 8 (16%) reported dropout due to early marriage;
- 6 (12%) reported displacement and moving due to migration and/or forced evictions;
- 5 (10%) did not want to attend school;
- 3 (6%) were prohibited from attending school (two by family members and one by a partner);
- 3 (6%) reported harassment by teachers and classmates;
- 3 (6%) reportedly left school due to pregnancy<sup>38</sup>.

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<sup>37</sup>European Union Agency for Fundamental Rights, UNDP. *The situation of Roma in 11 EU Member States - Survey results at a glance* (2012)

<sup>38</sup>European Roma Rights Centre (ERRC), Idea Rom Onlus, Opera Nomadi Reggio Calabria, *Parallel Report to the*

## Muslim migrants

In scholastic year 2003-2004, the foreign students were 282.683 of 191 different nationalities.

Among nations with a Muslim majority we find:

- 17% of students coming from Albania
- 14,9% from Morocco
- 3,7% from Serbia and Montenegro (but only 19% of them can be classified as Muslims)
- 2,8% of Tunisian students
- 2,7% of Macedonian ones (but only 30,2% of them can be classified as Muslims)<sup>39</sup>

The greater incidence of foreign students is in professional schools, with a strong presence of young people coming from Africa. As far as it concerns adult people, there are several courses for foreign adults, organised in Northern Italy by Territorial Centres for primary alphabetization or for social and linguistic integration, within which almost 20% of attendants come from Morocco.

School drop-out is still happening among immigrant young people, and their scholastic performances are often lower than their Italian counterparts (although the problem doesn't seem to affect cognitive learning difficulties, but the difficulties of adapting to the teaching and learning methods of the Italian educational system).

As stated in *Dossier Statistico Immigrazione Caritas e Migrantes* (2004):

«The second year of Secondary schools is characterized by a decrease in the incidence compared to the first year near to 50% [...] confirming that for many young students it is time to conclude the learning process and enter the labour world. Then many schools are not prepared to accommodate “newcomers”. Often teachers [...] are not able to adapt their teaching methods to the culture of immigrant children and they cannot always be a cultural mediator»<sup>40</sup>.

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United Nations Committee on the Elimination of Discrimination Against Women for its review of Italy's compliance with the CEDAW, June 2011

<sup>39</sup>Spreafico A. *La presenza islamica in Italia*. Scuola Superiore dell'Amministrazione dell'Interno – Ministero dell'Interno, Roma (2005)

<sup>40</sup>Centro Studi e Ricerche IDOS. *Dossier Statistico Immigrazione Caritas e Migrantes*. Roma (2004)

During the academic year 2002–2003, foreign students reached the record number of 31778 enrolled<sup>41</sup>. In this case, Albania is at the second place with 6,531 enrolled (20.6%), Cameroon (in which only about 22% of the population can be considered Muslim) is at the seventh (2.6% of subscribers), Iran at the 12<sup>th</sup> (1.6%), Morocco at the 13<sup>th</sup>, Lebanon at the 14<sup>th</sup> (1.4%, but only 19.4 of them can be considered as Muslims), Serbia and Montenegro at the 15<sup>th</sup> (1.2%). In general, for the Academic year 2002–2003, 7269 foreign students are recorded for the first time, with an increase of 1865 students compared to the previous year. The overall incidence of foreign graduates on the total number is lower than the incidence on members, showing the problems foreign students meet to finish their academic path.

The educational level of the representatives of Muslim community is medium-high:

- 28,4% of them have a Master degree or a postgraduate specialization;
- 44,3% have an high-school diploma;
- 2.7% are illiterate
- 78.1% have achieved the qualification in the countries of their origin and 10.1% in Italy.

If we consider their Italian language skills:

- 57% understand Italian in a good/excellent way;
- 46.3% speak Italian in a good/ excellent way;
- 32.4% write in a good/excellent way.

Among them 25.9% are PC-users, 21.1% use the web, 14.4% buy newspapers regularly, 31.9% have a satellite antenna at home, 68.3% own a mobile phone.

Consequently, the cultural level and the educational background of Muslim migrants in Italy are higher than the corresponding levels in their country of origin, which stay at the 50% of an average rate of illiteracy.

**Is/Are there a predominant type/s of DV experienced by your TG (Sinti and Roma)**

- **child abuse**
- **intimate partner violence**

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<sup>41</sup>Spreafico A. *La presenza islamica in Italia*. Scuola Superiore dell'Amministrazione dell'Interno – Ministero dell'Interno, Roma (2005)

- **male victims**
- **elder abuse**
- TG not relevant
- Other: \_\_\_\_\_

**Is/Are there a predominant type/s of DV experienced by your TG (Muslim Migrants)**

- **child abuse**
- intimate partner violence
- **male victims**
- **elder abuse**
- TG not relevant
- Other: \_\_\_\_\_

**Is/Are there a predominant type/s of DV experienced by your TG (travellers)**

- child abuse
- intimate partner violence
- male victims
- elder abuse
- **TG not relevant**
- Other: \_\_\_\_\_

***Provide more specific information about the option/s selected***

**Sinti and Roma**

According to the *Parallel Submission to the CEDAW Committee in Italy*, 46 out of 88 Romani women interviewed during the research responded to questions regarding DV. Out of those:

- 20 (43%) reported that they are currently victims or have been victims of DV in the past;
- 6 (30%) never went to school.

Most respondents who reported DV experienced different forms of violence during their life:

- 18 (90%) respondents reported physical violence;
- 13 (65%) reported verbal abuse;

- one woman reported marital rape;
- two women interviewed during the research confessed to have lost babies as a consequence of DV;
- other respondents reported violence-induced pregnancy complications;
- 18 out of 20 (90%) women who reported violence by their husbands have also been victims of violence at the hands of other family members<sup>42</sup>.

Many Romani women who reported experiences of DV justified the violent acts of their husbands. DV was often perceived to be less important than problems faced by the family as a whole such as substandard housing, forced evictions or employment discrimination.

The majority of Romani women who suffer DV do not seek help from competent institutions fearing State intervention against them due to:

- their unregistered marriage, age, legal status, living conditions and ethnic discrimination;
- the fear of losing parental rights;
- the lack of information on shelters/services for DV (reported by half of the respondents);
- the lack of economic independence;
- the traditional role of women requiring them to tolerate male aggression within the family and emotional attachment to their abusive partner.

Only three women were aware of the existence of shelters or services for DV victims from television but did not know how to access shelters in their own city. Romani women explained that taking legal action against DV is risky for them. Factors such as unregistered marriage, inadequate housing and joblessness can lead social services to an investigation which can result in the removal of their children. Ten respondents reported cases of child removal for these reasons. The decision to temporarily remove children can become irreversible<sup>43</sup>, due to cultural prejudices of the social services and structural problems such as segregated housing and economic exclusion, in which many Romani women live:

<sup>42</sup>European Roma Rights Centre (ERRC), Idea Rom Onlus, Opera Nomadi Reggio Calabria, *Parallel Report to the United Nations Committee on the Elimination of Discrimination Against Women for its review of Italy's compliance with the CEDAW*, June 2011

<sup>43</sup>Carlotta Saletti Salza, *Dalla Tutela al Genocidio? Le adozioni dei minori rom e sinti in Italia (1985/2005)* (Rome: CISU, Roma), 2010.

- only 4 out of 20 (20%) victims of DV interviewed reported their abuse to authorities;
- 47 out of 74 (64%) Romani respondents who provided information about age of marriage got married before the age of 18;
- 22 (30%) were below the age of 16 (the youngest were 12 at the time);
- some of the marriages were performed according to Romani tradition, not Italian law;
- 5 women of the respondents married before the age of 18 stated that they were forced to get married against their will;
- all 5 forced early marriages have resulted in instances of DV, with the exception of one.

In addition to forced marriage, Romani women interviewed during the research reported they were subjected to virginity testing which violates their human rights and bodily integrity. Out of 48 women who responded to questions on this topic, 65% were tested for virginity before marriage. Romani women who “fail” virginity tests face diverse consequences. Respondents often noted that punishments were more severe in the past but that nowadays women may be scolded, sent back to their family or otherwise shamed, verbally abused, or suffer from infidelity by their husband, disrespect by the groom’s family, or ostracism by the community<sup>44</sup>.

### **Muslim migrants**

According to the information provided by the NGO *ACMID Donna - Association of Moroccan Women in Italy*<sup>45</sup>, the conditions of Muslim women in Italy are tragic in many cases: many women are segregated at home by husband- masters, they are deprived of their documents, they are not allowed to learn Italian, they are ill-treated by husbands and relatives. In many cases (especially within the Moroccan community which is the largest one in Italy) those women could have a job, attend public events and run a public life style in their countries. After arriving in Italy, they are segregated at home because they are scared of the Western lifestyle. We need to emphasize that there are 15,000 polygamous marriages in Italy, even if polygamy is forbidden by the Italian Penal Code (art. 556) and is punished with prison. Denunciations of violence to Italian authorities or consulates of the country of origin, are brought for 43% by

<sup>44</sup>European Roma Rights Centre (ERRC), Idea Rom Onlus, Opera Nomadi Reggio Calabria, *Parallel Report to the United Nations Committee on the Elimination of Discrimination Against Women for its review of Italy’s compliance with the CEDAW*, June 2011

<sup>45</sup> [http://inchieste.repubblica.it/it/repubblica/rep-it/2012/04/25/news/donne\\_arabe\\_segregate-33913590/](http://inchieste.repubblica.it/it/repubblica/rep-it/2012/04/25/news/donne_arabe_segregate-33913590/)

women coming from Afghanistan, 39% from Pakistan, 37% from Morocco, followed by Egypt with 37%, Algeria 29%, Tunisia 21%<sup>46</sup>

During the period between September 2010 – September 2011, help requests for Arab women coming to the service *Mai più sola*, managed by the *Association of Moroccan Women in Italy - ACMID DONNA*, (helpline 800911753) were 7524. In 82% of the cases, the warning has been followed by a denunciation. Among these, the victims of polygamy were 32%, the complaint of abduction and kidnapping of children by men was reported in 25% of the cases. In 24% of the cases, instead, the theft of the document by the spouse has been reported, with a final 9% of difficulties issuing from mixed marriages.

Some other problems often arise with the second generation. Teenagers who were born in Italy, learnt Italian language and Western life style . When they become 15-16 year old they start to be in conflict with their fathers as they reject to marry a never-known-before cousin from, for example, Morocco or Egypt. Young people, who break up relations with their families, have problems with their documents as they are registered on fathers' names and they do not have Italian citizenship.

The member of the Parliament Souad Sbai, with a written interrogation, suggested to the Italian government how to act for regulation of the condition of second generation immigrants in Italy and proposed the granting of honorary citizenship for reasons of law, waiting for a measure that preserves young people from the dangers of domestic or communitarian fundamentalism<sup>47</sup>.

### **What types of professionals get involved/work in the field of DV?**

- Antiviolence Centers and other Social services, supported by a series of numbers of public utility which deal with emergencies in the field of DV and violence against women and children
- Health services (Hospitals, First-aid centers)
- Security services (Police forces, Judiciary)

<sup>46</sup>[http://inchieste.repubblica.it/it/repubblica/rep-it/2012/04/25/news/numeri\\_donne\\_islam-33924549/](http://inchieste.repubblica.it/it/repubblica/rep-it/2012/04/25/news/numeri_donne_islam-33924549/)

<sup>47</sup>[http://inchieste.repubblica.it/it/repubblica/rep-it/2012/04/25/news/donne\\_arabe\\_segregate-33913590/](http://inchieste.repubblica.it/it/repubblica/rep-it/2012/04/25/news/donne_arabe_segregate-33913590/)

- Territorial areas (Municipalities, Provinces and Regions)
- Governmental areas (Department for Equal Opportunities, Ministry of Justice, Ministry of Health)

**Please, describe the kind of services provided to the victims. Is there any good/innovative practice to be highlighted?**

**National level**

According to the *Report on National Practice and Needs Analysis* of the PACT - LLP Project<sup>48</sup>, the coordinating institution for the contrast of DV and for the support of the victims in Italy is the Department for Rights and Equal Opportunities (Dipartimento per le pari opportunità).

- In 2006, the Department developed the project *Arianna (Attivazione Rete Nazionale Antiviolenza)*, aiming at the management of the national helpline 1522<sup>49</sup> and working together with national and regional NGOs such as the association *Nondasola*<sup>50</sup> and the Center for psychological and legal support *Donna e politiche familiari ONLUS*<sup>51</sup>, for the development of actions of prevention, support, advice. The public utility helpline offers to the victims of violence a psychological and legal support and addresses them towards public and private structures on their territory for assistance and protection . It is a multilingual service working 24 hours a day and 365 days a year that offers the first answer to the victims, by giving the opportunity to get in touch with the services in a completely anonymous way. Even those who know about or witness a case of violence can report it anonymously. The ministry provides 100% of the finance for the national helpline 1522, which is connected to at least 144 regional helplines. Only the national helpline offers 24 hour service, the others are often available only for a few hours during the day. The national helpline provides services in Italian, English, French, Spanish and Arabic.

<sup>48</sup>[http://www.pact-eu.org/uploads/media/PACT\\_WP2\\_Report\\_Needs\\_Analysis.pdf](http://www.pact-eu.org/uploads/media/PACT_WP2_Report_Needs_Analysis.pdf)

<sup>49</sup><http://www.pariopportunita.gov.it/index.php/numeri-di-pubblica-utilita-sezione/117-numero-verde-1522-antiviolenza-donna>

<sup>50</sup><http://www.nondasola.it/>

<sup>51</sup><http://www.donnaepolitichefamiliari.org/>

- Since 2000 there is also a national helpline for women victims of trafficking (number 800290290)<sup>52</sup>, through which people are able to talk to experts about the phenomenon of women trade in the following languages: Italian, English, Spanish, Rumanian, Bulgarian, Serbian/Croatian, Russian, Arabian. The expert takes the information and evaluates the opportunity for immediate intervention, according to the level of danger for the victim and its intention to start a path to get away from the control of criminal organisations; if needed, a crisis unit intervenes and disposes the sheltering of the victim in a protected place.
- Another public structure which works in the area of the Department for Rights and Equal Opportunities, is the National Office against Racial Discriminations (*Ufficio Nazionale Antidiscriminazioni Razziali – UNAR*)<sup>53</sup>. The main aim of *UNAR* is the equal treatment for anybody who is victim of discriminations caused by his/her ethnic or racial origins. *UNAR* has a multilingual Contact Centre in Italian, English, French, Spanish, Albanian, Rumanian, Russian, Arabian and Mandarin Chinese and is available everyday to collect all notices, mentions and reports about facts, events, actions and procedures that can threat, for racial or ethnical reasons, the equal treatment for all the people.

### **Local level (Palermo)**

Thanks to the local report of the project *IRIS*, funded by the European Programmeme Daphne III, it is possible to find some interesting data about the level of integration of health and social services in Sicily, with a particular focus on the city of Palermo<sup>54</sup>:

- the NGO *Le Onde Onlus*<sup>55</sup> is an antiviolenza centre and a women association which, since 1992, has been active in the fight to violence against women in the city of Palermo. Victims can have on thephone some preliminary information about the problems experienced and make an appointment with one of the experts to talk about the situation identifying the kind of support needed. This centre serves as a space to talk and get social support, individual psychological advise and therapy groups, evaluation of risks and search of shelter, as well as civil and legal advice;

<sup>52</sup><http://www.pariopportunita.gov.it/index.php/numeri-di-pubblica-utilita-sezione/120-numero-verde-antitratta-800-290-290>

<sup>53</sup><http://www.unar.it/>

<sup>54</sup><http://www.irisagainstviolence.it/>

<sup>55</sup><http://www.leonde.org/>

- in the framework of the implementation of the project *LUNA* (*LUNA* is the acronym of: *Libertà, cultUre, migrazioNe, Accoglienza*), hold by *Le Onde Onlus* and financed by the Municipality of Palermo, an informative brochure about violence against women and children in foreign communities collected services and utility numbers which, since 1998, can be accessed by immigrant women looking for help<sup>56</sup>;
- the hospital “A.R.N.A.S. Civico” of Palermo guarantees all the relevant procedures and operational instructions to take in charge women who have been victims of mistreatments or sexual violence and start a “support path” concerning the “care-taking” of the person who has been victim of mistreatments or sexual violence. Together with the hospital “G. di Cristina” of Palermo, they guarantee the right for all children to be protected against any kind of violence, outrage and physical or mental brutality, abandon or negligence, mistreatment or exploitation, including sexual violence;
- the hospital “Policlinico” of Palermo has started a specialised service for people who are victims of sexual violence. A group of professionals made of doctors, nurses, forensic doctors, surgeons and psychiatrists are ready to offer you understanding, tact and competence;
- the G.O.I.A.M. (Interinstitutional Operational Groups Against Abuse and Mistreatment on Minors), a specialized task force provided by the Municipality of Palermo, was dismantled in 2012, due to the lack of public funds. The most important functions of GOIAM were: the proposal and the implementation of measures to protect children and the monitoring of the adequacy of measures adopted; the psychological evaluation of a child victim of sexual abuse or mistreatment; evaluation of parental skills and their recoverability; assessment of socio-educational context and the identification of constraints and of resources which can be activated for projects on children; children assistance at all stages of the judicial process (if required by the Judicial Authority)

<sup>56</sup>[http://www.leonde.org/home/br\\_inglese.pdf](http://www.leonde.org/home/br_inglese.pdf)

**To which extent do media (newspapers, TV, radio, online) in your country address DV so that the general public may become more aware of / sensitive towards the issue?**

- not at all
- only in police stories (e.g. report stories on victims of DV or in relation to DV-rape)
- **sometimes (talk shows, background coverage of DV in print and TV)**
- regular (documentaries, features, background stories on DV in all media)
- more coverage in media targeting young audiences
- public awareness campaigns by local / regional / federal government on DV
- special public awareness-raising campaigns by local / regional / federal authorities targeting migrant groups and DV
- **public campaigns by NGOs, women's associations etc. with flyers, brochures etc.**
- public educational campaigns at schools, educational institutions on DV
- Other: \_\_\_\_\_

**Therefore, do media play a significant/informative role in raising the attention on the issue of DV?**

- Yes
- **No**

**Motivate your answer**

- The *Amore Criminale* TV Programme<sup>57</sup> (Criminal Love), on the channel *RAI 3*, is the best example of programmes speaking about DV in Italy. The idea of the programme was born back in 2007 after the issue of the research entitled “Eures – Ansa”, highlighting the emergency of female victims of male violence. Since that time, *Amore Criminale* told about 70 stories in documentary/fiction style which reproduce the tragic events and do interviews with people close to the victim, through the chronicle reproduction and psychological analysis. Considering background coverage and social PR-campaign on

<sup>57</sup> [http://www.rai.tv/dl/RaiTV/programmemi/page/Page-7d1f5601-382c-4cf2-9950-3cf784579030.html?refresh\\_ce](http://www.rai.tv/dl/RaiTV/programmemi/page/Page-7d1f5601-382c-4cf2-9950-3cf784579030.html?refresh_ce)

Italian TV and via social networks (e.g. YouTube and Facebook), the issue of DV is highlighted through short videos (e.g. *Campagna 2011 contro la violenza domestica. Una battaglia contro l'indifferenza* – Advertisement 2011 against DV. A battle against indifference)<sup>58</sup>.

- It is important to underline that, as far as it concerns media coverage on the theme of DV, the situation is not homogeneous at national level. However, there are some good practices: 1) region Umbria organized several good training programmes in the last two years in order to raise awareness about this issue, such as the campaign *I love you till death* by the organisation *Mai più violenza* (Violence never again), with lots of posters and postcards distributed in the whole area<sup>59</sup>; 2) in Bologna, women's organisations are organizing prevention actions in a very successful way, such as an impressive circulating exhibition titled *Testimoni silenziose* (Silent witnesses); 3) on 25th November 2010, the International Day Against DV, , there was the national festival *La violenza illustrata* (Illustrated violence) with a very impressive programmeme<sup>60</sup>; 4) the Regional Ministry for Equality of Piedmont Region started another campaign called *Voci nel silenzio* (Voices in the silence) with videos, posters brochures and theatre, in 2009<sup>61</sup>; 5) in collaboration with the Department for Rights and Equal Opportunities, the NGO *Donna e politiche familiari* recently started a programme to raise awareness and to support perpetrators to abstain from violence. The campaign will also include some training initiatives<sup>62</sup>.

## II. Bibliography

**Please, quote at least 5 publications dealing with the theme of DV in your country. For each of them please specify: Author, Title, publication date, publishing house and provide a short summary (max 500 words) of the main aspects addressed.**

***“La violenza sulle donne e sui minori. Una guida per chi lavora sul campo”* Authors: P. Romito - M. Melato; Publishing house: Carocci; Publication date: 2013**

<sup>58</sup><https://www.youtube.com/watch?v=RyIrP5iqFOE>

<sup>59</sup><http://www.maipiuvioleze.it/>

<sup>60</sup><http://festivalviolenzaillustrata.blogspot.it/>

<sup>61</sup><http://www.regione.piemonte.it/comunicaregione/1009/idea.htm>

<sup>62</sup><http://www.donnaepolitichefamiliari.org>

Violence against women and minors, in addition to its presence in interpersonal relations, is frequent and has devastating effect on victims and on the entire community, but often remains invisible. It's important to notice that even today the social responses in this regard are sometimes fragmented or insufficient. This text is addressed at all those who deal with victims of violence in their workplace and want to help them. In order to understand the phenomenon and act properly, in fact, a network approach is fundamental: for this reason, the volume has a multidisciplinary approach: experts from various areas/fields (health and social services, judiciary, law enforcement, schools, women's associations, universities) struggled to create a coherent text, despite the diversity of viewpoints and languages. The book is clear, precise, updated and full of practical information, becoming an essential tool for training on the subject and for all those who are involved in tackling violence and supporting its victims.

***“Questo non è amore. Venti storie raccontano la violenza domestica sulle donne”***

**Authors: La 27esima ora; Publishing house: Marsilio; Publication date: 2013**

Through the story of each character, the facts, emotions and punches will reveal triggers and dynamics of a relationship, repeated episodes of mistreatment are followed by “regrets” of the partner. And the tragedy is always waiting in ambush. This “scheme” takes place in a “normal” situation and in firm belief that violence concerns only other relationships. But at a certain moment “something” happens and women understand that life cannot continue this way. Each story has one “key” which holds women nailed down to the violence, and another one boosting women to stop the suffering. Sometimes this cursed mechanisms breaks down before it is too late. The protagonists, telling themselves, face the deceitful violence women have to undergo when they say “no”, escaping from the roles imposed by something that was born simply as love but which is no longer love, becoming a physical and psychological violence which crosses social classes and often involves children.

***“Sono caduta dalle scale. I luoghi e gli attori della violenza di genere”*** Authors: C.

**Arcidiacono - I. Di Napoli; Publishing house: Franco Angeli; Publication date: 2012**

Relatives, doctors, pastors and friends cannot see the unutterable violence perpetrated against women at home. For example, the first aid receives women fallen down from stairs, as highlighted in the title of the book. The local service in fact, don't recognise the asymmetry existing between men and women and the balance of power that is a feature of many families. DV is therefore invisible as long as it doesn't result in murders. Then, what to do in order to face this

widespread problem? How to give a voice to women and how to prevent the massacre “in the name of love”? This book frames the gender violence from an historical and social point of view, trying to avoid ideologies and simplifications, and presents the results of an extensive and original research carried out by doctors, pastors and social operators. It also describes experiences with women, children (innocent victims and spectators of violence) and couples with authoritarian and despotic partners, by providing reflections and indications for treatment and assistance. Readers, protagonists, perpetrators and operators can find in this volume a tool to understand their experiences and difficulties and the resources to break down walls and to overcome gender inequality.

***“Se questi sono gli uomini”* Author: Riccardo Iacona; Publishing house: Chiarelettere; Publication date: 2012**

This book addresses the incredible story of a national tragedy which spreads grief and pain like a war machine. A war that before ending up in the newspapers was born within homes and families, within places that should be the safest and most secure and that, instead, suddenly becomes the most dangerous one. As a matter of fact, only in mid-2012 more than 80 women were killed by their partners in Italy, 137 women in 2011, one every three days. The author has crossed the country by chasing the stories of some of these abuses and murders. Finally we can read proofs and contributions by women victims of violence, along with the words of men, perpetrators of such violence, who have been reported. The author wonders what is Italy in reality, a place where love is a choice and women are free, or a place in which many homes become like prisons? The author explains that we cannot categorise DV as a “borderline” phenomenon: DV is a very widespread phenomenon, and the majority of cases happen in our silent and “safe” homes.

***“Legami che fanno soffrire. Dinamica e trattamento delle relazioni di coppia violente”;* Author: P. Velotti; Publishing house: Il Mulino; Publication date 2012**

Many cases of violence perpetrated by adults happen in couple relationships, and murders or abuses occur frequently because of partners. What aspects come into play? How do they fit together, by triggering a possible tragic escalation? These are some of the questions answered by this book, particularly by referring to the role of “emotional regulation”, attachment and past

traumatic experiences in determining the dynamics, risk factors and other elements leading to violence act within the emotional ties.

***“Mia per sempre. Quando lui uccide per rabbia, vendetta, gelosia”* Authors: Cinzia Tani;  
Publishing house: Mondadori; Publication date 2013**

In Italy, only in 2012, 120 women were killed by ex-partners, not counting those who disappeared. Murder in the couple is not a new phenomenon but, compared to the past, there is a tragic escalation in the number and ferocity of murders and mostly women are victims. Cinzia Tani addresses one of the most dramatic emergencies of our time by telling some of the latest and most bloody crimes, but especially by digging deeply in the roots of the problem, in an attempt not to judge (with the help of criminologists, psychologists and judges) according to many clichés masking the fact that women still have to cope with a gender-based violence which society needs to eradicate. According to the author, calling these “passionate” crimes , crimes “of jealousy” or considering them as a result of a rage attack or a blackout, is only a mean to create an alibi for murders. Instead, the murder happens after a long period of threats, psychological and physical violence, and murderous rage is unleashed when, once verified their uselessness, the man feels the danger of being abandoned and left alone. However it’s not the fear of losing his love to arm the man’s hand against the woman, but a mad desire to possess, a delirium of omnipotence, to avert a narcissistic wound that otherwise the man wouldn’t be able to endure.

***“Coppia e violenza. Dinamiche, fenomenologia e trattamento”*, Author: Roberto Maniglio;  
Publishing house: Franco Angeli; Publication date: 2011**

The text addresses the issue of violence in couple relationships in the light of the most recent, authoritative and accredited international scientific literature. First of all, the author carries out a research on the phenomenology of partner violence in its different forms: physical, sexual and psychological. After analysing the prevalence and incidence of abuses suffered within a couple with regards to gender differences of perpetrators and victims and to different types of partnership, the author describes the effects of violence on victims and children who are directly or indirectly involved as witnesses. A significant space is given to critical discussion of individual risk factors and relationships in which violence occurs within a couple. Finally, the author presents the most modern psychotherapeutic approaches addressed to perpetrators of violence, victims and their children. These approaches are presented illustrating techniques

and critically analysing their effectiveness, in the light of more rigorous experimental studies in a methodological way. Then the contents of this volume provide a starting point for discussions in the clinical and forensic field

### III. LEGISLATION INTO FORCE

*It would be important to make a comparison with the research you did in SUNIA GEEL and highlighting the changes, if any, or the permanence of situations still not receiving a legal protection. This will give the opportunity to understand if improvements have been made in the last year.*

#### **a. Please, draw a short description of the legal status of DV in your country.**

The notion of “*violence in domestic and familiar sphere*” entered the Italian law system only in 2001: the reference is to law n. 154 of 4 April 2001 which, in its title, provides for “*Measures against violence in familiar relations*”. The problem is that the law didn’t create new specific penal circumstances: it simply enriched the ordinary trial instruments already available to penal and civil judges, by adding to the Code of Criminal Procedure the personal precautionary measure of “*Removal from family house*” (art.282-bis), and to the Civil Code the “*Order of protection against family abuses*” (art.342-bis).

Then, it’s a given that in the Italian Law System the concept of domestic or familiar violence doesn’t appear. There aren’t any laws and rules expressly referring to this concept and defining it. It’s also important to specify that the same notion of DV (DV) is not univocal: it began to spread after the pressure of feminist instances aiming at giving visibility and unveiling impunity of family violence – sexual, physical, psychological, economic violence – practiced by husbands, partners or ex-partners; and this concept was enlarged including adult violence against children, by moving the attention towards the authors of violence (mainly males) and towards a point of view which could focus the fundamental importance of the gender difference in the exercise of violence<sup>63</sup>. In September 2013, Italy ratified the Council of Europe Convention on preventing and combating violence against women and DV (Istanbul Convention). However, in order to enter into force, 10 ratifications are needed, including eight member states of the Council of Europe.

<sup>63</sup> [http://giuristeditalia.files.wordpress.com/2010/11/violencia\\_domestica\\_italiano.pdf](http://giuristeditalia.files.wordpress.com/2010/11/violencia_domestica_italiano.pdf)

**b. Please, provide the definition of DV according to the legal framework and describe the types/forms of violence that are included in this definition (Physical, psychological, sexual, economical, etc). Does legal definition fit well with the cultural understanding of DV?**

If a clear and univocal definition of DV doesn't exist in the Italian Law System, both concepts of violence and family appear several times in the national Penal system, with contents and extensions which vary in different contexts. As far as it concerns the Italian Criminal Code, the interpreter is forced to use rules and laws which didn't comprehend all various forms within which this violence can appear.

For example, the task of translating the physical violence in penal circumstances is easier: there are crimes of Beating (art.581), Personal Injury (art.582), Private Violence (art.610), Housebreaking (art. 614), Abuses (art.572). Sexual Violence is sanctioned by hypothesis, now reformed by law n.66 of 15 February 1996 "*Norms against sexual violence*" and by law n.269 of 3 August 1998 "*Norms against the exploitation of prostitution, pornography and sex tourism involving children as new form of slavery*".

But the problem of economic and psychological violence is undoubtedly more difficult to address, because even nowadays the most common solution is represented by Civil procedures of separation, divorce and interruption of cohabitation, trying in this way to solve the conflict through a regulation of the relationship perceived as violent.

Economic violence can be punished through the Breach of the obligations of family assistance (art.570), now applied almost exclusively in the hypothesis of comma n.2 «lack of subsistence means to minor descendants, or unable to work, or to ascendants or spouse, who is not legally separated for his guilt».

Major problems arise for psychological violence, provided in particular in "*Abuses in the family or towards children*" (art.572). Abuses are defined as usual, a repetition of actions or omissions which couldn't potentially constitute a criminal offence: this norm of Criminal Code, then, includes crimes of injury, beating and threats.

As far as it concerns the procedural measures against violence in family relations, by the Law no. 154 of 4 April 2001 the abuser (spouse, partner or other component of the family) is the one who has to leave home (even if he/she is the exclusive owner) and has to undergo a series of

coercive measures, such as the requirement of not approaching the workplace, home, schools or other places habitually frequented by the abused person, as well as having to pay a periodic check in favour of those who may be deprived of adequate subsistence means. The most innovative aspect is linked to the expansion of the usually limited concept of violence, which here is enlarged to encompass the “*serious injury to moral or physical integrity or to the freedom of the other spouse or domestic partner*”. The measure can be claimed both to the Civil and the Criminal Courts. The penal measure of “Removal from family house” (art.282-bis) is subjected to the ordinary limits of precautionary coercive measures, with an exception related to limits of punishment in case of certain crimes happening within the family.

However, the real problem is related to the absence of ready and effective guarantees in order to obtain the effective compliance to the provision by the spouse, cohabitant or parent who has to observe it<sup>64</sup>.

In 1985, Italy ratified United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)<sup>65</sup>. The definition of discrimination in the article 1 of CEDAW incorporated gender-based violence:

It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. Gender-based violence may breach specific provisions of the Convention, regardless of whether those provisions expressly mention violence.<sup>66</sup>

At Article 2(d) CEDAW calls on States to

refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation.<sup>67</sup>

Article 16 of the CEDAW requires States

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<sup>64</sup> [http://giuristeditalia.files.wordpress.com/2010/11/violencia\\_domestica\\_italiano.pdf](http://giuristeditalia.files.wordpress.com/2010/11/violencia_domestica_italiano.pdf)

<sup>65</sup> [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&ndmtsg\\_no=IV-8&ndchapter=4&ndlang=en#EndDec](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&ndmtsg_no=IV-8&ndchapter=4&ndlang=en#EndDec)

<sup>66</sup> <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom19>

<sup>67</sup> <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article2>

to eliminate discrimination against women in all matters relating to marriage and family relations.

CEDAW Recommendation No. 19 calls for States parties to

take appropriate and effective measures to overcome all forms of gender-based violence, whether by public or private act.<sup>68</sup>

The achievement of *de facto* equality for women in the social sphere requires the elimination of gender stereotypes that justify and perpetuate gender-based violence, and of gender-based violence including DV, forced and early marriage and virginity testing<sup>69</sup>.

The European Roma Rights Centre has been documenting instances of violence against Roma by State and non-State actors since 1998.<sup>70</sup> Research for this submission indicates that violence and other rights violations against Roma continue and that Romani women are particularly affected by:

- Violence, including verbal abuse and sexual harassment committed by law enforcement officials;
- Violence by non-state actors, including DV and the failure of law enforcement to protect against DV and punish offenders.

The Italian Constitution guarantees equal social dignity and equality before the law on the basis of sex and race at Article 3<sup>71</sup>. In 2003, Italy transposed into national law the EU Racial Equality Directive, providing protection against racial and ethnic discrimination<sup>72</sup>.

### **c. Please, identify potential gaps, deficits as well as legal deficiencies**

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<sup>68</sup> <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom19>

<sup>69</sup> Partners for Law in Development, *CEDAW: Restoring Rights to Women* (New Delhi: 2004)

<sup>70</sup> <http://www.errc.org/cms/upload/media/00/0F/m0000000F.pdf>

<sup>71</sup> [http://www.senato.it/documenti/repository/istituzione/costituzione\\_inglese.pdf](http://www.senato.it/documenti/repository/istituzione/costituzione_inglese.pdf)

<sup>72</sup> [http://www.lavoro.gov.it/NR/rdonlyres/E9F70DD8-809B-4D6F-9CF1-EE57F6F8C7AF/0/Decreto\\_Legislativo\\_215\\_2003.pdf](http://www.lavoro.gov.it/NR/rdonlyres/E9F70DD8-809B-4D6F-9CF1-EE57F6F8C7AF/0/Decreto_Legislativo_215_2003.pdf)

In 2007 the Ministry for Equality, in cooperation with Italian NGOs, institutions working in the field of DV and women members of the Parliament, developed an effective law against gender violence called "*Misure di sensibilizzazione e prevenzione*". Due to the change of government in April 2008, this law was never put into force, except for some parts such as the anti-stalking law and the law against homophobia, including them in the act "On security". This act is strongly criticized by NGOs<sup>73</sup>.

If we consider the issue of DV among the Roma community, in Italy, there is no Governmental policy to promote RSC inclusion and Government actors have largely approached the situation of RSC from a social control and security perspective. Currently, there are no concrete legal or political measures to eliminate intersecting forms of discrimination against Italian and migrant Romani women in Italy. Information provided by the Italian government on the situation of RSC women is scarce due to the lack of data classified by gender and ethnicity. As a result, State authorities are limited in their ability to identify, measure and provide solutions to the current problems, some of which are based on erroneous stereotypes and widespread discrimination<sup>74</sup>.

Based on the *Parallel Submission to the CEDAW Committee in Italy*, the following improvements and changes need to be carried out:

- Publicly condemn all forms of racist and DV against Romani women by public and private actors and guarantee their physical security and free access to legal aid;
- Establish an independent police complaint body to investigate all allegations of human rights violations by law enforcement personnel;
- Investigate and prosecute effectively all perpetrators of violence against Romani women;
- Sanction law enforcement officials that violate rules of procedure and the rights and dignity of Romani women during search, arrest and interrogation of suspects;

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<sup>73</sup> <http://www.kila.it/violenza-di-genere-norme-e-strumenti-di-tutela.html>

<sup>74</sup> <http://www.errc.org/cms/upload/file/italy-cedaw-submission-24-june-2011.pdf>

- Conduct targeted campaigns encouraging Romani women to report experiences of violence by State and non-State actors, including DV, to relevant authorities, and to use available victim protection services<sup>75</sup>.

#### **d. Please, describe the legal rights of the victims**

##### Advocacy financed by the State

Under certain financial conditions (in 2009 if an annual income of the person is lower than €10.400), a citizen has the right to be assisted by a lawyer paid by the State. To be eligible for legal aid a person needs to submit an application form to the Bar Association of the Court, then a lawyer will be chosen from a special list.

##### The order of removal

The Law 154/2001 “*Measures against violence in familiar relationships*” provides an interim protection for victims of violence. It is applicable to those cases when a partner exercises violence (physical, psychological) against a person entailing a serious danger to the psycho-physical health of a person or limiting his/her freedom. Depending on the seriousness of the behavior (and whether there is a crime or not), the woman can consider to go to the Civil or Criminal Court. In the last case, the Court can adopt the request of protection.

The individual protection measures are:

- the order to stop violent behavior;
- the removal of a violent person from home for a period of time and the prohibition of approaching without permission of the Court;
- the prohibition to approach the places usually frequented by the victim of violence;
- during the period of removal the violent person has to pay a maintenance allowance to his wife and children if needed.

Protection measures have a prefixed duration (decided by judge, usually one year in civil claims). The police forces, called to an emergency intervention to stop violence, cannot directly

<sup>75</sup>European Roma Rights Centre (ERRC), Idea Rom Onlus, Opera Nomadi Reggio Calabria, *Parallel Report to the United Nations Committee on the Elimination of Discrimination Against Women for its review of Italy’s compliance with the CEDAW*, June 2011

apply this law. There is always the need to appeal to the District Court (by observing certain procedural rules) or the need for a charge for an offence: in this case the Court could eventually ask the application of these rules. This law doesn't provide for the obligation for the victim to be assisted by a lawyer, but it is always better to have a legal assistance from the beginning, because of the right of the violence perpetrator to have a legal defense.

#### Trials for violence offences/crimes

It's important to underline that the Criminal Procedure provides a wide range of rights for the defense of the accused, much less for the victims of crimes. In Italy an organic law for the protection of victims of crimes doesn't exist (like the "*Opferschutzgesetz*" in Germany and Austria). Therefore, any victim of crimes should know that through a charge or a complaint any kind of protection and security is not assured. This is one of the greatest deficiencies of Italian legislative system.

In all cases of trial for a crime of violence, (initiated by complaint or charge) the victim of the offence will have to testify. It has also to be decided whether he/she wants to participate (it is compulsory) to the process as plaintiff: in this case the victim has to be assisted by a barrister (advocate). The main advantages of a plaintiff are:

- being able to actively participate to the process (e.g. indicating texts, asking questions during the process etc..)
- claiming economic damages (which also include coverage of trial costs)
- asking for a free legal aid if there are some prerequisites (see Advocacy financed by the State).

Plaintiffs are important in these cases as only this way a victim is continuously informed about the procedural paths of the trial. Only legal assistance can attend and consider the emotional state of a victim by protecting and following throughout the process.

In conclusion, it is very important that victims of crimes of violence know the above mentioned indications, in order to be able to decide with awareness and strength the path to walk through, by planning times and actions in the best possible way in order to be able to implement the "safety plan" (possibly with the help of professionals) beside and beyond the responses of the Law. This must also be considered by the institutions involved in this path, in order to avoid the false belief that with a charge/complaint the desired solution (protection of

victims, end of the danger, punishment of the author of violence) should immediately come. This awareness, then, helps us understand the real reasons and demands of a victims, thus avoiding those prejudices about indecision or unwillingness of women to proceed, that often create misunderstanding and frustration in those who are committed to fight these crimes.

The charge, the complaint and any other public form of reaction to violence are valuable and important tools but they should be turned on as much as possible respecting and collaborating with victims of crime. In this sense, the timing of intervention should be chosen very accurately. Otherwise, the risk of a damage increase (with a recurrence of the trauma of violence) is high, linked to a strong avoidance of the demands of justice and with the result that violence will be silenced forever.

#### **e. Please, refer to the types/forms of punishment for perpetrators**

In Italy DV is defined as a criminal offence and can be prosecuted based on three articles of the Criminal Code: Article 572 - the perpetrator can be imprisoned from one to five years, Article 570 - the perpetrator can be imprisoned for one year and a fine of up to 103,000 Euros. Article 154 which contains protection measures – for instancethe perpetrator can be required to pay alimony to the victim, especially when he is the only one who receives a salary<sup>76</sup>.

The physical and psychological violence can be linked to the forms of crime described in many articles of the Criminal Code<sup>77</sup>. Some are listed below:

- art. 570 - Breach of the obligations of family assistance;
- art. 571 - Abuse of the means of correction or discipline;
- art. 572 - Abuse in the family or to the children;
- art. 575 - Murder;
- art. 580 - Induction or assisted suicide;
- art. 581 - Beating;
- art. 582 - Personal injury;
- art. 583-bis Mutilation of the female genital organs;
- art. 594 - Insult;

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<sup>76</sup> [http://www.pact-eu.org/uploads/media/PACT\\_WP2\\_Report\\_Needs\\_Analysis.pdf](http://www.pact-eu.org/uploads/media/PACT_WP2_Report_Needs_Analysis.pdf)

<sup>77</sup> <http://www.carabinieri.it/Internet/Cittadino/Consigli/Tematici/Questioni+di+vita/Violenza/Violenza+domestica.htm>

art. 595 - Defamation;  
art. 605 - Kidnapping;  
art. 609/bis - Sexual Violence;  
art. 609g - Sexual group violence;  
art. 610 – Private violence;  
art. 612 - Threat;  
art. 612/bis - Acts persecutors (stalking);  
art. 616 - Breach, subtraction and suppression of correspondence;  
art. 617 - Illicit cognition, interruption or impediment of telegraphic communications or conversations by telephone;  
art. 617/bis - Installation of equipment designed to intercept or prevent communications or conversations by telegraph or telephone;  
art. 660 - Harassment or annoyance to persons.

**f. Please, refer to national legal cases related to DV issues object of relevant judgments of National Courts or the European Court of Human Rights (if, any)**

*The aim of this question is to understand if there are some new elements introduced by the jurisprudence that could innovate the legislation*

A 2010 judgment of the Supreme Court of Cassation, the major last instance Court in Italy, is relevant in two cases: the introduction of new elements of jurisprudence in the field of DV and the controversies followed to the sentence, which highlighted the incompleteness of the legislation regarding DV in Italy and the superficiality to which this dramatic problem is often faced.

With the Judgment n°25138 02/07/2010, the Sixth Penal Section of the Court of Cassation established that «the harassment and beating of husband don't consist in criminally relevant mistreatments if the woman has a strong character»: this case law aroused a lot of disapprovals among legal practitioners.

The husband was criminally responsible, first according to the Tribunal and then to the Appeal Court of Milan, for the offence of “Abuses in the family or to the children” (art.572 of Criminal Code), for mistreating his wife with constant and humiliating insults, threats and beatings. The Italian Supreme Court completely overturned the decision of territorial judges, by highlighting that it is impossible to talk about a true attack of the violent husband towards the wife, if the victim has a strong character and is not threatened at all by the behavior of the man.

As it has already been highlighted by jurisprudence, the object of the protection afforded by the art.572 of the Criminal Code is not only the interest of the State to safeguard the family, but also more specifically the interest of “passive subjects” to the respect of his/her personality in the pursuance of a relationship based on family ties or on the authority, or relying on specific reasons to link it to a person in a position of pre-eminence. Having said that, it must be ruled out that, in order to be classified as criminal offences such facts have to be inserted in a wider and more unified usual conduct, imposing a regime of life harassment, humiliation and unsustainability.

From a structural point of view, the crime of domestic abuses constitutes an hypothesis of offence which has to be usual, consisting in a series of events (mainly committed, but they can also be omissions) which acquire criminal relevance because of their recurrence over time. The reference is to those facts and actions detrimental for physical or psychological integrity of “passive subjects”, which not always constitute a criminal offence (if considered individually), but if they are considered as a whole they must include a conduct of systematic and programmed oppression, making co-existence particularly painful.

Consequently, in those cases where there is a situation of marital discord, in which both the husband and the wife are involved in mutual insults and physical assaults, the configuration of the offense as abuses shall be excluded. The enforceability of the conduct related to the art.572 of the Criminal Code, in fact, requires a situation in which the author is in a position of customary prevaricating supremacy towards the victim. If violence, insults and humiliations are mutual – even if with different weight – it cannot be said that there is a person who mistreats and another one who is abused.

The judge of the Court of Cassation, having taken note of the fundamental and necessary elements for the existence of abuses according to the art. n°572 of the Criminal Code, came to

a judgment based solely on the personality of the victim of the crime, rather than on the criminal conduct of the subject who exercised the violence; in this sense, it stated that there were not any abuses if the “passive subject” (the wife) has a particularly strong character capable of defy the intimidating conduct of her husband<sup>78</sup>.

#### **g. Legislation establishing or regulating DV centres**

It has been only ten years since public institutions (Regions, Provinces, Municipalities, Police, Health Care Institutions) have started preparing regional laws to support Antiviolence centers, by providing the associations with facilities , creating agreements for the management of centers and, under some circumstances, sharing objectives and common work strategies. Here there are some examples of this new regional legislation.

- This year the Region of Veneto approved the law 23/04/2013 n°5 “*Interventi regionali per prevenire e contrastare la violenza contro le donne*”, by recognising that

every form of violence against women represent a violation of fundamental human rights to life, dignity, freedom, physical and psychical security of persons [...] Women are often exposed to severe forms of violence, which constitute a serious violation of human rights and are the main hurdle to reach gender equality

For the implementation of previous provisions, the Region Veneto promotes:

1. the establishment and structural improvement of Antiviolence centers, shelters and second-level homes designed as an accommodation for women victims of violence and their children ;
2. support activities to local authorities and local socio-health units for the creation, implementation and management of facilities, as well as support services to women victims of violence;
3. identification of tools and strategies to ensure the necessary inter-institutional coordination and synergy between public agencies and social organisations of

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<sup>78</sup> <http://www.diagnose-gewalt.eu/front-page-it>

local communities, especially through the involvement of local authorities, police, prefectures, regional health system and the judiciary;

4. trainings of operators who, in different institutional spheres, work to prevent and contrast violence against women and victims support;
5. the implementation of activities for the prevention, monitoring and study of these phenomena and the identification of proposals to carry out effective contrast measures and specific informative, cultural and educational activities to be carried out in cooperation with schools and universities and research bodies, local authorities, public and private non-profit organisation serving the purposes of this Act, in order to prevent and combat violence against women through the education on equal dignity of persons and legality.

In financing these activities, the Region Veneto aims at consolidating and extending the network of institutional/territorial entities and services, by facilitating the sharing of information, good practices and learning experiences through the conclusion of agreements between institutions, services, public and private non-profit organisation serving the purposes of this Act also through a general protocol of commitment to mutual collaboration between all parties involved, to achieve maximum synergies at the regional level and to ensure effective actions to prevent and combat the various types of violence against women.

- Region of Sardegna, with Regional Law 07/08/2007 n°8 “*Finanziamenti per centri antiviolenza e case di accoglienza*”, provides economic arrangements for local authorities, associations of volunteers, NGOs (having as primary aim the fight and prevention of violence against women and minors and solidarity for victims and having adequate staff for these tasks) with at least a three-year experience in this specific sector. The Region promotes and coordinates initiatives to combat violence against women and children and to ensure rescue and support for victims. In particular, fundings have been allocated for the promotion of the following facilities:
  1. Antiviolence centers, listening and support services engaged in legal protection and psycho-social counselling; these centers provide immediate and practical help to protect women-victims of violence from dangerous situations and to

create conditions for an independent life, by formulating tailor-made pathways out of the condition of violence and promoting initiatives for prevention and awareness-raising with regards to this issue;

2. Shelters and temporary hosting structures to welcome and support women victims of violence and their children who, because of sexual violence or other abuses, need to leave their family environment. These facilities can be set up in municipalities with a population of at least 30,000 inhabitants.
- Region of Lombardia, with the Act 03/07/2012 n°11 "*Interventi di prevenzione, contrasto e sostegno a favore di donne vittime di violenza*", facilitated the creation of a "Regional antiviolence network" for the assistance and protection of women, alone or with children/family members. This Regional network is made up of:
    1. already existing anti-violence centers and shelters, managed by subjects and/or associations enrolled in the Regional register established by Article 9 of Act n°8 29/04/2008 ("Istituzione del Consiglio per le pari opportunità") and in other regional registers;
    2. the anti-violence centers already active in emergency rooms in hospitals and in foundations of scientific research and health care institutions.

It is designed with the aim to:

1. offer listening, welcoming, counselling and legal assistance, specialised psychological support to find exit paths from violence, social and occupational integration or re-integration;
2. ensure protection and hospitality and other forms of residence for women in need, alone or with their children;
3. provide assistance and counselling in connection with the hospitals as well as carry out connection and analysis of data and information on DV.

The Region promotes the signing of a Memorandum of Understanding with government, local authorities, schools, regional and provincial education offices, law enforcement, courts and

prisons administration and any other entity which operates in the field of protection of women victims of violence.

- Region of Liguria has a very accurate law against gender violence and it can rely on six centers active since 2008. They provide legal advice, psychological support, inclusion in housing facilities and/or self-help groups, and also the promotion of training programmes, internships and/or work grants for victims of violence.

The centers active in Liguria risked closure for lack of grants over last years: for this reason, a fixed and constant fundraising campaign allowed to keep them available until today, and to raise public awareness on their importance through concerts, conferences etc. During one of these public events, the councilor for Social Affairs and Equal Opportunities of the Region Liguria, Lorena Rambaudi, promised new funds for institutional women's refuges, for a total of 130,000 euros to be counted in the budget of the region<sup>79</sup>. The Region announced the intention to fund training courses for social and health care operators, aiming at the updating of assistance to women victims of genital mutilation.

- Region of Lazio, with Act n° 64 15/11/1993 "*Norme per l'istituzione di centri anti violenza o case rifugio per donne maltrattate nella Regione Lazio*", established to ensure adequate solidarity, support and relief to the victims of physical and psychological abuse, rape and sexual abuse, by providing the establishment of reception centers and shelters capable of responding to the needs of women who are exposed to the threat of any form of violence or who have suffered it.

Centers and shelters must be equipped with adequate facilities and staff, which must be entirely made up of women. The purpose of these centers, also known as houses, is to provide victims of rape, abuse and violence with an immediate and practical help to protect them from dangerous situations and to create conditions for independent life. The centers offers both hosting and legal advice, counselling and social support and assist women in all actions they decide to undertake. Each center must guarantee the anonymity of woman.

Institutions of provincial and municipal centers of hosting and rescue for women victims of violence must have telephone numbers with features of public utility, available all the day, keep functional and continuous relationships with public structures dealing with assistance,

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<sup>79</sup><http://www.genova24.it/2011/11/politiche-sociali-dalla-regione-nuovi-fondi-per-asili-nido-centri-antiviolenza-e-corsi-per-operatori-asl-23713/>

prevention and repression of crimes, such as hospitals, police, health and social services, public services of legal assistance.

#### IV. POLITICAL LEVEL

##### Public sector (at State level)

##### **a. Relevance of the DV issues in the political debate: in programmeme’s party, parliament debate, etc.**

During the last few years, the issue of DV reached its political peak, particularly in December 2012, when Italian government ratified the Convention of the Council of Europe on Preventing and Combating Violence against Women and DV, as requested by the Ministry of Foreign Affairs (chaired by Giulio Terzi) and of the Ministry of Welfare (chaired by Elsa Fornero). This Convention, available to all the Member States of the Council of Europe and non-Member Sates which attended to its elaboration, was undersigned by Italy at the end of September 2012.

The main aims of the Convention are: protection of women from every form of violence; elimination of discriminations to reach gender equality; promotion of international cooperation and the disposal of policies for protection and assistance in favour of the victims of violence.

After the Italian signature of the Convention (September 2012), 103 Senators of the main political parties proposed a bill for a full and immediate ratification and execution of the Convention by stating that:

The Italian ratification of the Convention [...] represents a step of fundamental importance in order to carry on with the action of our Country against every form of violence against women and children. [...] The Parliament approval of the bill for the ratification of the Istanbul Convention represents a fundamental step to protect women from every form of violence, to eliminate every form of discrimination towards women with the aim of fulfilling a real gender equality, to promote

international cooperation and to establish policies and protection measures in favour of all the victims of violence.

The Convention became law after the approval by the two branches of Italian Parliament in June 2013.

It is also important to underline that in January 2011, a bill proposed to modify the Penal Code and the Law n°440 of 18 December 1997, for the prevention and the fight against violence on women and minors. The five articles of the bill proposed:

1. the amendment of article 282-ter of the Penal Code by adding the comma 4-bis «suspension of the authorization for legal detention of weapons, in order to protect the victim in cases of familiar violence»;
2. the replacement of art.282-quater of Penal Code with a new article containing the «application of specific programmes of re-education and psychological treatment for people condemned for crimes linked to domestic and gender violence»;
3. the addition of article 282-quinquies, establishing the obligation of communication for measures provided by articles 282-bis, 282-ter, 282-quater to the relevant public security authority, to the victims of violence and to socio-assistance services of the territory;
4. the improvement of article 1, comma 1 of Law n°440, taking into account “the requirements of cultural and social context by promoting mutual respect between men and women, teaching how to have a relationship based on mutual listening, on the ability to be attentive towards the other, on the necessity to foster mutual respect”;
5. a schools training offer which takes into account the need of socio-cultural context and the need to promote mutual respect, by creating relations based on mutual listening, respect of the others and of diversity.

It is important to specify that the evaluation of the bill was assigned in March 2011 to the “*Commissione Giustizia*” of “*Camera dei Deputati*” and for now it is suspended.

**b. Action plans and policies (Please, refer to their particular fields of practice, as well as to the specific services provided)**

In November 2010 a National Plan against Gender Violence and Stalking was approved<sup>80</sup>. This National Plan aims at involving all the interested actors (at both local and national levels) and it provides for specific interventions in the socio-cultural, health, economic, legislative and judiciary fields. A National Plan is not only an instrument of support and coordination for the implementation of homogeneous practices on the national territory in the field of gender violence but it also provides the framework for all the interested institutional and non-institutional subjects

The main aims of the National Plan are:

1. ensuring a sufficient and effective dissemination of information;
2. granting and supporting a network of Antiviolence Centers, other private and public institutions, with the aim of ensuring - together with cooperation and integration – a sufficient assistance to the victims on the National territory;
3. ensuring the development of all the competences dealing with the issue of gender violence by means of raising awareness about human rights and respect between genders;
4. providing for a structured collection of data and information for a better understanding of the evolution of violence;
5. strengthening assistance to women victims of violence as well as to their children;

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<sup>80</sup>[http://www.pariopportunita.gov.it/images/stories/documenti\\_vari/UserFiles/PrimoPiano/piano\\_nazionale\\_antiviolenza.pdf](http://www.pariopportunita.gov.it/images/stories/documenti_vari/UserFiles/PrimoPiano/piano_nazionale_antiviolenza.pdf)

6. increasing the protection of victims through an effective cooperation with security forces.

The Plan aims at reaching the following objectives:

1. prevention of all types of violence and raising public awareness about this issue;
2. empowering Antiviolence Centers and Services of Assistance;
3. providing trainings for operators involved;
4. an effective monitoring of the violence phenomenon;
5. providing for assistance measures by means of support to the victims of gender violence.

All the actions provided by the Plan are characterised by actions coordinated between State, Regional and Local public bodies.

As for the first area of intervention - Prevention of all types of violence - the Plan envisages the following actions:

1. Memorandum of Understanding with the Minister of Education aiming at developing school educational courses on the topics of respect, equality and non-violence;
2. informative and communication campaigns by raising public awareness on the phenomenon of gender violence and stalking and by spreading the phone helpline (1522) and assistance services for victims of violence;
3. implementation and support of Assistance Services for victims of violence through the helpline (1522), in order to give appropriate information about stalking (Act introduced this crime in Italy in 2009 and it is punished by the Penal Courts according to the article 612-bis of Criminal Code);
4. promotion of beneficial initiatives to protect the image of women;
5. communication and informative campaigns at work places.

The actions provided in the second area of intervention - Empowering of Antiviolence Centers and Assistance Services, support, protection and re-integration of victims - are the following:

1. constant mapping of anti-violence centers, public and private services of assistance, support, protection and re-integration of victims and support services for women victims of abuse, stalking and violence;
2. identification of institutions able to host and provide for immediate assistance to victims in conditions of forthcoming danger;
3. creation and development of a web-networking of Antiviolence Centers with other services, existing on the National territory, with the Department and the helpline (1522);
4. providing support to the Antiviolence Centers, private and public institutions aimed at raising the number of services available for the victims (hosting, law/psychological/health assistance etc.).
5. support to the establishment of new Antiviolence Centers.

The actions provided in the third area of intervention - Training of operators involved - are:

1. development of specific training courses for security forces;
2. raising awareness in the Judiciary branch.

Actions provided in the fourth area of intervention - Creation of databases - are:

1. creation of a database concerning the issue of gender violence and stalking; a database including legislative information, opportunities of assistance and hosting given by Antiviolence Centers and by other private and public institutions;

2. analysis of monitoring and development of strategies to prevent gender violence;
3. database on violence in every first-aid zone in hospitals, with the creation of a national system of survey using a specific code for abuse, beating and sexual violence.

**c. Please provide relevant information on the particular strategies that are employed in the following areas of activities: • Prevention (awareness and education) • Protection (intervention, psychological and economic empowerment/independence)**

The 2011 European Commission “*An EU Framework for National Roma Integration Strategies up to 2020*”<sup>81</sup>, requested Member States to prepare or revise their National Roma Integration Strategies (NRIS) and present them to the Commission by the end of December 2011. On this request, on the 29<sup>th</sup> February of 2012 Italy provided for the consideration and analysis by the Commission of the National Strategy drafted by the UNAR, the national anti-discrimination office, which will be the Italian national focal point on Roma issues<sup>82</sup>.

The Italian NRIS covers the full range of the EU framework and even sets objectives that go beyond it, such as a broad focus on anti-discrimination, trainings on human rights and anti-Gypsyism for armed forces and police, new legislative measures on the minority status of Roma, citizenship and residence permits, information and awareness-raising campaigns on anti-Gypsyism and the Roma Holocaust, measures on cultural mediation, training for media in order to reduce stereotypes on Roma and capacity-building.

In the field of education, the following positive elements are included: the goal to ensure education to all Roma Children and promote non-discriminatory access to education; support to cooperation between educational institutions, extra-school services and Roma communities and families; some measures focused on the education of young mothers. Those goals are ambitious and realistic but precise quantitative targets and identification of the necessary

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<sup>81</sup>[http://ec.europa.eu/justice/policies/discrimination/docs/com\\_2011\\_173\\_en.pdf](http://ec.europa.eu/justice/policies/discrimination/docs/com_2011_173_en.pdf)

<sup>82</sup>[http://www.ergonetnetwork.org/media/userfiles/media/Final%20ERPC%20Analysis%2021%2003%2012\\_FINAL.pdf](http://www.ergonetnetwork.org/media/userfiles/media/Final%20ERPC%20Analysis%2021%2003%2012_FINAL.pdf)

resources are missing. In the field of employment, the National Strategy includes non-discriminatory access to training courses. In the field of health, inclusion of qualified Roma in social services and medical programmes is needed.

The NRIS puts a strong focus on gender equality in the fields of education, employment and health, but does not target the issue of migration, which is only addressed in the field of health. The issue of empowerment is mentioned as a specific goal of the NRIS. In fact, the Strategy's overall objectives are the achievement of effective social inclusion of Roma communities and their empowerment in order for them to be fully able to claim their rights. Moreover, throughout the Strategy it is often pointed out that an important outcome would be to abandon a welfare approach and to achieve empowerment. However, it seems that there are no concrete measures to match this objective.

With regards to implementation, it is stressed that the overall strategy will be mainly implemented through: prevention and fight against discrimination; creation of a national contact point; cooperation with civil society; stronger field work on the whole national territory; more information and awareness-raising campaigns; statistical research, studies, surveys; stronger monitoring systems. However, it is not specified how this will be carried out.

Taking into consideration the coordinating mechanisms in implementing the NRIS, for the first time an inter-ministerial approach will be adopted for Roma issues. The Ministries involved will be: the Ministry of Cooperation and Integration, the Ministry of Interior, the Ministry of Employment, Social Affairs and Equal Opportunities, the Ministry of Health, the Ministry of Education, the Ministry of Justice. However, insufficient details are available on the specific responsibilities of each Ministry or authority.

The Review of Budget Allocation in the NRIS shows that figures and numbers available are insufficient and the exact amount is not unveiled. However, several projects are funded by the ESF, the European Regional Development Fund and the European Fund for the Integration of Third Country Nationals. Timeframes are not really detailed and it is therefore not possible to determine whether the overall strategy is realistic or not. The mechanisms that will be used for the monitoring of implementation are not specified in the NRIS.

**d. Please include (if possible) a short description of the costs of DV in your country in relation to 1. Material Values (medical treatment of the victims, legal services, damage to properties) 2. Immaterial Values (reduced Quality of life, trust, self-respect)**

No data available.

Third sector (at civil society level)

**e. Please present the mechanisms and the existing structures and services dealing with DV. How are NGO's organized in dealing with DV? Please mention the level of cooperation and interaction (if any) with public policies and action plans.**

According to a research managed by the NGO “*Casa delle donne per non subire violenza*”, for now 127 Antiviolence Centers exist in Italy. 101 of these centers are being run by women’s associations and 63 of these have hosting houses<sup>83</sup>. These Antiviolence Centers are supported by a series of helplines dealing with emergencies in the field of DV and violence against women and children:

1. the number 1522 “*Antiviolenza Donna*”, is a helpline which, through a call center, offers psychological and legal support to the victims of violence, giving them a first aid and addressing them towards local private and public structures. 1522 is active 24/7 and it is usable on the whole national territory in Italian, English, French, Spanish, Russian and Arab languages. The phone service 1522 represents the operative core of the activities to tackle gender-based violence and stalking. Based on the network working methodology, 1522 assumes the role of technical and operational tool in order to support the National Antiviolence Network. This network is designed first of all to incorporate and spread nationwide anti-violence measures carried out locally by the networks, by ensuring the necessary connections between the central government authorities in the judicial, social, health, safety and public fields.

The “nodes” of the National Antiviolence Network are the “*Ambiti Territoriali di Rete*”: territorial areas, municipalities, provinces or regions, with which the Department for Equal Opportunities signs a Memorandum with the aim of promoting the constitution and strengthening local networks. The main priorities are: the contrast of gender-based violence and stalking, the progressive integration of national service 1522 with health and

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<sup>83</sup><http://www.casadonne.it/cms/>

social institutions and the implementation of public seminars on the topic of gender-based violence. Within these territories, a direct access to local services is available directly through the number 1522: the “*Ambiti Territoriali di Rete*” are active in: Bologna, Palermo, Napoli, Venezia, Pesara, Prato, Cosenza, Isernia, Trieste, Ravenna, Nuoro, Potenza, Aosta, Torino, Latina, Agrigento, Reggio Emilia, Faenza, the provinces of Genova, Ancona, Bari, Catania, Caserta, Crotone, Teramo, Pesaro-Urbino and Bolzano.

2. The number 114 “*Emergenza Infanzia*”, run by the Association “*Telefono Azzurro*”, is an emergency number available for children and teenagers in situation of danger. This service is free and active on the whole Italian territory and available 24/7. It offers assistance in cases of emergency and traumas which could damage the psycho-physical development of children and teenagers through a strong cooperation with social services
3. The free number 800300558 is provided to contrast and repress the Female Genital Mutilations: a phenomenon ignored by many people which violates the fundamental rights of physical integrity of people and the health of women and young girls.
4. The free number 800901010 against Racial Discriminations provides information, support and guidance to the victims of discriminations via a call center
5. The free number 800290290 is one of the interventions led by the Department for Equal Opportunities for the social protection of victims of human trafficking, most commonly for the purpose of sexual slavery and/or forced labour.

It is important to underline that in some Italian regions, e.g. Piemonte, Lombardia, Toscana, Emilia Romagna, Trentino Alto Adige and Lazio, listening services of counselling as well as therapy centers for men, authors of violences, are available.

**f. Please refer to particular fields of practice, as well as to specific services that are provided. Please provide the relevant information regarding the particular strategies employed in the following areas of activities: • Prevention (awareness and education) • Protection (intervention, psychological and economic empowerment/independence)**

Mostly the activity of Antiviolence Centers is focused on the following fields:

- **Services for minors** deal with specific paths of support for mothers – victims of violence - and psychological support for children - victims of mistreatments, sexual abuse assisted violence etc. These kinds of services are mainly provided within a network of services and institutions dealing with the protection and care of minors (e.g. social and health services, hospitals, minor tribunals, ordinary tribunals).
- **Sustain groups.** Many antiviolence centers promote groups of mutual support, managed by experts of the social sector, and available for young mothers interested in discussing the issue of assisted violence or violence towards their own children in their domestic background.
- **Reception.** Antiviolence Centers developed a system of assistance for those women who suffered DV which starts with a first dialogue with a call center operator. The relationship between operator and woman are based on mutual reciprocity: the calling woman has to be aware of the relational competence of the operator, his experience on the violence problem and his knowledge of the territorial resources and possibilities. The second step is a personal meeting, proposed as a privileged space in which women can talk about their experiences and understand the best possible path to be relieved of DV. By targeting the existing problems and the entity and quantity of available resources, the operator designs a series of concretely feasible projects, creating a project with fixed time and tasks.
- Some Antiviolence Centers conceived a system of **hosting houses**, with the aim of creating a safe place to avoid the violence of (ex) partner, something often happening when the woman tries to escape. Hosting houses, then, are places where women can quietly begin a path of emotional and material removal from violent reactions, trying to rebuild their autonomy.
- Within the project “*Sviluppo delle competenze e servizi nei centri antiviolenza regionali*” (“Development of skills and services in the regional antiviolence centres”), co-financed by the European Social Fund and approved by the Region of Emilia-Romagna, it has been possible to start, in the offices of antiviolence centers in Bologna, Ferrara, Ravenna and

Parma, a **service of job guidance and support**. All women who need to find/ change a job because of DV or separation from their spouse, can contact these offices. These services also conduct and run interviews for consulting and guidance, technical support to define personal competences and job support.

**g. Please, compare potential gaps, strengths and weaknesses of the actions and services provided by the two kinds of actors.**

According to the *Report on National Practice and Needs Analysis* of the PACT Project (Promoting Awareness for Cooperation and Training in the field of DV, LLP Project)<sup>84</sup>, in Italy there are no women crisis centres yet. Social services are often mixed, consequently women victims and survivors of DV are accommodated together with people in “social risk”. It must be also emphasized that social services are often run by religious institutions who often try to convince women to “save their families” and to go back to their homes even though they are in danger.

The institutional interest in facing DV is still very low, so training programmes are often run sporadically by NGOs with low funding. Especially in rural areas there is a lack of training possibilities and there are often difficulties in organising interventions in crisis situations due to scarce awareness or sensitivity.

Training courses are often offered only to those who are already operative in the field and often completely missing in the huge rural areas in Italy with only small towns and long distances between them. It often requires a big effort to participate in training programmes, so ICT supported training programmes would change the situation for the better.

**h. Are there any collaborative efforts and joint initiatives/synergies among the different service providers and institutional actors?**

As it has already been specified in part 4E, the core “hubs” of the National Antiviolence Network are the “*Ambiti Territoriali di Rete*”: territorial areas, municipalities, provinces and regions with which the Department for Equal Opportunities signs a Memorandum including the priorities of contrasting gender violence and progressively integrating national service 1522

<sup>84</sup>[http://www.pact-eu.org/uploads/media/PACT\\_WP2\\_Report\\_Needs\\_Analysis.pdf](http://www.pact-eu.org/uploads/media/PACT_WP2_Report_Needs_Analysis.pdf)

with health-social institutions and the realization of public seminars on the topic of gender-based violence.

A good local example of this relationship between local Antiviolence Centers and Institutions at National level is given by the NGO “Le Onde”<sup>85</sup>. Dealing with the issue of violence against women in Palermo (Sicily), being aware of the need for an integrated intervention between services, with an active support of the police in Palermo since 1998, it has led to promote meetings for the establishment of an inter-city network against violence and to take joint actions at city level aiming at improving social and health integration, and at increasing the protection of victims.

In the city of Palermo the following bodies agreed on and signed a *Memorandum of Understanding*, which formally established a “Town Network” against violence towards women and children<sup>86</sup>:

1. Arma dei Carabinieri – Comando Provinciale;
2. Ospedale “Civico”; Azienda Sanitaria Provinciale Palermo;
3. Ateneo di Palermo – C.O.T. Centro Orientamento e Tutorato
4. Azienda Ospedaliera Università di Palermo “P. Giaccone”
5. Azienda Ospedaliera Ospedali Riuniti Villa Sofia – Cervello
6. Centro Sociale Laboratorio Zen Insieme
7. Centro Territoriale Permanente per l’Educazione degli Adulti “A. Ugo”
8. Comune di Palermo – Assessorato Attività Sociali
9. ECAP – Ente di Formazione Professionale
10. Le Onde Onlus
11. Ministero dell’Istruzione, dell’Università e della Ricerca (M.I.U.R.)
12. Procura della Repubblica di Palermo
13. Provincia Regionale di Palermo – Assessorato Servizi Sociali
14. Questura di Palermo
15. Sicaliani - Coop. Sociale
16. Tribunale Ordinario di Palermo
17. Ufficio della Consigliera di Parità regionale

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<sup>85</sup> <http://www.leonde.org/>

<sup>86</sup> <http://www.irisagainstviolence.it/report/palermo.pdf>

The actions taken with the aim to develop the Network were<sup>87</sup>:

1. Planning and implementation of specific projects to meet the needs identified (awareness, training, ad hoc services, prevention) through the use of Community resources (the DAPHNE Programmeme), national resources (Urban Security and PON), regional resources (POR and FPA) and local ones (network partner organisations in their specific areas or institutional interventions);
2. Data collection and investigations plans for the creation of indicators of intervention aimed at improving the response to hospital emergencies;
3. the definition of an experimental model to be transferred to other cities in Sicily (AG and CT - APQ PO) and in Italy (DPO Arianna Project - Project LeA Abruzzo Region – Project Region Basilicata);
4. integration of health, social and security services;
5. sharing of the design of interventions, starting from an analysis of the needsof all the institutions belonging to the Town Network.

The establishment of this inter-institutional group, which has been operating for over 10 years and is made up of representatives of each body, has allowed to start a process of internal changes to the longitudinal individual organisms and the territory. Significant effects were obtained with respect to:

1. Emergence of the issue and its analysis;
2. Facilitation of access to services by women;
3. Trainings provided for different services;
4. Definition of specific intervention procedures;
5. Improved integration of social and health services.

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<sup>87</sup><http://www.irisagainstviolence.it/report/palermo.pdf>

## COUNTRY SPECIFIC LITERATURE REVIEW – Austria – VEREIN MULTIKULTUREL

Objective of WS1: To have a clear understanding of what has already been carried out in each partner country to prevent DV and offer support to those are at risk or victims of DV. Target Groups: Sinti and Roma, Muslim migrants and travellers according to partners' country context.

### I. General information

In this section, you will find some questions duplicated for each TG. If the question is not referring to the TG you will work with, please just select the option "TG not relevant"

#### Please, select the TG/TGs you will work with

- Sinti and Roma
- **Muslim migrants**
- Travellers

#### Please, give a definition of the TG/TGs you will work with and describe its/their situation in your country

*The aim of this question is having an overview about the social status of the TG/TGs you will work with in order to fully understand why it/they can be considered marginalised community*

Turkish migrants in Western European Countries constitute our target group. The core of the target group is the Turkish migrant families.

In order to reach potential target group the social environment must be taken into consideration. The knowledge of there backgrounds facilities the recruitment of the interaction of the migrants. In most EU countries the environments of female Turkish migrants with traditional, conservative family structures are characterized by the following:

- Family centeredness
- Social and ethnic homogeneity
- Locality

The vast majority of female migrants are part of a small family-centred network; their social network consists mainly of the family origin. To these it can be added relatives by marriage such as the spouses of siblings. In addition to family contacts, a minority that also have friends

but the contact with those people outside the family tends to be less frequent than with family members. It is very rare for migrants to be able to maintain contact with people outside the family for longer.

In addition to family-centeredness, social and ethnic homogeneity are additional common factors of the migrant's social networks. Their relationships within the network are essentially restricted to people of the same economic status, level of professional qualification and ethnic origin. While the contacts of employed migrants consists mainly of other employed migrants, friends and acquaintances of unemployed more often than so that they are also not employed. The reason for the social homogeneity of the networks of female Turkish migrants can mainly be found in the origin of their contacts. The contacts are either a family member or they have maintained a relationship with an old friend from high school. In fewer cases some contacts consist of co-workers or friends made during vocational training.

The third common aspect is the locality of the social networks. In most cases, migrants live in close proximity, frequently within walking distance to parents and siblings. It is not only the proximity to the family of origin that is so important, but also the proximity to friends. Since the maintenance of contacts in other areas of the city requires more effort, time and planning, relationships are extremely distance-dependent so for that reason contacts in different parts of the city are more rarely maintained. In order for social relationships to thrive, close proximity is therefore prerequisite.

As a result for Turkish migrants, the family performs an essential support function, it is a network protecting them from material hardship and social isolation. At the same time it acts like a cage by restricting options and available resources. The restriction of resources and the ambivalence of the strong influence of the family are most clearly visible in their integration into the education and labour market. The close proximity to the family, however, is considered more important in order to stay close to parents and siblings. Turkish migrants are willing to accept disadvantages such as qualitatively inferior apartments or living in a stigmatized area of town. It is therefore not ethnic segregation that determines the place of residence, but rather the proximity to the family.

**Please select the most prevalent age ranges for your TG/TGs**

- Sinti and Roma under 18 yrs
- Sinti and Roma 18-50 yrs
- Sinti and Roma over 50 yrs
- Muslim migrants under 18 yrs
- **Muslim migrants 18-50 yrs**
- Muslim migrants over 50 yrs
- Travellers under 18 yrs
- Travellers 18-50 yrs
- Travellers over 50 yrs
- No data available

**What is the most prevalent gender in your TG? (Sinti and Roma)**

- Male
- Female
- Data not available
- **TG not relevant**

**What is the most prevalent gender in your TG? (Muslim migrants)**

- Male
- **Female**
- Data not available
- TG not relevant

**What is the most prevalent gender in your TG? (Travellers)**

- Male
- Female
- Data not available
- **TG not relevant**

*If possible, please include more specific demographic information (% of age, gender etc, quoting source)*

Most of the women are in between 30 and 40 years old, we also have men using our offer, but mostly women.

**Main religious background of your TG (Sinti and Roma)**

- Christian
- Muslim
- Buddhist
- no data available
- **TG not relevant**
- Other: \_\_\_\_\_

**Main religious background of your TG (Muslim migrants)**

- Christian
- **Muslim**
- Buddhist
- no data available
- TG not relevant
- Other: \_\_\_\_\_

**Main religious background of your TG (Travellers)**

- Christian
- Muslim
- Buddhist
- no data available
- **TG not relevant**
- Other: \_\_\_\_\_

*If possible, please include more specific information regarding religious backgrounds (please quote source)*

**Level of education of your TG (Sinti and Roma)**

- No education
- Primary level
- Secondary level

- Academic level
- no data available
- **TG not relevant**
- Other: \_\_\_\_\_

**Level of education of your TG (Muslim migrants)**

- No education
- **Primary level**
- Secondary level
- Academic level
- no data available
- TG not relevant
- Other: \_\_\_\_\_

**Level of education of your TG (travellers)**

- No education
- Primary level
- Secondary level
- Academic level
- no data available
- **TG not relevant**
- Other: \_\_\_\_\_

*If possible, please include more specific information regarding the level of education (please quote source)*

About 60% primary level, 25% secondary level, 8 % academic level, 8% analphabets.

**Is/Are there a predominant type/s of DV experienced by your TG (Sinti and Roma)**

- child abuse
- intimate partner violence
- male victims
- elder abuse
- **TG not relevant**

- Other: \_\_\_\_\_

**Is/Are there a predominant type/s of DV experienced by your TG (Muslim migrants)**

- child abuse
- **intimate partner violence**
- male victims
- elder abuse
- TG not relevant
- Other: \_\_\_\_\_

**Is/Are there a predominant type/s of DV experienced by your TG (travellers)**

- child abuse
- intimate partner violence
- male victims
- elder abuse
- **TG not relevant**
- Other: \_\_\_\_\_

**What types of professionals get involved/work in the field of DV?**

Fieldwork is done in courts, emergency rooms, health care centres, shelters and telephone lines. The intervention centres and violence protection centres are informed about barring orders and expulsions by the police. A trans-sectoral cooperation is accelerated.

According to Haller (2010) further education and training concerning the identification of DV, the consequences as well as the intercourse with victims of violence and the acquirement of intercultural competences must be anchored for all professionals dealing with victims of violence. This concerns profession in the judiciary as well as in the health sector.

Furthermore, to meet the needs of the victims and to offer measures tailored to suite the single fields, more background knowledge would be helpful. On the one hand, regular research and evaluation of data (for example in the field of judiciary and Youth Welfare via applications for temporary injunctions), on the other hand qualitative research (like the meaning of violence in childhood for prevention).

The migration sociologist Gaitandes (2004, quoted by Logar, Weiss, Sticker, and Gurtner, 2009) argues that counsellors working with victims of violence and especially concerned migrants have to be constantly informed of new legal regulations, because they often change (in particular the laws concerning the right of residence). Also Peregrina (2010, quoted by Logar, Weiss, Stricker and Gurtner, 2009) points out that for the staff of the institutions dealing with DV the frequently changing law for foreigners means to be continuously informed about alterations and its impact on their clients.

There is also a need for more native speaker counselling in addition with cultural competencies. Gaitandes (2004, quoted by Logar, Weiss, Sticker, and Gurtner, 2009) also points out that programmes for offenders should always be integrated with programmes for victim protection. Beyond that a more specific knowledge about single victim groups as elder and disabled people, but also the identification of high-risk-groups is an assumption for accordant preventive measures (Haller 2010).

In the field of perpetrator work, there is a need of further development of offender-related measures as well as country-wide implementation. The international tested and adapted models for anti-violence trainings (as the Men's counselling Vienna did it as well) are, according to results of internal evaluation, not suitable to all perpetrators. Suitable concepts for the single sub-groups of perpetrators' characteristics must be developed. Not only in the field of protection against violence, also in the perpetrators work additional research must be done. The consequences of experience of violence in childhood on the willingness to use violence as an adult or the identification of social aggressive repeat-perpetrator should be examined (Haller, 2010).

**Please, describe the kind of services provided to the victims? Is there any good/innovative practice to be highlighted?**

Although violence is not a migrant specific topic, many women with migrant background and from ethnic minorities are confronted with more disadvantages than domestic women.

Structurally disadvantaged groups, which can be comparatively badly reached by measures of

the law for protection against violence are victims living in the countryside, children and female migrants. Violence concerned women often live in patriarchal surroundings, where private violence is trivialised (Haller, 2010).

The working team “violence against female migrants”, established by the Prevention Advisory Board in 1999, identified three fields, in which a consolidation of violence prevention must determine: social services, right of residence and labour market. Till today, hardly anything has changed. The exclusion of female migrants as a result of the accordant legal rulings is an expression of structural violence (Haller, 2010). According to Haller (2010) since the middle of the 1990ies, the number of female migrants in women shelters is clearly overrepresented compared to their share of population. It has risen since that time. The loss of importance of women shelters, which was intended by the law for protection against violence, has affected exclusively Austrian women. Index 5 shows the number of women in women shelters in the years 1997 – 2008.

<b>Year</b>	<b>Austrian women (in %)</b>	<b>Foreign women (in %)</b>
<b>1997</b>	<b>62</b>	<b>38</b>
<b>1998</b>	<b>61</b>	<b>39</b>
<b>1999</b>	<b>55</b>	<b>45</b>
<b>2000</b>	<b>57</b>	<b>43</b>
<b>2006</b>	<b>49</b>	<b>51</b>
<b>2008</b>	<b>44</b>	<b>56</b>

Index 5: residents of the AÖF women shelters (1997 – 2008) (source: annual report of the AÖF, quoted by Haller, 2010)

To understand the individual situation of women with migrant background, migrant women or women of ethnic minorities in Austria, it is important to draw a more differentiated picture and have a look on migration processes.

Fassmann, Reeger and Sari (2007) argue that during migration process many women are confronted with minimum three different challenges. First of all, they are confronted, as a result of their belonging to the group of women, even in Austria, with disadvantage and

discrimination. Additionally they are defined as foreign, because of their external citizenship or belonging to an ethnic minority. After all many women, especially those from the Islamic World, are faced into societal conflict between a modern and traditional gender role, which they have to resolve. Compared to native women, migrant women are more exposed to burdens like occupation, household as well as child and family care. They often have more children and can not afford external childcare, because of financial limits. As men in many cases have low incomes as well, many migrant women are forced to work as well to polish the family income. Even if women are elderly, they can not back down from gainful occupation.

According to Logar, Weiss, Stricker and Gurtner (2009) women with migrant background, migrant women and of ethnic minorities often miss social networks and language skills, have fewer resources than women from the majority and are in many cases financially dependent on their husbands. That leads to more difficulties building up an independent life, and they need more time to unburden themselves. The avoidance of calling the police in case of being a victim of DV makes it even more difficult for the concerned people to change the situation. It could be noticed that women with a migrant background and from ethnic minorities flee to relatives, friends or to women refugees instead. Many are poorly informed about their rights. All these points lead to lower opportunities to get interim decision.

A break-up or divorce therefore isn't advisable without former juridical counselling. Hence some concerned women know about their massive dependence and undergo abuse (Fassmann, Reeger and Sari, 2007).

Haller (2010) points out that aside from social isolation and missing support by family, also the excessive demand of the executive leads to a flee of migrant women into women shelters. In this connection, language barriers hinder an intervention into migrant families and it has to be assumed, that it is not always looked into the backgrounds of a "family conflict". As a result violence isn't always recognised and instead of a barring order, a dispute mediation follows, so that the victim is forced to frequent a women shelter. All these factors lead to difficulties and disadvantages, which makes it impossible for the victims to leave the spiral of violence and in the end they often return to the perpetrator. Haller (2010) argues that female migrants who are married in Austria, get too less attention, because they are obviously suspended high violent risks. In 2008 a quarter of the residents in women shelters were migrants married with

Austrians, only slightly higher – with 29 % - was the proportion of female migrants married with a migrant husband (AÖF, Autonomous Austrian Women Shelter, 2008, quoted by Haller, 2010). In an earlier research study, the violence loading within intercultural partnerships were pointed out, especially in form of psychological and economical violence (Haller, 2005, quoted by Haller, 2010).

Many migrant women and their children, who suffer from DV are therefore endangered by poverty. Additionally they are more vulnerable to health hazards, because they are confronted with obstacles concerning access to health and welfare systems. As mentioned earlier, citizens of non-EU countries are only entitled to these services, if they prove a resistant stay (Logar, Weiss, Stricker and Gurtner, 2009).

For victims of arranged marriages, it is extremely difficult to resist. Reasons might be fear of violence and aggression, avoidance of possible life-threatening conflicts, missing perspectives, helplessness, insufficient knowledge about the own rights and about the prohibition of forced marriage according to the own religion, solidarity with the own mother, who has experienced the same fate, commitment to the siblings, fear to lose the family and to live in social isolation.

According to Haller (2010) it isn't always convenient for victims of violence to achieve an expulsion or a barring order, because they want to stay in their relationship and they worry about attracting the whole anger of the partner in case of calling for police's intervention (Haller, 2005, quoted by Haller, 2010). Some women also feel more related to their partners or feel more secure, when an expulsion or barring order comes into speak. This might lead to different consequences: from the continuation of the partnership with the hope, to cope conflicts in a better way, to the intuition, that the relationship has failed and a break-up is necessary. In some cases multiple interventions from the police are necessary till these steps can be done. This makes clear that the sometimes as "uncooperative" seen police takes the victim seriously and in every single repeated event of violence interfere in a competent manner Haller, 2010).

Finally Haller (2010) points out some weak points regarding victim protection:

1) Weak spots regarding victim protection exist for some cohorts, as mentioned before. Victims in the countryside receive little support from the executive and even the access to care

facilities is complicated. An expansion of the intervention centres' offers through branches might help. Furthermore it is obvious that the law for protection against violence doesn't help in many cases. This can be observed when looking at the annually rising numbers of migrants frequenting the women shelters. Not only the improvement of the legal position of family members who are victims of DV helps, there must also be the possibility to get a better access to occupation. Then women who experience violence are able to build up an independent existence and a separation from a violent relationship is easier. A first financial interim help after the barring order and a temporary injunction might be the social help, which receiving is differential settled in the single provinces. It would be very important that after a barring order, women, independently from whether they are natives and foreigners, receive social help as fast possible and with few bureaucratic obstacles. Furthermore, social help shouldn't have a negative impact on the right of residence.

2) Although the budget for the intervention centres and violence protection centres was renewed in 2007, a further expansion of victim protection as well as women shelters and emergency hotlines need more financial support. It is also necessary to widen the range of offers for children.

3) In addition to information campaigns about forced marriage and female genital mutilation, concerned and endangered women and girls need the possibility for a cared refuge in emergency housings to escape from the pressure of their family cohesions (Haller 2010).

At the very least, it is important to accept the fact that counselling in these contexts usually needs more time and that it needs a broad approach. It is important, that protection against violence and effective interventions is not constrained by institutional, legal, economic and politically prevailing conditions.

**To which extend does media (newspapers, TV, radio, online) in your country address DV in way that the general public may become more aware of / sensitive towards the issue?**

- not at all
- **only in police (e.g. report stories on victims of DV or in relation to DV-rape)**
- sometimes (talk shows, background coverage of DV in print and TV)
- regular (documentaries, features, background stories on DV in all media)

- more coverage in media targeting young audiences
- public awareness campaigns by local / regional / federal government on DV
- special public awareness campaigns by local / regional / federal authorities targeting migrant groups and DV
- **public campaigns by NGOs, women's associations etc. with flyers, brochures etc.**
- public educational campaigns at schools, educational institutions on DV
- Other: \_\_\_\_\_

**Do the mass media play a significant role in raising the attention of the issue of DV? Do they have an information role through, for instant, awareness raising campaigns?**

- Yes
- **No**

## II. Bibliography

**Please, quote at least 5 publications that deal with the theme of DV related to your country. For each of them insert: Author, Title, publication date, publishing house and provide a short summary (max 500 words) of the main aspects faced.**

Gedik, Ipek: Zwangsheirat bei Migrantenfamilien in der Bundesrepublik. In: Jahrbuch Menschenrechte 2005. Schwerpunkt: Frauenrechte durchsetzen. Suhrkamp 2004.

Hagemann-White, Carol/Bohne, Sabine (2007): Protecting women against violence. Strasbourg: Council of Europe.

Haller, Birgitt/Hofinger, Veronika (2008): Die Begleitung von Gewaltopfern durch das Strafverfahren – das österreichische Modell der Prozessbegleitung. In Neue Kriminalpolitik (Heft 1), S. 19-22.

Haller, Birgitt (2005): Gewalt in der Familie: Evaluierungen des österreichischen Gewaltschutzgesetzes. In: Albin Dearing/Birgitt Haller (Hrsg.), a.a.O., S. 269-388.

Schwarz-Schlöglmann, Maria/Sorgo, Marina (2007): Gewalt in der Familie und im sozialen

Nahraum. In Thomas Bauer/Rudolf Keplinger/Maria Schwarz-Schlöglmann/Marina Sorgo (Hrsg.): Gewalt schutzgesetz. Recht and Praxis (S. 125-166). Engerwitzdorf: ProLibris.at.

### III. LEGISLATION INTO FORCE

*It would be important make a comparison with the research you did in SUNIA GEEL and highlighting changes, if any, or the maintenance of situations that still not receiving a legal protection. This will give the opportunity to understand if improvements have been made in the last year.*

#### **a. Please, present a brief description of the legal status in your country regarding DV.**

The regularisations concerning the protection of violence are constituted as Protection against Violence Act and are anchored in three different statues: the Security Police Law (SPG), the Distrant Order (EO) and the General Civil Coder of Law (ABGB) (Haller, 2010).

Since 1 May 1997 the Youth Welfare Service (a governmental institution, represented in every province of Austria) as the legal representative of under-aged, has the possibility to apply for a temporal injunction (§ 215 Abs. 1 ABGB). The endangerment of the child's well-being is assumed in case of a direct or indirect threat of violence or if the mother, as the legal representative of the child, fails to file an application herself (Haller, 2010). Since 1 July 2006 stalking has constituted a punishable act under the term "insistent persecution" (Austrian Penal Code, StGB § 107 a) in Austria. To prevent the "import" of under-aged brides, Austria has changed some laws concerning foreigners. In case of a family union, the age of the spouse from a non- EU-country, must be eighteen years or older. According to this new amendment to the laws, a forced marriage is defined as a case of grave compulsion. The range of punishment for grave compulsion is about half a year to five years imprisonment, and in serious cases, one to ten years. Since the Civil Law Alteration Act was signed in 2006, forced marriage has been defined as heavy compulsion (§ 106 Abs. 1 Z 3 StGB).

#### **b. Please, present the definition of DV within the legal framework and describe the types/forms of violence that are included in this definition (Physical, psychological, sexual, economical, etc). Does legal definition fit well with the cultural understanding of DV?**

In the Austrian Penal Code violent acts as punishable offences are listed. Among these can be found:

- bodily harm and grievous bodily harm (Austrian Penal Code, StGB §§ 83 and 84),
- maliciously inflicted grievous bodily harm (§ 87)
- deprivation of liberty (§ 99) • human trafficking (§ 104.a)
- coercion and grievous coercion (§§ 105 and 106)
- dangerous threats (§ 107)
- insistent persecution (stalking) (§ 107.a)
  - continued exercise of violence (§ 107.b)
- rape (§ 201) – sexual coercion (§ 202)
- grievous sexual abuse and sexual abuse against minors (§§ 206 and 207).

According to law, every person has the right to live in surroundings without violence. Protection is guaranteed by law. In the Code of Criminal Procedure (stop 4th main part, §§ 65 – 73) the rights of victims in criminal proceedings are laid down, for example the right to:

- obtain information about the proceedings
  - be notified of the release of the perpetrator from pre-trial imprisonment
- inspect files relating to the proceedings
- considerate questioning and respectful treatment
- participation and active involvement in the proceedings
- receive compensation and damages for pain and suffering assistance during court proceedings.

### **c. Please, identify potential gaps, deficits as well as legal deficiencies**

Victims of DV in Germany often complain about a mis-perception of DV in the general public and in media. Despite public outrage and strict laws in cases such as rape and real physical violence leading to being wounded, many Germans see “a bit of guilt for DV on the side of the victim”<sup>88</sup>. Many Germans argue that DV always undergoes a process of development with “more than one as an actor” and claim “it always takes two to form a couple where violence occurs”<sup>89</sup>.

Social services for victims often function as emergency services, first-help actions but rarely as

<sup>88</sup> Bündnis für Soziale Arbeit, Esslingen, 2010.

<sup>89</sup> Ebda.

full-service long-term assistance. Often victims fall back into old rituals and become victims again, often by the same perpetrator.

Punishment for perpetrators is often seen as too mild, too low and too short allowing them to get out of prison or therapy programmes too early. Another deficit is seen in defining DV of male perpetrators against female victims. A growing number of scientists argue that men have become victims of DV as often as women but simply no-one reports about this.

#### **d. Please, present the legal rights of the victims**

In Austria, on May 1, 1997, the Austrian Federal Act Against DV came into force. In 1999, 2003 and 2004 several parts of the Act were changed and amended.

The Second Act on Protection Against Violence entered into force on June 1, 2009. It involves further improvements regarding the protection of the support for victims of violence, like police protection and protection under civil law, which has been required for years. The four most important improvements are described in the following:

1. The legislation empowers the police to expel perpetrators from the dwelling. The expulsion or the ban on returning is effective for two weeks. If a temporary injunction is applied, the barring order is prolonged for another 4 weeks (rather than 20 days). The lengthening was required, because experience from the last few years showed that ten days was not enough time to allow victims to take the essential first steps.

2. The temporary injunction lasts for six months and may be extended in case of a divorce petition, a petition for eviction or if a sole usage has been lodged (the last two cases affect common-law partners), by the end of six months. Then the temporary injunction remains in force until the lawsuit is closed (Domestic Abuse Intervention Centre Vienna, n.d.). the temporary injunction was thus lengthened from three to six months. There are three different types of temporary injunctions: the temporary injunction for protection of violence inside the dwelling (§ 382b EO), the temporary injunction for the general protection of violence (EO §382e) as well as the temporary injunction in case of stalking (EO § 382g). The temporary injunction for general protection includes a prohibition of contact and stay and can be used even in cases where perpetrator and victim have never lived together in the same household. As the stalking-temporary injunction, it can be extended for a length of one year (Domestic Abuse Intervention

Centre Vienna, 2009, p. 34).

For a temporary injunction, an application must be filed with the district court of the applicant's place of residence and can be done in writing or verbally. It can be requested in case of physical abuse or threats, which makes life with a violent person intolerable and in the event of psychological violence that has a serious impact on the victim's psychological health (Logar, 2009).

3. Another new element of an offence was added to the Austrian Penal Code as well - the new paragraph § 107b (StGB, penal law), which punishes repeated acts of violence against a person. A higher range of punishment than several acts of violence that occur independently of each other is subjected. This innovation takes into consideration, that especially in the case of intra-family violence the repetition rate is very high. The *Domestic Abuse Intervention Centre Vienna* for example has registered twenty charges concerning continuous use of violence. Likely the low number can be attributed to the fact that time is needed till the new paragraph will be consequently converted into practice (Domestic Abuse Intervention Centre Vienna, 2009).

4. Victims of violence, who receive psychosocial and legal court assistance during criminal proceedings also have the right to free psychosocial assistance during civil proceeding. Unfortunately a free juridical attendance during civil proceedings isn't possible and even the psychosocial attendance is limited to 800€ or rather 1200€ per victim. Desirably the federal ministry for justice continues the prevention of violence and the support for victims as well as the provision of financial resources (Domestic Abuse Intervention Centre Vienna, 2009).

Since 1 May 1997 the Youth Welfare Service (a governmental institution, represented in every province of Austria) as the legal representative of under-aged, has the possibility to apply for a temporal injunction (§ 215 Abs. 1 ABGB). The endangerment of the child's well-being is assumed in case of a direct or indirect threat of violence or if the mother, as the legal representative of the child, fails to file an application herself (Haller, 2010).

Since 1 July 2006 stalking has constituted a punishable act under the term "insistent persecution" (Austrian Penal Code, StGB § 107 a) in Austria.

To prevent the "import" of under-aged brides, Austria has changed some laws concerning

foreigners. In case of a family union, the age of the spouse from a non-EU-country, must be eighteen years or older. According to this new amendment to the laws, a forced marriage is defined as a case of grave compulsion. The range of punishment for grave compulsion is about half a year to five years imprisonment, and in serious cases, one to ten years.

Since the Civil Law Alteration Act was signed in 2006, forced marriage has been defined as heavy compulsion (§ 106 Abs. 1 Z 3 StGB).

Children and young people are protected by law, whether they are direct or indirect victims of violence. Indirectly experiencing violence means, for example, witnessing violence against their mothers which is a kind of psychological violence as well. As the legal representative, the mother can apply for a temporary injunction. Also the Youth office is entitled to initiate that step to guarantee their right to stay in the home (Domestic Abuse Intervention Centre Vienna, 2009). As soon as authorities, like police or courts, are informed about violent offences, they are prosecuted by the State. The victim's approval isn't required. The national support of the re-establishment of security can be divided into two phases: the promulgation of the barring order and the expulsion, which both lie under police authority. In the next step, the concerned person may decide if he/she wants to apply for a temporary injunction. The reason for this bisection is that it is very difficult for victims of violence to separate from the perpetrator, sometimes a separation is even dangerous and thus very difficult to master it by oneself. There is a need for the empowerment of the victims and self-confidence must be strengthened to hazard first steps (Haller, 2010).

#### **e. Please, refer to legal regulations and the types/forms of punishment for perpetrators**

- Physical injuries (§83 StGB) are punished with prison up to one year  
Severe physical injuries (§84 StGB).
- Injuries which make you unable to work for more than 24 days are punished with prison up to 3 years.
- Torture or neglect of younger, immature and defenseless persons (§92 StGB) is punished with prison up to 5 years.
- Deprivation of liberty (§99 StGB) Punishment up to 3 years. In severe cases up to ten years.

- Coercion (§105 StGB) - Punishment up to one year prison
- Dangerous Threat (§107 StGB) Prison up to one year, in severe cases up to 3 cases.
- Persistent pursuit (§107a StGB) - punishment up to 1 year
- Continued violence (§107b StGB) - punishment up to 3 years prison, in severe cases six months up to 5 years, if it is against a defenseless person it is up to 5 years. If there are permanent consequences it is up to 10 years.
- Rape (§201 StGB) - punishment with prison up to 10 years

**f. Please, refer to national legal cases related to DV issues object of relevant judgements of national courts or the European Court of Human Rights (if, any)**

*The aim of this question is to understand if there are some new elements introduced by the jurisprudence that could be innovate the legislation*

**g. Legislation establishing or regulating DV centres (if any)**

**IV. POLITICAL LEVEL**

*Public sector (at State level)*

**a. Relevance of the DV issues in the political debate: in programme's party, parliament debate, etc.**

Coming up now, but not very present.

In Austria, each province has at least one Intervention Centre. To assist victims of violence in the frame of police expulsions these intervention centres were established. They offer free support and counselling (Domestic Abuse Intervention Centre Vienna, n.d.) as well as free assistance during court proceedings (Logar, 2009).

As soon as authorities, like police or courts, are informed about violent offences, they are prosecuted by the State. The victim's approval isn't required.

The national support of the re-establishment of security can be divided into two phases: the promulgation of the barring order and the expulsion, which both lie under police authority. In the next step, the concerned person may decide if he/she wants to apply for a temporary injunction. The reason for this bisection is that it is very difficult for victims of violence to

separate from the perpetrator, sometimes a separation is even dangerous and thus very difficult to master it by oneself. There is a need for the empowerment of the victims and self-confidence must be strengthened to hazard first steps (Haller, 2010).

It is the duty of the police to inform the victim about the possibility of applying for a temporary injunction by explaining the information sheet. Detailed documentation of every case of DV to which they are summoned is part of the police's field of responsibility. Their records must be available to the court in case of an application for a temporary injunction.

**b. Action plans and policies (Please, refer to their particular fields of practice, as well as to the specific services that are provided)**

New homepage from the country government [www.gewaltfrei-tirol.at](http://www.gewaltfrei-tirol.at)  
Aside from the central support offers for concerned women, the services of the association Autonomous Austrian Women Shelter (AOÖF) exists. It was established in 1988 to improve the cooperation and the exchange of professional know-how, as well as to link up staff of the autonomous women shelters. It is the legally responsible body of the women's-help-line against male violence. The help-line offers free bi-lingual counselling to most of the migrants. It can be called around the clock and is represented in whole Austria. The AOÖF is also engaged in public relations against DV, does prevention work against violence and is member of the WAVE, Women against violence in Europe, an European network against DV (Haller, 2010). Also other advice centres for women and families, of which services are mostly wide spread, are very important as a refuge as they are decentralized and therefore reachable for women from the countryside (Haller, 2010). In addition to the women's helpline against male violence, there are further regional emergency call centres (partly located in the advice centres). In Innsbruck, Vienna, Salzburg, Styria and Linz help lines are available and staff also accompany women to the court or medical examination (2010).

**c. Please provide relevant information regarding the particular strategies that are employed in the following areas of activities: • Prevention (awareness and education) • Protection (intervention, psychological and economic empowerment/independence)**

The protection of victims comprises several areas:

**Protection in the sphere of living (in accordance with the Act on Enforcement Procedures, EO § 282 b)**

If violence is exerted against somebody in his/her sphere of living by someone who lives in the same household, the concerned person can apply to the district court at his/her place of residence in order to force the perpetrator to leave the dwelling and to ban this person from returning to the surrounding.

The question of ownership irrelevant for an eviction and the police may evict any person posing a threat to others. This even concerns the owner. In case of a barring order, the police must define the safety area in every single case, which applies to the apartment or home as well as to its immediate surroundings. Additionally, the police must notify the evicted person of this. The person, who is posing a threat has his/her keys to the dwelling taken away, and in the case of an application for a temporary injunction, they are handed over to the competent district court. The perpetrator is allowed to take essential articles of daily use with him/her and if he/she refuses to leave the dwelling, the police is allowed to remove him/her by force. Even if the evicted person has calmed down, no return is possible before the end of barring order. A non-observance means breaking the law and is punishable with a fine up to EUR 360 per violation. The perpetrator can also be placed under arrest in case of repeated violation. Furthermore only law enforcement authorities can revoke a barring order, which is rarely done.

**General protection against violence (in accordance with the Act on Enforcement Procedures, EO § 382 e)**

Additional to the protection in the sphere of living, it is also possible for the victim to refrain from any kind of contact and to apply for measures, which orders the perpetrator to stay away from certain places like, for example, school, place of work and kindergarten. The application for a temporary injunction for protection in the sphere of living as well as a prohibition of contact can be done independently from a temporary injunction in the sphere of living. One year can be issued for a temporary injunction for protection against violence in several places and may be prolonged upon application, if violence continues after this period.

Acts of violence must be proved and evidence (for example statements by the victim, doctor's reports, eye-witnesses etc.) must be presented to the court. Police' reports are directly applied by the court (Logar, 2009).

Has a barring order be issued by the police, it is valid for 4 weeks, provided the temporary injunction has been applied for within the first two weeks. The temporary injunction can be issued even without the intervention of the police. In order to guarantee the continuous protection of the victim, the decision by the court should be made within the four-week period. As a temporary protection measure, a temporary injunction can also be issued without questioning the endangering person, although the perpetrator is usually given the opportunity to be heard.

When the court has made its decision and the injunction is enforced, the applicant must be notified. Usually the court bailiff enforces the injunction, but in urgent or dangerous cases, the court order will be implemented by the police. When the person causing danger is informed about the court decision, he/she has to leave the dwelling immediately and the keys to the dwelling must be handed in. The keys are deposited with the court. The perpetrator is allowed to take his/her personal belongings (for example personal documents, tools for work, etc.), only in company of the bailiff or the police, whereas objects belonging to the household, savings or valuables, are not allowed to be removed and in case of dispute, the court will decide on the allotment of such property.

If the perpetrator returns to the places that have been prohibited to him/her, the police are obligated to remove this person and may also use force if necessary. The police must send a report about the violation of the temporary injunction to the court. The victim then also has the possibility to request the imposition of a coercive penalty. Intervention centres as well as violence prevention centres offer support with filling the request. Coercive detention can be imposed by the court, if the perpetrator continues to violate the injunction.

Victims of stalking may also apply for a temporary injunction at the district court of residence in order to receive immediate protection. The police may enforce the temporary injunction against stalking, but they themselves must expressly apply for the enforcement. The following measures can be applied for:

- *prohibition of personal contact and persecution*
- *prohibition of contact by mail, telephone or other means of communication*
- *prohibition to appear in certain places*
- *prohibition to circulate and publish personal data and photographs*

- *prohibition to order goods or services using personal data of the victim*
- *prohibition to induce a third person to establish contact with the victim.* (Lugar, 2009)

Victims of DV who additionally have low incomes, are entitled to apply for legal aid. The printed form is available at the court and must be filled out. Remission of court fees, the taking over of costs for an interpreter and the provision of a lawyer are examples of legal aid (Logar, 2009).

Without bureaucratic formalities, court assistance for victims of violence is granted. On behalf of the Federal Ministry of Justice every organisation for the protection of victims offers free support. Accompanying the person concerned to the police when making a report, giving information about preparing them for criminal proceedings and accompanying them to questioning at court and to the trial, are parts of psycho-social court assistance, whereas legal court assistance means legal representation in criminal proceedings by a lawyer in order to protect the rights of the victim.

Victims are also protected with the right to considerate questioning, so that they are not forced to testify in the presence of the perpetrator. There is the option to use a separate room to question the victim and via video transmission that is shown in the courtroom. This considerate manner of questioning must always be done with children and by judges. The same right to this mode of questioning concerns also people, whose sexual integrity has been violated. The option to apply for this mode concerns all other victims of violence as well. Testifying during trial is often very stressful for the victims and to spare them an adversarial questioning may take place. Additionally, as of 1 June 2009 (paragraph § 107b, StGB, penal law), also in civil proceedings that are related to criminal proceedings on account of violence, victims have the right to considerate questioning and the right to keep their address secret from the perpetrator.

The majority of women who frequented the Domestic Abuse Intervention Centre in Vienna in the year 2009, came to Austria as a result of family reunion. Their residence title is that of a family member, which means that it is connected with the one person who brought family together. In most cases, it is the husband. The women's resident title is therefore connected with the resident title of her husband for at least five years. In the event of a divorce before the end of that five-year-period, the removed person risks the loss of his own resident title. With the implementation of the last amendment of the Statue of Residence and Permanent

Establishment (NAG) family members who are victims of forced marriage (§ 30 a) or DV may receive their own resident title before the end of the five year period (§ 27). In that case, a temporary injunction against the perpetrator must be assumed. What is problematic is the fact that, especially migrant women, avoid calling the police. The possibilities to receive a temporary injunction are therefore rather low. If the woman concerned attends an institution for victim's protection, her chances of receiving her own residence title before the end of the five-year-period (in accordance with § 27), are much higher. Many women are informed of their rights when they receive counselling. In the event of getting their own residence title, women mostly obtain the residence authorization for at least one year and must apply for it annually. Therefore the transition time when no decision has yet been made is very difficult. Often, it lasts a few months till the concerned woman knows, if she can stay in Austria and her fear of losing the residence authorization has negative impacts on her. Aside from the difficulties of escaping violent relationships, these politics increase pressure on the concerned women and harms their health, impacting family life as well as their ability to integrate.

Although this exception includes more possibilities for victims of DV, the basic fact of the five-year dependence of the person who reunites with family must be seen critically. It enforces women's dependency; above all many concerned people do not have, or hardly have any knowledge about their rights.

A woman's dependence on her husband for her own residence title is often used as an instrument of pressure by the perpetrator and hinders many women to take legal action (Logar, Weiss, Stricker and Gurtner, 2009).

For years, institutions for the protection of victims and migrant counselling have called for an independent residence title for family members (specially spouses), who move to Austria. It should be granted immediately or even earlier than five years. With the alteration of the law for foreigners (on 1.1.2010) there is the possibility for an earlier independent residence title, if the assumption of family reunion are omitted, but current conditions for a residence title are very strict and for most women, usually hardly applicable.

The demonstrated aspects of victims of DV in Austria underline the fact that present assumptions concerning residence titles are overvalued. Also, the frequent changes in laws concerning foreigners have negative impacts on them since they may inflict upon the victims additional pressure.

Within the law for protection against violence, established cooperation between police and intervention centres/violence protection centres has proven itself successfully. Through police intervention, the spiral of violence is interrupted and through the care of the victim protection centres, concerned women are empowered to manage leaving a violent relationship. Since the new law for protection against violence, the number of barring orders has risen nearly every year (see index 1) (Haller, 2010). The growth rate first developed slowly, but then showed a stronger dynamic. In 2003 more than 4000 and in 2005 more than 5000 barring orders were imposed. From the implementation of the law since the end of year 2008, the police pronounced more than 52.000 expulsions and barring orders. The frequent use of the law for protection against violence lead to a reduction of dispute mediation: in 2001 there were more than twice as many dispute mediations than measures according to the law for protection against violence. Since then, the dispute mediations have decreased, and in 2006 the number of barring orders and expulsions were predominate.

**d. Please include (if possible) a brief description regarding the costs of DV in your country in relation to 1. Material Values (medical treatment of the victims, legal services, damage to properties) 2. Immaterial Values (reduced Quality of life, trust, self-respect).**

78 million Euro per year caused by DV from man against women and DV against children and young people. They also mention that they can only refer to available costs (police, justice, social welfare, health, work, social institutions), but due to uncomplete statistics they are not complete. Therefore costs in certain areas could only be estimated (evaluation on costs of DV in Austria from the year 2006 done by the institute of conflicts research by Dr. Birgitt Haller and Dr. Evelyn Dawid).

*Third sector (at civil society level)*

**e. Please present the mechanisms and the existing structures and services that deal with DV. How are NGO's organized in terms of dealing with DV? Please refer to level of cooperation and interaction (if any) with public policies and action plans.**

Very poor cooperation, they do not get all the information, fieldwork is done in courts, emergency rooms, health care centres, shelters and telephone lines. The intervention centres and violence protection centres are informed about barring orders and expulsions by the police. A trans-sectoral cooperation is accelerated.

**f. Please refer to particular fields of practice, as well as to specific services that are provided. Please provide the relevant information regarding the particular strategies that are employed in the following areas of activities:**

- **Prevention (awareness and education)**
- **Protection (intervention, psychological and economic empowerment/independence)**

The empowerment of the victims shall be provided by intervention centres against violence inside the family, which were established as institutions for the protection of victims of violence (as mentioned under 2.1.). These are private institutions that are assigned and financed by public authorities and which are basically accessible to female and male victims of violence, although the majority of victims are women (2008 9,1 % of all clients were men). In case of an expulsion or a barring order, the police must inform the intervention centres immediately and they contact the victims. Their main tasks are individual case support, increasing personal security, of those affected by violence, as well as networking and cooperation with departments and other institutions that work in the field of protection against violence. In 1 October 1999, intervention centres were established in every country in Austria. In Upper Austria and Lower Austria (the two largest federal provinces of Austria, after Vienna), which have the highest populations, field offices were set up. During the last few years, the support network was expanded through further field offices. Additionally there is an association, called LEFÖ (counselling, education and assistance of migrant women) in Vienna that offers support for victims of trafficking (Haller, 2010).

Decisive for the working procedure of these violence protection centres is that immediately after being informed by the police, they try to contact the victims and invite them for a conversation. The traumatised victim therefore does not need to go looking for contact by her- or himself, because the institutions for victim protection take a pro-active approach.

Making contact occurs by telephone or in a written manner and leads in nine out of ten cases to a conversation, in which the needs of the victims are clarified (Schwarz-Schlöglmann; Sorgo, 2007, p. 162, quoted by Haller, 2010).

Essentially the perpetrator's riskiness must be estimated and a contingency plan as well as a safety concept must be drawn up. Furthermore, the offering of victim protection centres include supporting the submission of applications to the court, juridical counselling, psycho-social and juridical court assistance during proceedings, basic social support as well as

mediation to public authorities or other institutions (Schwarz-Schlöglmann; Sorgo, 2007, p. 162, quoted by Haller, 2010). Not only people concerned by violence turn to intervention centres and victim protection centres. As a result, the number of annually cared people is considerably higher than the number of imposed barring orders. The following index (index 2) shows people cared for by intervention centres (IST) and violence protection centres (GSZ)(Haller, 2010).

<b>intervention centres/ violence protection centres</b>	<b>total case numbers</b>	<b>women</b>	<b>proportion of women in %</b>	<b>men</b>	<b>proportion of men in %</b>
<b>GZZ Graz</b>	<b>521</b>	<b>481</b>	<b>92,32</b>	<b>40</b>	<b>7,68</b>
<b>IST Carinthia</b>	<b>646</b>	<b>599</b>	<b>92,72</b>	<b>47</b>	<b>7,28</b>
<b>GSZ Lower Austria</b>	<b>1360</b>	<b>1255</b>	<b>92,28</b>	<b>105</b>	<b>7,72</b>
<b>GSZ Upper Austria</b>	<b>1488</b>	<b>1313</b>	<b>88,24</b>	<b>175</b>	<b>11,76</b>
<b>GSZ Salzburg</b>	<b>998</b>	<b>917</b>	<b>91,88</b>	<b>81</b>	<b>8,12</b>
<b>GSZ Styria</b>	<b>1713</b>	<b>1548</b>	<b>90,37</b>	<b>165</b>	<b>9,63</b>
<b>GSZ Tyrol</b>	<b>1088</b>	<b>979</b>	<b>89,98</b>	<b>109</b>	<b>12,02</b>
<b>GSSt. Vorarlberg</b>	<b>612</b>	<b>564</b>	<b>92,16</b>	<b>48</b>	<b>7,84</b>
<b>IST Vienna</b>	<b>5633</b>	<b>3452</b>	<b>90,77</b>	<b>348</b>	<b>9,15</b>
<b>sum</b>	<b>14059</b>	<b>11108</b>		<b>1118</b>	

Index 2: In 2008 served people by intervention centres and violence protection centres (source: in-house statistics from BKA/Women-department, 2008; Haller, 2010)<sup>90</sup>

<sup>90</sup>The statistics from IST Vienna show under „women“ and „men“ only the new subscription in the year 2008, which are 3803 people; additionally the data from three people could not be collected.

The Domestic Abuse Intervention Centre Vienna (2009) reported that 22% of their clients were migrants and another 10% with EU and Swiss citizenship. But, as mentioned before, this number doesn't only show victims of DV; many migrant women and women of ethnic minorities miss social networks, which support them and they sometimes have no other possibility than frequenting women's shelter. So this number has to be examined carefully.

The Department of Women and Equalisation of Tyrol (2010) shows statistics from three institutions that specifically deal with DV and offer special support for women (see index 3).

<b>Institution</b>	<b>Number of counselling</b>
Women help women	<b>1609</b>
Violence Protection Center Tyrol	<b>4585</b>
Tyrol Frauenhaus for abused women and children	<b>2295</b>

Index 3: Number of counselling (women help women, 2009, Violence Protection Center Tyrol, 2009, Tyrol Frauenhaus for abused women and children, 2009)

In 2009 the violence protection centres in Salzburg and Tyrol started a cooperation with the association "Neustart", which will do the group work with perpetrators.

Aside from the central support offers for concerned women, the services of the association Autonomous Austrian Women Shelter (AÖF) exists. It was established in 1988 to improve the cooperation and the exchange of professional know-how, as well as to link up staff of the autonomous women shelters. It is the legally responsible body of the women's-help-line against male violence. The help-line offers free bi-lingual counselling to most of the migrants. It can be called around the clock and is represented in whole Austria. The AÖF is also engaged in public relations against DV, does prevention work against violence and is member of the WAVE, Women against violence in Europe, an European network against DV (Haller, 2010).

Also other advice centres for women and families, of which services are mostly wide spread, are very important as a refuge as they are decentralized and therefore reachable for women from the countryside (Haller, 2010).

In addition to the women's helpline against male violence, there are further regional emergency call centres (partly located in the advice centres). In Innsbruck, Vienna, Salzburg, Styria and Linz help lines are available and staff also accompany women to the court or medical examination (2010).

The association Neustart offers an anti-violence-training for youth, young adults and adults. Only the public prosecutor's office and judiciary assign the clients. If the training isn't finished positively, Neustart suggests an alternative way to the allocated authority. In Vienna, two groups per year take place, in which violence is discussed in the public. In Vienna in case of DV potential training candidates are sent to the men's counselling Vienna, whereas in the other regions, the training shall be done by Neustart itself. (Haller, 2011)

Since 1999 the Domestic Abuse Intervention Centre Vienna has worked together with the Men's Counselling Vienna within the framework of the Training Programme for Men to exit violent behaviour inside partnership. The Vienna Training is financially supported by the federal ministry for home affairs and connects adapted elements of the Scottish CHANGE-Programme and the American D.A.I.P. (Domestic Abuse Intervention Project in Duluth/Minnesota)(Pence and Paymar, 1993, quoted by Haller, 2010) for Austria.<sup>91</sup> The programme follows an integrative approach, which connects three elements: the perpetrator-training through the Men's Counselling, the support-programme of the Intervention Centre for the partner as well as the cooperation of both institutions and their networking with other institutions of the intervention system (as for example the Office for Youth and Family). Training takes place in group settings, which are lead by a gender-mixed team. The participants are partly allocated to the trainings, partly they are attending the trainings by choice. In content the perpetrator-training is divided into four modules:

- working on the acceptance of responsibility concerning violence and looking into the own defence mechanism and strategies of denial
- dealing with their own conceptions of masculinity and the socialization of men
- handling anger and fury as well as the mediation of anger-interruption-techniques
- learning alternative, non-violent social competences (Haller, 2010).

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<sup>91</sup>Both programmes count to renewed offender programmes, of which effectivity is proven by evaluations.

Another important institution that works with a special kind of DV is the “Orient Express” in Vienna. This help-desk is very engaged in clearing up and supporting concerned people and in the sensitization of a wider public concerning the topic “forced marriage”.

The “Verein Multikulturell” in Innsbruck offers psychotherapy in Turkish and German language and could therefore enlist the only psychotherapist of Austria, who speaks both languages.

Most NGOs that deal with DV, document their work in the form of annual reports. Every day work, like case studies or intervention with other institutions like help-desks, police or court are documented as well and may be part of their statistics in the annual reports.

The Institutions, which are organized in terms of dealing with DV, provide protection to their clients by keeping their identities anonymous. The Tyrol Frauenhaus for abused women and children for example can only be contacted by phone or eMail and only the address of the office is available. The shelter itself shows no address, although many people meanwhile are already informed about its location.

Many of the listed institutions here are NGO’s, which are subsidized by the local government. In addition to their counselling and accompanying of clients they often offer trainings for different occupational groups like for example executives, teachers, doctors).

**g. Please, compare potential gaps, deficits as well as strength of the actions and services provided by the two kinds of actors.**

In Austria, no representative census on violence against women within partnership exists. An assessment of how many women are concerned can only be done on the basis of a survey of neighbour countries. After Haller (2010) a non representative census to the topic “violence against women within partnership” was done in the beginning of 1990, which made the searcher conclude, that a minimum of every fifth woman in Austria experienced violence in a relationship (Benard/Schlaffer, 1991). Hence the presented data to this topic only shows some statistics from different institutions.

**h. Are there a collaborative efforts and joint initiatives/synergies among the different**

## services providers and institutional actors?

Very poorly, due to poor financial resources it is hard to create big projects, service providers do their best regarding the money they can raise for this topic.

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## Literature Review

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## COUNTRY SPECIFIC LITERATURE REVIEW – Germany - IEIE

Objective of WS1: To have a clear understanding of what has already been carried out in each partner country to prevent DV and offer support to those are at risk or victims of DV. Target Groups: Sinti and Roma, Muslim migrants and travellers according to partners' country context.

### I. General information

In this section, you will find some questions duplicated for each TG. If the question is not referring to the TG you will work with, please just select the option "TG not relevant"

#### Please, select the TG/TGs you will work with

- Sinti and Roma
- **Muslim migrants**
- Travellers

#### Please, give a definition of the TG/TGs you will work with and describe its/their situation in your country

*The aim of this question is having an overview about the social status of the TG/TGs you will work with in order to fully understand why it/they can be considered marginalised community.*

In Germany immigrants from Muslim countries, especially Turkey and increasingly Arab countries, are regarded as minorities and socially marginalized groups by the general public. Even with ethnic groups, i.e. Turkish immigrants, there is a clear definition of social level, of successful steps of integration and economic progress, which lead to segregation with ethnic groups. Often DV is explained with low educational level, with traditional lifestyle or fundamental religious values.

The largest numbers of Muslim immigrants in Germany recruits from Turkey with 3,7 million, from north African Arab states with 1,1 million, Asian Muslim countries with 400.000 and converted Muslim (native Muslims). 30 % of this group is 28 years and younger, 15 % are 65 and older. The highest number of Muslim inhabitants in Germany can be found in cities, especially Berlin, Frankfurt, Cologne, Stuttgart and Munich. Economic status of these inhabitants differs widely between poor (12%), low-level income (24%), mid-level income (45%), high-level income (19%). DV is mostly reported in families of poor and low-level income status with an increasing number of cases in high-level income families. This trend compares

well to the situation in Germany in general and in non-immigrants native clusters.

A new trend in Germany is to regard men as marginalized groups. After a long discussion of female rights, equal rights from women etc. schools and vocational training centers started to talk about a “boy problem” and about “young men being victims” of social pressure, lack of support, high competitiveness with girls (who receive support from the government) and problems during male puberty. Thus, the number of male victims of DV has been increasing during the last years.

Most victims of Muslim background are women. The environments of female Turkish migrants with traditional, conservative family structures are characterized by the following:

- Family-centeredness
- Social and ethnic homogeneity
- Locality

The vast majority of female migrants are part of a small **family-centered network**, their social network consisting mainly of the core family/family of origin. To these can be added relatives by marriage such as the spouses of siblings. In addition to family contacts, a minority of migrants also has friends; contact with those people outside of the family tends to be less frequent than with family members. Only rarely are migrants able to maintain contact with people outside of the family for longer periods.

In addition to family-centeredness, **social and ethnic homogeneity** are additional common factors of the migrants' social networks. Their relationships within the networks are essentially restricted to people of the same social economic status, level of professional qualification and ethnic origin. While the contacts of employed migrants consists mainly of other employed migrants, friends and acquaintances of unemployed more often than not are also unemployed. The reason for the social homogeneity of the networks of female Turkish migrants can mainly be found in the origin of their contacts: The contacts are either family member – and as such per se homogeneous – or they are maintained relationships with old high school friends. In a few cases, some contacts consist of coworkers or friends made during vocational training.

The third common aspect is **the locality of the social networks**. In most cases, the migrants live in close proximity, frequently within walking distance, to parents and siblings. It is not only the proximity to the family of origin that is so important, but also the proximity to friends: Since the maintenance of contacts in other areas of the city requires more effort, time and planning, relationships are extremely distance-dependent; contacts in different parts of the city are more

rarely maintained. In order for social relationships to thrive, close proximity is therefore a prerequisite.

As a result, for Turkish migrants, the family performs an essential support function – it is a network protecting them from material hardship and social isolation. At the same time, however, it acts like a cage by restricting options and available resources. The restriction of resources and the ambivalence of the strong influence of the family are most clearly visible in their integration into the education and labor market. The close proximity to the family, however, is considered more important: In order to stay close to parents and siblings, female Turkish migrants are willing to accept disadvantages such as qualitatively inferior apartments or living in a stigmatized area of town. It is therefore not ethnic segregation that determines the place of residence, but rather the proximity to the family.

Their strong rooting in traditional family structures makes it difficult for members of the target group to register in standard offerings of social services or social counseling outside the family environment. Often, there exists a certain timidity or reservation towards club contents, the other club participants or the trainers. Furthermore, language problems can pose obstacles to the access to standard offerings in adult education for the target group.

### **The Unique Life Situation of Turkish Women in Europe**

Family life of many female immigrants from Turkey still is very traditional. Based on the traditional Turkish and Islamic-oriented society, it is the women who are responsible for the household, caring for and raising the children and for satisfying the needs of their husbands.

Studies<sup>92</sup> on the life situation of Turkish migrant families in central Europe show that particularly women from the Eastern parts of Turkey had little access to education in their youth. This is due on the one hand to the lack of local educational facilities, but on the other hand also to the fact that - within traditional family and social structures - an extensive education was not part of a woman's life.

Uneducated Turkish men considered women second-class beings with an obligation to obey; their patriarchal view did not change in the new country. However, the self-image of the women concerned did change.

Social scientist Nermin Abadan-Unat describes the increased self-confidence of Turkish

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<sup>92</sup> Erkal, Mehmet Ziya, et. al. (Editor): Türkische Frauen in Deutschland – MOD-Studie 2002 der Universität Gießen (Turkish Women in Germany – MOD Study 2002 of the University of Gießen), Türkisch-Deutsche-Gesundheitsstiftung, Berlin 2003.

women – including those that did not voluntarily migrate:

Women from rural areas - “raised traditionally, totally unprepared intellectually” and “without any knowledge of city life, highly disciplined work conditions or production standards” - had problems getting used to the different conditions of living in the new country. According to Abadan-Unat, however, their entry into the complex industrial society did not have any negative effects:

“Even if the female guest workers find it rather difficult to adapt and encounter lots of problems at work, they do get used to factory work, discipline, awareness of time and punctuality, trade union activities and their newly-won social security – concepts completely unknown to them in their home country. In addition, external factors such as more comfortable apartments, urban life and the increasing influence of mass media prepare the ground for a certain emancipation of the women”.

This was different for women from Anatolian villages, who – after the ban on foreign recruitment in the early 1970s – followed their husbands during the third phase of migration as part of the family reunification programme.

No qualifications and no prior urban experience left these uneducated women with hardly a chance on the tight labor market. Many women lived – and still live – uprooted in Germany, isolated from the majority society by their lack of school education and knowledge of the German language.

### **The Fate of “Import Brides”**

A similar fate befalls many “import brides”. The 1985 film, “40 Quadratmeter Deutschland” (40 Square Meters of Germany), exemplifies this fate in the story of a marriage migrant, who is locked up by her husband and is not allowed to leave the small apartment by herself.

The fate of import brides<sup>93</sup> is also the topic of the recently published book, “Die fremde Braut” (The Unknown Bride) by Necla Sezer, a sociologist from Hamburg. Many young Turkish women agree to arranged marriages in the hope of an interesting life and more opportunities for personal development in Germany and other EU countries.

Thanks to the media, these import brides are no longer totally unprepared when they arrive in

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<sup>93</sup> Cf. Elisabeth Beck-Gernsheim: “Türkische Bräute und die Migrationsdebatte in Deutschland” (Turkish Brides and the Migration Debate in Germany), in: Aus Politik und Zeitgeschehen, supplement of the weekly paper Das Parlament, Volume 1-2, 2006, pp. 46.

the foreign country, but many still suffer from culture shock. They are forced into an isolated life in an extremely restricted environment with little opportunity to learn German.

Often, the husbands feel threatened by the mere possibility that their wives might adapt to the local social standards. It is not without reason they prefer marrying women from Turkey. Turkish girls, who spent their formative years outside of Turkey, are considered too emancipated and independent by men of the second and third migration generation.

**Please select the most prevalent age ranges for your TG/TGs**

- Sinti and Roma under 18 yrs
- Sinti and Roma 18-50 yrs
- Sinti and Roma over 50 yrs
- **Muslim migrants under 18 yrs**
- **Muslim migrants 18-50 yrs**
- **Muslim migrants over 50 yrs**
- Travellers under 18 yrs
- Travellers 18-50 yrs
- Travellers over 50 yrs
- No data available

**What is the most prevalent gender in your TG? (Sinti and Roma)**

- Male
- Female
- Data not available
- **TG not relevant**

**What is the most prevalent gender in your TG? (Muslim migrants)**

- Male
- **Female**
- Data not available
- TG not relevant

**What is the most prevalent gender in your TG? (Travellers)**

- Male

- Female
- Data not available
- **TG not relevant**

*If possible, please include more specific demographic information (% of age, gender etc, quoting source)*

**Residents with Turkish migration background in Stuttgart according to gender since 2000**

Year	Total	partly	
		male	female
2000	31994	17047	14947
2001	32811	17460	15351
2002	33575	17866	15709
2003	34238	18157	16081
2004	34802	18479	16323
2005	35160	18560	16600
2006	34449	18155	16294
2007	34795	18318	16477
2008	35021	18384	16637
2009	34962	18286	16676
2010	34974	18262	16712
2011	34912	18238	16674
2012	34838	18160	16678

State's capital city Stuttgart, Office for Statistics

**Residents with turkish migration background in Stuttgart according to age and gender on 31.12.2012**

Year	Total	partly	
		male	female
0 till under 3 years	728	687	1415
3 till under 6 years	789	790	1579
6 till under 15 years	2567	2398	4965
15 till under 18 years	939	905	1844
18 till under 30 years	2867	2751	5618
30 till under 45 years	4890	4649	9539
45 till under 60 years	3314	2724	6038
60 til under 65 years	453	666	1119
65 bis unter 75 years	1171	863	2034
75 till under 85 years	420	232	652
85 Jahre or older	22	13	35
<b>Total</b>	<b>18160</b>	<b>16678</b>	<b>34838</b>

State's capital city Stuttgart, Office for Statistics

### Turkish Residents in Stuttgart according to gendersince 2000

Year	Total	Partly	
		male	female
2000	24516	13380	11136
2001	24088	13141	10947
2002	23583	12898	10685
2003	23035	12568	10467
2004	22611	12408	10203
2005	22167	12072	10095

2006	21690	11784	9906
2007	21512	11658	9854
2008	21255	11500	9755
2009	20843	11245	9598
2010	20490	11009	9481
2011	20224	10870	9354
2012	19928	10674	9254

State's capital city Stuttgart, Office for Statistics

**Main religious background of your TG (Sinti and Roma)**

- Christian
- **Muslim**
- Buddhist
- no data available
- TG not relevant
- **Altro: Aleviten, some**

**Main religious background of your TG (Muslim migrants)**

- Christian
- **Muslim**
- Buddhist
- no data available
- TG not relevant
- Other:\_\_\_\_\_

**Main religious background of your TG (Travellers)**

- Christian
- Muslim
- Buddhist
- no data available
- **TG not relevant**
- Other:\_\_\_\_\_

***If possible, please include more specific information regarding religious backgrounds (please quote source)***

Management of Statistics and Information, Monthly Bulletin No. 7/2010

Until the 1970ies, over 80 percent of the Stuttgart population were members of the Evangelic or the Roman Catholic church. Since then considerable social transitions took place which changed dramatically the religious composition of the residents..

In addition to the two big churches just mentioned representing still 54 percent of the inhabitants on June 30, 2010, other religious communities and convictions played an increasingly important role. Of a particular significance are hereby questions relating to the number of the Muslims living in Stuttgart. Yet the population statistics regarding religious affiliation register only members of churches which are subject to public law and which, accordingly, have to pay church taxes. As a consequence, precise figures on the number of Muslims or members of other religious communities are not available, neither on a municipal or state nor on a federal level. This lack of information caused more and more difficulties during the last years since the proportion of the residents paying no church taxes has increased significantly. Moreover, the demand for such information has become particularly relevant for the municipal statistics.

In order to fill this informational gap and to get at least some figures on the numbers of Muslims, some cities have proceeded to make best estimates.

Basically two appraisal procedures have been established, which both draw back to the origin respectively the nationality of the migrants.

The first procedure makes a connection between the country of origin and the religious confession. Hereby is assumed that residents which, according to the population statistics, belong to no or an unknown religion are Muslims provided that their country of origin is one of the 57 member states of the Organisation of Islamic Conference (OIC). Such a proceeding implies the possibility of extensive geographical and demographical investigations, because all data of the population statistics are available for each single resident. Disadvantageous are, however, significant under- respectively overcoverages of which we do not know if and to which degree they compensate each other. Overcoverages occur because all citizens of a certain country of origin are qualified as Muslims. Yet as a matter of fact, considerable differences do exist in the countries of the OIC with respect to the percentages shares of the Muslim inhabitants compared to the entire population. In some member states of the OIC, the portion amounts to less than 50 percent.

#### **Level of education of your TG (Sinti and Roma)**

- No education
- Primary level

- Secondary level
- Academic level
- no data available
- **TG not relevant**
- Other: \_\_\_\_\_

**Level of education of your TG (Muslim migrants)**

- **No education**
- **Primary level**
- **Secondary level**
- **Academic level**
- no data available
- TG not relevant
- Other: \_\_\_\_\_

**Level of education of your TG (travellers)**

- No education
- Primary level
- Secondary level
- Academic level
- no data available
- **TG not relevant**
- Other: \_\_\_\_\_

*If possible, please include more specific information regarding the level of education (please quote source)*

No data available

**Is/Are there a predominant type/s of DV experienced by your TG (Sinti and Roma)**

- child abuse
- intimate partner violence
- male victims
- elder abuse

- **TG not relevant**
- Other: \_\_\_\_\_

**Is/Are there a predominant type/s of DV experienced by your TG (Muslim migrants)**

- child abuse
- **intimate partner violence**
- male victims
- elder abuse
- TG not relevant
- Other: \_\_\_\_\_

**Is/Are there a predominant type/s of DV experienced by your TG (travellers)**

- child abuse
- intimate partner violence
- male victims
- elder abuse
- **TG not relevant**
- Other: \_\_\_\_\_

***Provide more specific information about the option/s selected***

Based on the STOP-Statistics ( police statistics regarding incidents of DV in Stuttgart), 12 percent of the perpetratorshold the Turkish citizenship and 14 percent originate from Balkan states (as countries with a high Muslimfraction of the population) The ratio of thedelinquents is higherthan the share of the population .

**What types of professionals get involved/work in the field of DV?**

Local Police Office

Department for Public Safety

Crises and Emergency Service (KND)

General Social Service of the Youth Welfare Department (ASD)

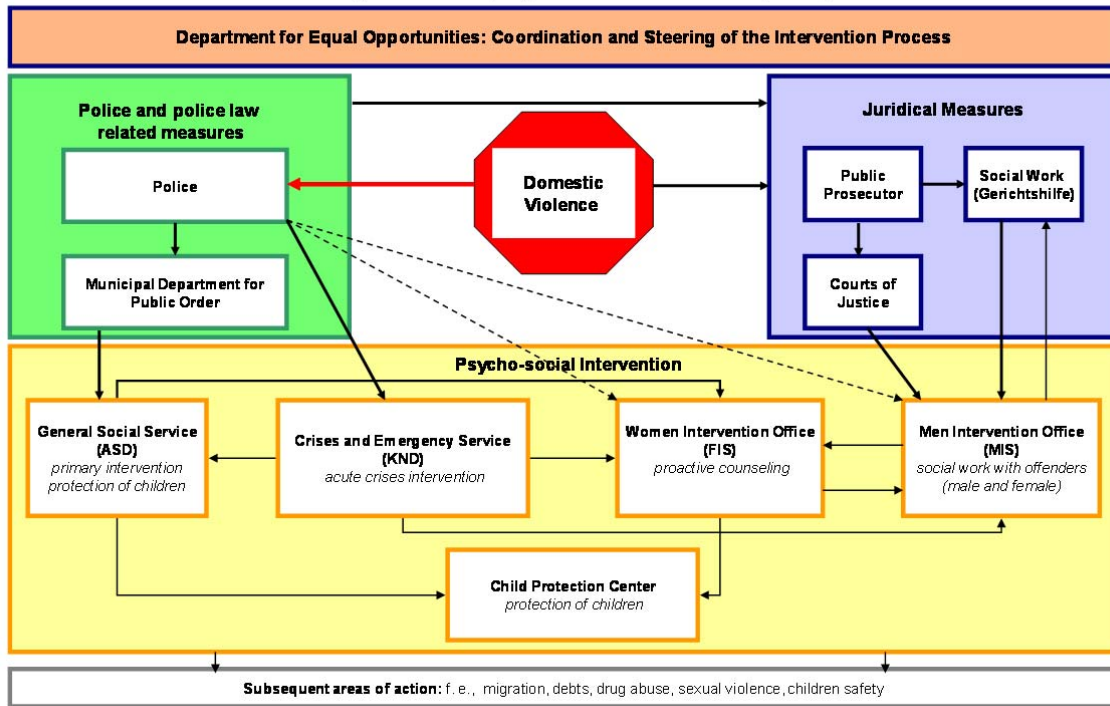
Child Protection Center

Women Intervention Office (FIS)

Men Intervention Office (MIS)

**Intervention Process STOP**  
 Stuttgart Partnership against Domestic Violence (STOP)

October 2007



STOP - Stuttgart Partnership against Domestic Violence

Department for Equal Opportunities of the City of Stuttgart

STOP directs special attention to the needs and emergencies of affected children. Police actions against DV involve children in more than 65 percent of the cases in Stuttgart. The General Social Service of the Youth Welfare Department (ASD) and the Crisis and Emergency Service (KND) after the regular service hours become always involved when children are victims or witnesses of DV during the action that the offender is forced to leave the home. In 2004, the ChildProtectionCenter has joined the partnership and has become an important component of the intervention process.

**To which extent does media (newspapers, TV, radio, online) in your country address DV in a way that the general public may become more aware of / sensitive towards the issue?**

- Not at all
- Only in police (e.g. report stories on victims of DV or in relation to DV-rape)
- Sometimes (talk shows, background coverage of DV in print and TV)
- Regular (documentaries, features, background stories on DV in all media)
- More coverage in media targeting young audiences
- Public awareness campaigns by local / regional / federal government on DV
- Special public awareness campaigns by local / regional / federal authorities targeting migrant groups and DV
- **Public campaigns by NGOs, women's associations etc. with flyers, brochures etc.**
- **Public educational campaigns at schools, educational institutions on DV**
- Other: \_\_\_\_\_

**Do the mass media play a significant role in raising the attention of the issue of DV? Do they have an information role through, for instant, awareness raising campaigns?**

- **Yes**
- No

**Motivate your answer**

Mass media and social media play an essential role in raising awareness on DV in migrant families. Mass media such as radio, TV and newspapers have been reporting about selected cases of DV and thus increase awareness of the problem. In addition, articles on social services, help lines, DV crisis intervention, the Stuttgart Stop network and other initiatives help victims to seek help and to get informed about possible sources of support and assistance.

Radio and newspapers have been reporting regularly about the STOP network, the crisis intervention center, the women's intervention center, help groups for perpetrators and selected aspects focusing on migrant families. Mass media and social media (such as social fora and social blogs) can be used to increase awareness within selected target groups. In Germany, in addition to German media, local and regional media in Turkish, Italian and Russian language can be integrated as well into a new public awareness raising campaign.

Social media has also proven to be suitable to reach out to multipliers such as teachers, tutors, youth workers, migrant social workers etc. to inform them about existing service providers for families facing DV which i.e. a teacher could approach in order to seek help for one of his or her students or pupils who might be experiencing DV in their families.

Social media might also serve as a safe location for victims to meet anonymously and to share their experience with both DV as well as with social service providers who offer support. Moderated fora could help to connect victims with social service providers. Social fora to some extent could also help to overcome language barriers which might be present in migrant families or with migrant victims.

Print media (newspapers) such as Sabah and Hürriyet, published in Turkish language in Germany for Muslim and Turkish immigrants living in Germany, also have to be taken into consideration for public awareness campaigns towards DV. During the last years, ethnic newspapers in Germany have covered the issue several times and tend to be open towards this sensitive issue.

An additional group of media – often overlooked when planning public campaigns – are in-company media. The Daimler-Mercedes group in Stuttgart published their own daily papers and in-company TV programmes. In addition, the in-company Intranet plays an important role. These media products are consumed by over 70.000 readers and viewers per day. Many users of these in-company media are migrants. Similar numbers apply to in-company media with Bosch, Porsche, Mahle, IBM etc.

## II. Bibliography

**Please, quote at least 5 publications that deal with the theme of DV related to your country. For each of them insert: Author, Title, publication date, publishing house and provide a short summary (max 500 words) of the main aspects faced.**

**Kavemann, Barbara and Kreyszig, Ulrike: Handbuch Kinder und häusliche Gewalt, 2006**

("Manual on Children and Domestic Violence")

It is not a new issue that children are affected by DV between the parents as well as that they suffer from and get damaged by such a situation. In order to optimize the practice of support and to make suitable offers for girls and boys concerned, as well as to understand their fears and ambivalences, a broad professional knowledge is needed. Such a knowhow is collected together on an interdisciplinary basis and for the first time in German language. Professional specialists in the fields of social work, police, judiciary, therapy and politics get insights into multifaceted professional questions and practical projects. Simultaneously, the book offers a rich source of information delivering the basis for strengthening the institutional cooperation in the sense of a successful protection of children.

**Buskotte, Andrea: Gewalt in der Partnerschaft, 2007**

("Violence in the Partnership")

Taboo-subject DV: What affected persons can do. Reasons and consequences, rights, offers for protection and support, numerous case studies, comprehensive list of addresses.

It happens every day and everywhere, yet people do rarely speak about it: Violence in the partnership. Experts do estimate that in Germany between 100'000 and one million women annually become victim of DV. The consequences are severe, for the women affected as well as for their children. Why is it so difficult for women to leave their violent partner? How assistance can be provided by neighbors; friends or teachers? Which rights do the victims have? What can they do to break the vicious cycle of violence? Andrea Buskotte encourages to break the silence and to look for support. This book helps, with practical evidences and hints, to find a way out of the violence.

**Audrey Mullender: Children's Perspectives on DV, Sage Publications Ltd, 2002, 2011**

The research methodology and the problems encountered when studying a subject such as DV, coupled with the ethical problems of researching with children, are discussed at length in the book. This gives a good insight into the intricacies of conducting such a research study. The research looked not only at children who were known to have direct contact with DV, but also what children in general thought and felt about DV. The presentation of the findings, both

in tabular and narrative form, was well presented' - Accident and Emergency Nursing Journal.

This book offers accessible and interesting reading. It is well written as one would expect from these authors.... There are a lot of pointers for the way forward in terms of both policy and practice. This is likely to become a seminal text' - Research Policy and Planning 'This is a useful and challenging read for all of us who seek to work effectively and ethically in this complex area of practice' - Professional Social Work `Just looking at the authors of this book tells the reader that they are about to embark on a pioneering piece of academic research... a comprehensive and authoritative piece of work' - Domestic Abuse Quarterly

“A vital tool for all those working with children' - ChildRight 'Written in a lucid style and is easy to read... it is essential reading for all students in social work undergraduate courses and also in post-qualifying courses on child welfare and protection. In addition professionals who are directly working in the area of child protection, schools and criminal justice settings would find this book informative and useful in understanding what children and young people want, and need, in relation to living in DV situations' - Child and Family Social Work

**Richard L. Davis: DV - Intervention, Prevention, Policies, and Solutions, Taylor and Francis, 2008**

DV: Intervention, Prevention, Policies, and Solutions presents a rational and reasoned perspective that emphasizes evidence-based data rather than ideologically held beliefs. It challenges the effectiveness of existing policies and procedures and introduces 10 recommendations for change. This book summarizes many important federally sponsored reports and provides unique meta-analysis styled empirical based overviews of contemporary research and intervention efforts. Topics addressed include explanations of battering behavior, identification of victims, rape and sexual assault, and risk factors as well as ideological advocacy. It also supplies print and web-based national and state specific resources and references to studies and organisations that will be updated online.

**Miller, Frederic P.; Vandome, Agnes F.; McBrewster, John: Islam and DV, AlphaScript, 2010**

The relationship between Islam and DV is disputed. There is still, among Islamic scholars, a debate about whether there are occasions on which a man beating a woman is appropriate.

These ideas are justified with reference to the Qur'an, especially An-Nisa, 34, which discusses forms of beating in certain circumstances. Many of the scholars allowing "beating" stress that it is a last resort, discountenanced, and must be done so as not to cause serious injury.

### III. LEGISLATION INTO FORCE

*It would be important make a comparison with the research you did in SUNIA GEEL and highlighting changes, if any, or the maintenance of situations that still not receiving a legal protection. This will give the opportunity to understand if improvements have been made in the last year.*

#### **a. Please, present a brief description of the legal status in your country regarding DV.**

Women in Germany are the largest group of victims of DV, followed by children, senior citizens (of both sexes) and men as victims of DV.<sup>94</sup>As many as 46,000 German women are estimated to spend some time at women's refuges every year because of DV.<sup>95</sup>

From the point of view of welfare, migrants' and social service associations, DV is disastrous because not only does it impede or even disrupt any progress in development, but it generally enhances violent societal dispositions and thus actively contributes to a culture of violence and the acceptance of unequal relationship patterns. Violence impedes integration and social inclusion. Dramatic experiences of powerlessness like this have grave influences on the self-esteem of the women affected und thereby reduce their capability of being powerful members of a powerful civil society which stands up and fights for its rights. The damage done by violence additionally impairs health, integration, education and the ability to work and thus contributes to poverty in the families affected.<sup>96</sup>

German legislation gives special attention not only to the role and situation of victims but also to the perpetrators. Violent men in Germany could be forcibly evicted from their homes if they are found to have beaten their partners, according to legislation being proposed by the government there. The aim of the German legislation is to allow a breathing space of at least one week for professionals such as psychologists and social workers to study the case. German officials say few details of the proposal have been made public as it is still in discussion stages, but it is thought that it would allow women to apply to a magistrate for an

<sup>94</sup>Source: Deutsche Welle: <http://www.dw-world.de/dw/article/0,,1334950,00.html>

<sup>95</sup>Brot für die Welt (Hrsg.): Überwindung Häuslicher Gewalt – Eine globale Herausforderung, Stuttgart 2007.

<sup>96</sup> Compare: Brot für die Welt: Overcoming DV: A global challenge, Stuttgart 2007, p. 8.

instant injunction against their partner. It is part of a range of pro-women legislation being proposed by the coalition government, including "partnership" legislation to force men to do more housework. But the Association of Parents for Active Fatherhood says it does not address the roots of the problem. It is also worried about setting a precedent that a man can be evicted simply on the word of his partner.

### **Political and legal situation in Germany and in Germany's federal states (Bundesländer)**

In 2000, the *Federal Law on Discreditation violence in Education (Gesetz zur Ächtung der Gewalt in der Erziehung)* was brought into force. In 2001, the federal government presented a draft text for a *Federal Law on Protection from Violence in Families*, which was approved by both chambers of parliament by the end of 2001 and went into force in 2002. This law enables both men and women to ask for special protection by governmental, public or state-approved private service providers in the case of family and DV.

For the first time, this law defines a clear right for all victims or individuals afraid of becoming a victim of DV for official and guaranteed protection. Legal bodies can define "no go areas" for perpetrators, prohibition of contact of a potential perpetrator to a specific person and even technical surveillance of potential perpetrators via phone, mobile surveillance and geo tracking of a person. All these legal actions are limited to a duration of 1 months of restrictions for a potential perpetrator and have to be evaluated after one months for a potential prolongation.

Police in Germany is legally entitled to take preventive actions to help potential victims to be separated from potential perpetrators. The legal background for these preventive actions are police laws in various German states such as Bavaria, Baden-Württemberg and Saxony. In very specific cases and in situations of pending danger for a potential victim police forces has to right to hold a potential perpetrator in prison. A court has to decide upon appeal of the police for how long such a form of detention may last. This part of German legislation is seen very critical since it in principal allows police forces to put an individual into prison before a potential criminal act.

Additional legal frameworks linked to DV in Germany are:

- the German Law against Forced-Marriage
- the German Law on Sexual Abuse and Misuse of Children
- German legislation on prostitution and forced prostitution

**b. Please, present the definition of DV within the legal framework and describe the types/forms of violence that are included in this definition (Physical, psychological, sexual, economical, etc). Does legal definition fit well with the cultural understanding of DV?**

The definition of DV in Germany is linked to the WHO's definition of violence. The WHO distinguishes three kinds of violence:

- self-inflicted violence (suicide),
- interpersonal violence (violence in families, between relatives and acquaintances or strangers in the community) and
- collective violence (ethnic conflicts, terrorism and supranational armed conflicts).

The WHO's definition of violence states: "Violence is the intentional use of threatened or factual bodily force or physical power against oneself or another person, against a group or community which leads directly or in all probability to injuries, death, psychological damage, aberration or deprivation."

DV is defined in Germany as violence between individual living in one household. Thus DV not only defines violence of couples, between husband and wife, but also violence towards children, violence towards children from their parents, violence between sisters and brothers and violence towards senior citizens in families.

Other terms used in German language for DV are "violence in relationships", "violence in near-by surroundings", violence in families and violence of couples.

In addition, definition of DV in Germany is based on Johan Galtung's definition, a sociologist specialized on peace and conflict studies. According to him it is a matter of violence "when people are influenced in such a way that their prevailing somatic and spiritual self-realisation is not as great as their potential self-realisation". This is especially true for marginalized groups within society. Galtung distinguishes between three forms of violence:<sup>97</sup>

*1. Direct violence:*

Direct violence is caused by a certain actor and can be described as an immediate act of violence.

*2. Structural violence:*

Here there is no-one who inflicts direct harm on someone else. This violence is an integral part of the social system and manifests itself in unequal power structures and, as a consequence, in

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<sup>97</sup> Compare: Brot für die Welt: Overcoming DV: A global challenge, Stuttgart 2007, p. 24.

unequal opportunities in life.

### 3. Cultural violence:

Galtung understands cultural violence as that feature of a culture by which structural violence is embellished, masked or made invisible. These may be ideologies or beliefs, customs or traditions which are taken for granted by the members of the relevant group and hence are not questioned.

On the special issue of women as victims of DV, German legislation takes into account the definition of “Violence against women” which in 1995 was adopted by the Fourth World Conference on Women in Beijing:

“Violence against women means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. Violence against women shall be understood to encompass, but not be limited to:

- a) physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
- b) physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
- c) physical, sexual and psychological violence perpetrated or condoned by the state, wherever it occurs”<sup>98</sup>.

In addition to these legal definitions, there are definitions of DV coming from a sociological and criminological background. These definitions often discuss the “quality of violence”. They differentiate between real physical violence and performed violence and psychological violence which often do not consist of direct pain but on the simple announcement of a potential violence.<sup>99</sup>

<sup>98</sup> Compare: Brot für die Welt: Overcoming DV: A global challenge, Stuttgart 2007, p. 25.

<sup>99</sup> See: Marianne Schwander: *Interventionsprojekte gegen häusliche Gewalt: Neue Erkenntnisse – neue Instrumente*. In: Schweizerische Zeitschrift für Strafrecht, Band 121, Heft 2, Bern: Stämpfli, 2003 und Andrea Büchler: *Gewalt in Ehe und Partnerschaft - Polizei-, straf- und zivilrechtliche Interventionen am Beispiel des Kantons Basel-Stadt*, Basilea/Ginevra/München 1998

### Forms of DV according to definition accepted in Germany

As a rule in Germany, DV is not a one-time incident. On the contrary, it is a complex system of abuse. It is the perpetrators' aim to gain power and control over their victims' mind, actions and body.

Basically, four kinds of violence can be distinguished:

#### - Physical violence

Physical or bodily violence is the most obvious kind and causes the most visible evidence. It comprises physical violations such as: slapping, jostling, shoving, kicking, biting, choking, battering with fists or objects, arm twisting, holding against one's will, burning, cutting with a knife or other objects, afflicting wounds or locking in.

#### - Psychological violence

Particularly in intimate relations potential victims are susceptible to physical and emotional violence which can have many forms such as direct attacks in which the perpetrator constantly insults, degrades, berates or threatens his victim or reacts accordingly in conflicts. Other possible forms are indirect assaults when persons closely connected to the victim, like children, relatives or friends, are insulted or property is damaged. Psychological violence is subtle. It systematically undermines the victims' self-confidence, independence and scope of action. Here it is frequently rather difficult to take legal action as there are no hard facts.

#### - Sexual violence

Sexual violence is the case when someone takes advantage of another person forcing her/him against this person's will to perform sexual acts.

#### - Economic violence

Economic violence causes or exploits financial dependencies. This includes the refusal of basic necessities such as food or medicine, but also depriving the partner of his/her income or controlling it.

DV includes violent acts such as rape, sexual assault, hitting a person, forcing a person into prostitution, shouting and screaming at a person, stalking, restricting free movement of a person and many more.

### **c. Please, identify potential gaps, deficits as well as legal deficiencies**

Victims of DV in Germany often complain about a mis-perception of DV in the general public and in media. Despite public outrage and strict laws in cases such as rape and real physical violence leading to being wounded, many Germans see “a bit of guilt for DV on the side of the victim”.<sup>100</sup> Many Germans argue that DV always undergoes a process of development with “more than one as an actor” and claim “it always takes two to form a couple where violence occurs”.<sup>101</sup>

Social services for victims often function as emergency services, first-help actions but rarely as full-service long-term assistance. Often victims fall back into old rituals and become victims again, often by the same perpetrator.

Punishment for perpetrators is often seen as too mild, too low and too short allowing them to get out of prison or therapy programmes too early. Another deficit is seen in defining DV of male perpetrators against female victims. A growing number of scientists argue that men have become victims of DV as often as women but simply no-one reports about this.

### **d. Please, present the legal rights of the victims**

Cases of DV are dealt under § 238 German Criminal code – Stalking – or § 4 Federal Law on Protection from Violence in Families. Victims often complain that legal cases in front of a public court with the perpetrator being present in the same court room cause high levels of emotional stress. Thus German law allows dealing with victims and perpetrators in separate legal cases in order to protect the victims.

Victims have a right to ask

- for immediate protection taken by the police
- immediate access to shelter and social institutions
- change of identity
- legal separation from perpetrator
- protection of children, family-members
- anonymous actions taken to protect victims at work place and in the public
- surveillance of perpetrator
- legal assistance

<sup>100</sup> Bündnis für Soziale Arbeit, Esslingen, 2010.

<sup>101</sup> Ebda.

- psychological treatment
- emergency medical treatment.

Studies in Germany have shown that without real therapy for perpetrators, DV will not end. Therapy for perpetrators – also in the sense of self-protection for perpetrators – is offered all over Germany by social welfare institutions and counseling centers.

On the other side, despite the fact the victims of DV in Germany have access to numerous services, budget cuts and reallocation of public funds have led to a decrease of services offered for victims. Medical care linked to health issues following DV are no longer fully covered by German National Health systems excluding victims with lower income, marginalized groups and victims without health insurance from any medical and psychological services. The only help they could call for are religious services offered by churches.

The German legal system on prevention of DV and offering help and assistance to both victims and perpetrators in principals tries to offer a multi-step approach:

- Step 1: Becoming aware of violence and recognizing it as such
  - Step 2: Recognizing causes and effects
  - Step 3: Reflecting on the hidden moral concepts that govern everyday life
  - Step 4: Identifying actors which have an influence on moral concepts and the dynamics of violence
  - Step 5: Learning about legal rights
  - Step 6: Learning about strategies for overcoming violence.
- Political and public level: from human rights instruments to advocacy activities
  - Social level: from media work to increasing the awareness of professional groups as well as religious and traditional leaders
  - Personal level: structures of support for working with victims and offenders
- Step 7: Adapting the strategies to one's own environment and advancing them
  - Step 8: Devising action plans
  - Step 9: Informing the public<sup>102</sup>

<sup>102</sup> Compare: Brot für die Welt: Overcoming DV: A global challenge, Stuttgart 2007, p. 16.

**e. Please, refer to legal regulations and the types/forms of punishment for perpetrators**

Legal procedures in Germany<sup>103</sup>

Violence against women takes place predominantly within the supposed protection of their own four walls, i.e. 'at home'.

Every fourth woman in Germany is affected by DV, i.e. physical and/or sexual violence of varying degrees by their current or former partner. This was shown by a representative study conducted by the Bundesministerium für Familie, Senioren, Frauen und Jugend (Ministry for Family Affairs, Senior Citizens, Women and Youth) (2004) in which more than 10,000 women were interviewed. The violence is predominantly carried out by men and, in some cases, results in serious injury.

Men can also be the victims of violence within relationships. However, most acts of violence against men are committed in public and by other men.

In at least every other case, children are witness to the violence committed against their mother. This always has an effect on children and represents a risk to their welfare. When children experience violence it can sometimes have a significantly negative impact on their physical, intellectual, emotional and social development. Under certain circumstances, e.g. serious violence or in the case of very young children, it can also lead to traumatisation. It is therefore extremely important to put an end to the violent situation quickly and initiate comprehensive protective measures for the women and their children.

If you are experiencing DV within your partnership, marriage or family, you have the right to defend yourself. This violence could involve you being or having been abused, beaten, injured, threatened, locked up, kept prisoner, forced to commit sexual acts, raped, molested and stalked, or your children being or having been ill-treated or sexually abused.

By committing acts of physical or sexual violence and stalking, your husband/partner is committing a crime that can be dealt with by the police and the judiciary system (e.g. physical assault, deprivation of liberty or sexual abuse).

The German police can be contacted free of charge around the clock by dialling <sup>110</sup>.

When you call the police, tell them:

- whether you are in acute danger, and if so by whom and through what;
- whether you have been injured and, if so, by whom and with what.

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<sup>103</sup>BIG Berlin: DV - Your rights, Berlin 2012.

If the offender is no longer present, tell the police:

- if you are at imminent risk of further violence;
- if he is armed

The police can then decide whether or not they need to get to you as a matter of extreme urgency.

Until the police arrive, seek refuge in a safe place, e.g. at a neighbour's house, in shops, or lock yourself securely in your own home.

Let the police know where you can be contacted.

Once the police arrive, you will be interviewed separately from the offender and will be given an opportunity to explain your situation. You will be able to leave the crime scene with your children under police protection in order to:

- get you to a safe place (e.g. a women's shelter);
- get you medical care/treatment; or
- have your injuries and any evidence of violence documented.

If you are in acute danger or a crime has already been committed.

- describe to the police in detail what has happened so that the relevant measures can be implemented to protect you and prosecute the perpetrator.
- also tell them about any injuries that are not visible or that have happened in the past.
- where possible, give them the name of any witnesses.
- where possible, hand over the crime weapon to the police.

The police can order the offender to leave the home, confiscate his keys and prohibit him from entering the home again. This removal and ban on re-entering can last for up to 14 days, if there is still a risk that the offender could commit further violence against you and/or your children. In addition, the police can put a restraining order on the offender, prohibiting him from coming near or contacting you and/or your children. This restraining order can also apply for several days and cover other places that you have to visit (e.g. workplace, nursery/school).

The police also have the right to take an offender into temporary custody, if there is no other way of ensuring your safety. Tell the officer(s) in charge where you can be contacted by telephone so that they can let you know when your partner is released.

If you have any other questions concerning your protection, legal options and further support, you can contact the BIG hotline (see cover). If you would like a female member of staff at the BIG hotline to call you, the police can pass on your telephone number to the BIG hotline with your prior consent. It is also advisable (even if no police action has been taken) to apply for civil rights actions in accordance with the German Protection From Violence Act (GewSchG), e.g. having the shared home assigned to you and more longterm measures such as a restraining order (see section on “Civil rights protection”).

#### Filing a complaint with the police

The police have a duty to record a complaint. This can be filed (either verbally or in writing) by neighbours, relatives, the police or yourself. The police will take down your personal details. In the event of a particular threat, you have the right to give a different address to your home address at which the police can contact you. This may be the address of your solicitor, a friend, your work, a support organisation, etc.

When you file a complaint, you must describe what has happened to you. The police will give you a leaflet about your rights as an injured party in the criminal proceedings along with the police incident number.

You will then be asked to attend a police hearing, as your statement is vital to the continuation of the police investigation. If you are unable to make this hearing, you can arrange another date at your earliest convenience. Before the hearing, you may wish to seek advice, legal or other. As a rule, you can also choose to be accompanied by a person you trust or by a solicitor. This person may be present at your hearing.

If you are in any way related, engaged, married or related by marriage to the offender, or have a registered civil partnership with this person, you have the right to refuse to testify. This means you can decide at any point not to give testimony.

The files are kept for a number of years. If you decide to testify at a later point in time, the proceedings can then be resumed.

If, after filing a complaint, you are once again subjected to beatings, blackmailed and/or threatened, you should report this immediately to your solicitor, the police, the prosecution service and the court. Only once the transgressions of your partner or ex-partner have been recognised can you be given support!

#### Important:

- Report all assaults/threats your husband/partner has carried out to date.
- Inform the above authorities if you fear further acts of violence against yourself, your children and anyone who wishes to help you.
- Name anyone who may have seen or overheard anything.
- Where possible, provide medical certificates relating to injuries, past and present, and their consequences.
- Write down everything you can remember about the incident(s), describing the exact circumstances (date, time, witnesses), and any further threats or assaults. These will help you in subsequent legal proceedings. If you have suffered any injuries, when you file charges you should release your doctor from their obligation to maintain patient confidentiality. The police will provide you with the relevant form for this purpose.

#### Medical treatment and certificates

If you are injured, you should seek treatment from a doctor that you trust. In the event of acts of domestic or sexual violence, you should go to a hospital or a doctor immediately after the event in order to have your injuries documented (also with photographs, where possible) and to secure any traces of evidence. It is important that you do not wash yourself until after this examination, even if you find this very unpleasant. Other objects, clothing and undergarments that may bear traces of the assault should be put into paper (bags) and handed over to the police. Always have your injuries certified. These certificates are very important as evidence in the event of criminal proceedings. For more information about criminal proceedings, see page 10.

#### You decide to leave your home.

If you wish to leave your home either by yourself or with your children, you can seek protection and accommodation at a women's shelter or refuge around the clock (see addresses at the end of this brochure). Make sure that any correspondence can reach you by post! From your new place of residence you can apply for the right to determine the place of residence (or custody) of your children.

Before you leave home, take your personal belongings with you such as

- your own and your children's passports
- birth/marriage certificates
- your own and your children's health insurance details.

Other important documents you might wish to take include:

- residence permit documents
- rental agreement
- work contract/pension statements
- notifications from the job centre or social services
- custody orders
- bank account documents
- medications
- personal effects for you and your children (clothes, toiletries, toys, school things, diary, etc.)

If you need any further personal items from your home at a later time, the police can accompany you to your home to ensure your protection if you are still in danger.

#### Registration and information block for you new address

According to the Berlin Registration Act, you must register your new address with your local authority within 14 days. If you are currently in the process of separating from a violent partner, moving into a new home or to a women's shelter and fear further threats and violence, you can apply for a block on information relating to your new address.

#### How do I get my information blocked?

You can get the relevant form at your women's shelter, sheltered apartment or advice centre. You can also write an informal letter yourself stating your name, the names of your children, dates of birth and your new address. (If you have come from another federal state (Bundesland), you should also apply for an information block on your place of origin as quickly as possible.)

The Landesamt für Bürger- und Ordnungsangelegenheiten (*State Authority for Citizens and Regulatory Affairs LABO*) must check whether you are legally entitled to an information block, which is why it is important that you clearly state your reasons for needing it. You might want to add, for example, who is threatening you, what that person has threatened to do or has actually done to you, what injuries or damages have already been suffered, over what period of time this was done, exactly what you are afraid of, etc. After the LABO has checked your statement, you may be asked to provide further evidence. This may include medical certificates, witness statements and the incident number for the criminal charge.

If you do not have any evidence of this kind, you can find out more about further procedures

from one of the advice centres (see address section). You will be informed about the implementation and duration of the information block (e.g. 1/2 year, 1 year) in writing. Please note the stated deadline after which the information block will automatically expire. If you wish to extend this deadline, you will need to think about arranging this in advance. It is important that you inform LABO that you are still in danger and who is threatening you.

It is also important that you apply for custody of your children. Otherwise the information block may not be able to be maintained on behalf of your children. Without this, your whereabouts could be revealed.

#### How does the information block work?

As soon as you have been granted an information block, your new address will only be given out to government authorities (court, youth welfare, etc.) on request. If individuals or companies enquire about your address, you will be informed in writing and asked whether you wish for your address to be passed on or whether this would put you in danger. It is imperative that you reply to this letter within the stated period of time. If you do not wish for your address to be passed on to the person making the enquiry, you must provide reasons why this could put you at risk. It is sometimes advisable for you to contact the enquiring party yourself in order to prevent your address from being passed on. If you do not respond to the letter, LABO will decide whether your address should be passed on or not.

After the police investigation, the documents relating to your case are handed over to the prosecution service. They then review the case to see if they have enough evidence to press charges.

After the preliminary investigations, things generally proceed as follows:

#### Termination of proceedings

The prosecution will terminate their investigation if they feel there is insufficient evidence for a conviction. You may appeal against this decision. For more information about this, contact one of the advice centres (see address section) that can offer you free legal advice.

#### Taking legal action/penalty orders

If the prosecution feels there is sufficient evidence for a conviction, they will press charges at the relevant court or apply for a penalty order.

A penalty order means that the offender can be sentenced to pay a fine or serve a prison term on probation in a written out-of-court procedure. The case is then closed. You will not be informed of this, but you can submit an enquiry about

this in writing to the prosecution service. However, as the victim of a crime you can apply to the police to be kept informed about the outcome of the proceedings.

### The trial

Firstly, the court decides whether the evidence available is enough to convict the offender and sets a date for the court hearing to which you, as a witness, all other witnesses and the offender will receive a summons.

This usually happens within a year of the official complaint being filed. At the court hearing, you will be asked to once again provide a comprehensive testimony, as the court is only allowed to make its decision based on oral testimonies of those involved during the actual trial. The court, the prosecution, as well as the defendant and his lawyer, can ask you further questions. If you choose to exercise your right not to testify, any earlier statements you have made cannot be taken into consideration. If no other evidence is available, this will lead to the offender being acquitted without punishment. Please note: if the defendant is not in custody, he will be able to move about the court building freely. If you are afraid of meeting him, you can choose to wait in a protected witness room until you are called to the stand. Please inform the court beforehand (the telephone number is shown on your summons) and speak to the witness support centre (see address section). The defendant is always present in the courtroom. However, under certain circumstances, he may be ordered to leave the room during your testimony. The court hearing is open to the public (although the public may be partly excluded under certain circumstances). You can choose to be accompanied by one or more confidants. During your testimony, these individuals have to remain seated in the auditorium. However, you can also apply to have them sitting next to you. After the testimonies of the defendant, witnesses and experts, where applicable, the prosecution sums up everything that has been said and proposes a sentence (summation).

If you are being represented by a lawyer, they will now get the chance to explain your perspective on the matter. The defending lawyer and, finally, the defendant himself then have the chance to say something. Afterwards, the court makes its decision (pronounces the sentence). The defendant usually gets either a:

- fine,
- a prison term, which may be probationary and/or combined with the condition that he attends an offender seminar, or
- the offender is acquitted of the charge, as the court deems that insufficient evidence was presented to secure a conviction.

Proceedings may also be dismissed during the trial – e.g. in the event of a financial settlement. You may consult a lawyer of your choice for advice or representation at any time. This means, for instance, that your lawyer is entitled to read the court files before the trial and has the right to question all participants during the trial. You will usually have to pay for the lawyer yourself. The lawyer will inform you whether you are entitled to claim legal costs (legal aid) from the authorities. Where applicable, the court may also allow a joint action, granting you extensive rights as a witness and a victim of a criminal offence in the trial against your (former) partner/husband. Most women's advice centres can give you the details of experienced lawyers who also offer free legal advice on site (it is advisable to call beforehand to arrange an appointment). The centres can also answer any general queries relating to the trial (securing legal representation, legal aid, procedures, protective measures, compensation, etc.)

#### Criminal prosecution – an example

- questioning of defendant
- questioning of witnesses

If you (and your children) have been the victims of DV or stalking, you can apply to the court for protection or assignment of the family home. This falls under the jurisdiction of the family court. According to the German Protection From Violence Act (GewSchG), the following can have local jurisdiction:

#### The court in the district where

- the crime was committed,
- the family home is located, or
- the defendant lives.

In the case of an assignment of the family home in accordance with Sections 1361b, 1568a of the German Civil Code (BGB) or Sections 14, 17 of the Civil Partnerships Law (LpartG), the local jurisdiction shall be decided solely, i.e. this is non-optional, in the following order:

#### The court

- at which the matrimonial or civil partnership case is being or has been dealt with,
- in the district where the home shared by the married couple or registered civil partners is located,

- in the district where the defendant lives,
- in the district where the claimant lives.

On behalf of your children, you can make the same applications in accordance with Sections 1666 and 1666a of the German Civil Code (BGB), as the German Protection From Violence Act (GewSchG) does not apply to them. Children aged 14 or over can apply for these themselves and hire an attorney. You can submit applications for a provisional order regardless of whether the main proceedings have begun. In urgent cases, this is the quicker and generally cheaper way to take legal action. The application must be substantiated and a credible case made for the conditions of the order. Credibility is ensured by providing admissible evidence or an affidavit. The law requires evidence to be 'present' so that the evidence can be taken straight away. This means that, when submitting an application or attending an oral hearing, you must bring the evidence, and witnesses in particular, along with you!

You can apply to have your hearing held separately from that of the defendant in order to avoid a dangerous encounter with him during the trial. Sufficient grounds must be provided for this.

You can also apply for the following:

- Indemnity and compensation
- General court orders ensuring your personal protection in acc. with Sections 823, 1004 of the German Civil Code (BGB) (Civil Court)
- Custody (Family Court)
- Suspension of the right of access (Family Court).

In this case, you should consult/seek representation from a lawyer specialising in family law. If you have a low income, you may be entitled to legal aid.

As legal proceedings and judgements can take a very long time, protection orders and other civil rights claims should be asserted through summary proceedings. You can obtain forms that will help you with your application process from women's advice centres or as a download from [www.big-koordinierung.de/Schutzantrag/](http://www.big-koordinierung.de/Schutzantrag/)

### Protection orders

The court can issue a restraining order against the offender relating to abuse, threats, harassment and contact (including personal proximity) in accordance with Section 1 of the

German Protection From Violence Act (GewSchG) or Section 1666 of the German Civil Code (BGB) for the sake of the children. This means, for instance, he can be prohibited from contacting you, approaching your workplace or home and your children's nursery or school. The police are informed about orders in accordance with Section 1 of the German Protection From Violence Act (GewSchG). If the offender violates a protection order in accordance with Section 1 of the German Protection From Violence Act (GewSchG) he is committing an offence. You can call the police and file a complaint (again). Furthermore, you can also apply to the court for them to impose the payment of a fine. In some cases, he might even be taken into custody.

### Assignment of the family home

You can apply for your shared home to be assigned to you in accordance with Section 2 of the German Protection From Violence Act (GewSchG) . The referral can also be permitted on behalf of your children in accordance with Section 1666 of the German Civil Code. If you are married or live in a civil partnership, you can also apply for assignment of the marital home in accordance with Section 1361b of the German Civil Code (BGB) or for sole use of the property in accordance with Section 14 of the Civil Partnership Act – under the provision that you wish to separate or are already separated from your partner and that the assignment of the shared dwelling is necessary in order to avoid 'undue hardship'. Along with the assignment of the home to yourself, the offender can also be prohibited from terminating the rental agreement on the property or making it difficult for you to use the property. If you are the sole tenant and are living in a long-term civil (non-marital) partnership with the offender, you can submit an application to your family court demanding that your partner leaves the home. If you have both signed the rental agreement, you should seek the advice of a solicitor as to whether an exclusion of the offender from the rental agreement is enforceable. In any case, however, the court can decide to grant you sole usage of the property for a limited period of time, even if the lease has only been signed by the offender. You also have the option of requesting a restraining order relating to access, abuse, threats, harassment and contact (including personal proximity) in accordance with Section 1 of the German Protection From Violence Act (GewSchG) through summary proceedings. Please note that court orders in accordance with the German Protection From Violence Act (GewSchG), which have been decreed without an oral testimony in the courtroom, must be served by a bailiff. If you are eligible for legal aid, you should also apply for the costs of the initial serving of the order when you apply for the implementation of action in accordance with the German Protection From Violence Act (GewSchG). The police and youth welfare office are informed about decisions

in accordance with Section 2 of the German Protection From Violence Act (GewSchG).

### Custody

Children are always affected by any violence they witness. If you are separating from your partner or requesting legal action for your protection because of abuse by your partner, you can apply to the relevant family court for temporary sole custody/parental care of your children in order to avoid putting them at further risk. You can do this regardless of whether your petition for divorce has been submitted or not. The court may also have an obligation to take action in order to remove children from a dangerous situation. It can, for instance, in accordance with Sections 1666, 1666a of the German Civil Code (BGB), ban the offender from using the home, prohibit contact, take away physical custody, etc.

### Right of access

Irrespective of the custody order, the father generally maintains a right of access to his children. If you or your children are at risk of further abuse or the children are in danger of witnessing violence, you can apply to the family court for a temporary or permanent suspension of this right of access. Often the court decides on a compromise by ordering supervised access. This means that visits have to take place in the presence of someone you know or an employee of the youth welfare office or another organisation. Stepfathers (current/ former spouses or partners of the mother) also retain a right of access to the child, if the child has lived with them for a long time and this access is deemed in the best interest of the child. If the stepfather has been violent towards the child and/or you, you can also apply for this right to be revoked or suspended. Alternatively, you can apply for a court order stipulating supervised access (i.e. visits accompanied by a third party).

Grandparents and siblings also have a right of access to the child under the condition that this access is in the best interest of the child. Measures should be taken to identify the attitude of grandparents, especially the grandparents on the father's side, towards the offender's violence. If they deny or play down the risk resulting from the father's violence in terms of the child's well-being, this could also constitute grounds for revoking or suspending access or demanding supervised access in order to ensure the child's protection.

If the court has issued a restraining order against your violent husband/partner relating to the prohibition of abuse, threats, harassment and contact (including personal proximity) in accordance with the German Protection

From Violence Act (GewSchG), you should seek advice about whether you should also apply for the suspension of the offender's right of access to your child. If the offender has the right of access to your child, it may be impossible to prevent him from approaching you when he collects or returns the child, or harassing or threatening you again when making arrangements for the child. If a court order regarding the right of access is already in place, you should make the court aware of this when you apply for a protection order and, at the same time, apply for the existing decision to be amended.

#### Proceedings in matters relating to children

The German Act on Proceedings in Family Matters and in Matters of Voluntary Jurisdiction (FamFG) came into effect on 1 September 2009. It covers the following principles:

##### Principle of expediting proceedings

###### (Section 155, FamFG):

Matters relating to custody, access, child surrender and risk to child welfare (Sections 1666, 1666a German Civil Code) must take priority over all other family matters and the relevant proceedings must be expedited. This means that a hearing date should be set within one month from the date when proceedings were initiated at the latest. Requests for postponement from those involved can only be accepted in exceptional cases. A credible case must be made in support of the application for postponement!

The parties involved in the proceedings (along with your lawyer where applicable), the youth welfare office and, where applicable, a *guardian ad litem* who has already been appointed must appear in person. However, children under the age of 14 years generally do not. For mothers affected by violence, the fact that this date is so close in time to the actual act of violence may cause particular stress and a joint hearing could present a risk to their safety. You must have very good grounds and make a credible case when applying for a postponement and separate hearing. Make it clear that you are being affected by DV. In court you must point out that any decision about contact could go against the orders in accordance with the German Protection From Violence.

Even the summons to a joint discussion at the youth welfare office with the offender could pose a risk for you and may contravene a protection order. The youth welfare office must be heard in this process, and involved upon request. A written statement is no longer required.

##### **Working towards an amicable arrangement (Section 156, FamFG):**

In matters relating to parental care, custody, access and child surrender, the court should:

- work towards achieving an amicable arrangement;
- refer you to advisory services, especially in relation to developing an amicable arrangement with regard to parental care/responsibility;
- point out the mediation options.

It may:

- order counselling;
- take an agreement as a comparison and legally approve it.

It must:

- discuss the release of a temporary order in the event of an agreement not being reached.

It should:

regulate or revoke the right of access with a temporary injunction, if counselling or assessment is ordered. In cases of DV, working towards an amicable arrangement is out of the question, as agreements are generally not adhered to. This should be pointed out to the court with reference to the legal reasons provided for Section 156 of the German Act on Proceedings in Family Matters and in Matters of Voluntary Jurisdiction (FamFG).

### **Indemnity and compensation**

Your eligibility for indemnity payments includes the reimbursement of pecuniary damages such as the cost of medical treatment, financial disadvantages associated with loss of earnings, or the cost of replacing torn clothing and damaged property. The eligibility for compensation payments is based on personal gratification and compensation for personal suffering such as injuries, pain and humiliation.

Act.

**f. Please, refer to national legal cases related to DV issues object of relevant judgements of national courts or the European Court of Human Rights (if, any)**

*The aim of this question is to understand if there are some new elements introduced by the jurisprudence that could be innovate the legislation*

As case study from Germany: The murder of a Turkish woman and the applauding of the crime by some students have left Berlin shaken and officials pushing for ethics class. But how deep does the concept of honor run among some immigrant communities?<sup>104</sup>

On a cold afternoon this week, Hatin Sürücü gazed gravely from a large poster behind a bus stop lined with flowers, cards and candles.

To the people who came to this bleak part of Berlin's Tempelhof district for Tuesday's solemn vigil -- called not by the city's Muslim community but a gay and lesbian organisation -- the image of the young woman in a headscarf, a baby in her arms, was familiar from newspapers and television. A few notes at the memorial read, "Hope you get a better deal in your next life," and "Live a life on your own terms."

"It's a scandal," said Ali K, 33. "All Muslims in Berlin should take to the streets to protest." Yasemin, 22, said, "It's horrific. All Hatin was doing was leading her life the way she wanted."

But it was a choice she paid for with her life. On Feb. 7, 23-year-old Hatin Sürücü was gunned down at the aforementioned bus stop. She died on the spot. Shortly afterwards, three of her brothers -- who reportedly had long been threatening her -- were arrested. Investigators suspect it was a so-called "honor killing," given the fact that Sürücü's ultra-conservative Turkish-Kurdish family strongly disapproved of her modern and "un-Islamic" life.

Sürücü grew up in Berlin and was married off at 16 to a cousin in Istanbul. After a few years, she returned to the German capital with her young son, moved into a home for single mothers, completed school and began to train as an electrician. She stopped wearing a headscarf and was said to be outgoing and vivacious.

**"She lived like a German"**

Turkish women in a mosque in Berlin's Kreuzberg district Though not the first of its kind, the

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<sup>104</sup>Source: Deutsche Welle <http://www.dw-world.de/dw/article/0..1334950.00.html>

brazen shooting has sent shockwaves through Berlin, home to a large foreign community and which for years has fretted over steady ghetto-building in districts dominated by Turkish and Arab immigrants. While the incident has reopened debate on the integration of immigrants and the compatibility of Islamic values with Western ones, it's the reaction of a small group of Turkish students to the murder that has rattled the German capital.

Days after Hatin Sürücü was killed, some male students of Turkish origin at a high school near the scene of the crime reportedly downplayed the act. During a class discussion on the murder, one said, "She (Hatin Sürücü) only had herself to blame," while another remarked "She deserved what she got --the whore lived like a German." The school's director promptly dashed off a letter to parents and students, castigating the students and warning that the school didn't tolerate incitement against freedom.

### **"Her lifestyle didn't fit"**

The comments have sparked outrage and left many asking if it was just a one-off or whether such thinking is in fact not entirely uncommon among sections of the Muslim community in the city.

According to some, it isn't. "There isn't a single school with a high foreign population where teachers haven't faced this kind of thing, where individual students sometimes regard murder as a just sentence," said Heinz Wagner, head of school and education policy at the VBE teachers trade union and a school director himself. Referring to the controversial remarks on Sürücü's murder, he said, "The very fact that they decided to provoke with something like that tells you that they're getting their ideas from somewhere."

At Berlin's Turkish-dominated neighborhood near Kottbusser Tor in the Kreuzberg district, 17-year-old Erkan, a high school student of Turkish origin, was divided about the issue. "I'm not saying you should murder, but Hatin's lifestyle just didn't fit the way traditional Muslims live," he said.

### **No regret, but pride**

Experts insist that the problem is in no way a purely "Islamic phenomenon" and that the remarks of a few shouldn't be allowed to taint an entire community. But, statistics in Berlin show that murders ostensibly meant to uphold the honor of the family are high among Muslims.

At the juvenile prison in the Berlin suburb Plötzensee, six of the current 529 inmates are serving time of six years and more for manslaughter in so-called "honor crimes." All come from the Muslim world. Aged between 18 and 22, one of them, an Afghan national, was 16 when he helped relatives kill a widowed aunt who had refused to marry her brother-in-law.

Prison director Marius Fiedler said most of the murders are often carefully plotted in the family

with the support of all, including women. "Usually the patriarch selects the youngest son to carry out the crime because he knows that judges in Germany don't usually give the maximum sentence of 10 years to a minor for manslaughter," he said.

Fiedler admitted that getting the inmates, who undergo psychological therapy, to reform or change their attitudes is difficult. "Many come from rural areas in Turkey or Lebanon and just don't know the concept of individualism," he said. "They don't feel any regret for what they did though some even kill their favorite sister. Instead, they're honored and feel like martyrs for having been chosen to carry out the crime."

#### **g. Legislation establishing or regulating DV centres (if any)**

The **Police** are usually first at the scene of DV. After having evaluated the situation, the police make the decision on the necessity for a preliminary ban of the offender from the common home, inform the victims about counseling services, draw a report and passes information to the Department for Public Safety. Once children are involved, the General Social Service (ASD) of the Youth Welfare Department takes measures as well. The Crisis and Emergency Service steps in, if the situation threatens to escalate and any time children's interests are at stake.

The **Department for Public Safety** (with the power of police authorities) evaluates the situation of the peril prognosis at the basis of the police documentation and makes a decision about long term bans. The General Social Service (ASD)/ Youth Welfare Department receives the police reports by fax even for those cases not involving children if permission was granted to pass on the data to the ASD.

The **General Social Service (ASD)/ Youth Welfare Department** has the responsibility for the protection of children. It also is the point of primary intervention. This means: promptly making contacts with all involved persons – the maltreated, children and adolescents as victims or witnesses as well as to the offenders. After a first analysis, ASD offers counseling if needed. The next step is the fast information to the Women Intervention Office when the concerned persons have agreed upon it.

The **Crises-and Emergency Service (KND)** is an institution of the Protestant Society Stuttgart and the City of Stuttgart. It closes a gap in the support system, particularly in the evenings, at

night time and weekends. It becomes involved after police action after the normal hours of the ASD and whenever households with children are concerned or the situation may escalate. The KND offers psycho-social aid, arranges emergency accommodation and provides contact to further counseling offices.

The **Women Intervention Office (FIS)** has been established to secure prompt and specialized counseling of women during the sending-off phase, which usually lasts only a few days in Stuttgart. Therefore, it is particularly important to provide the needed information quickly. The Women Intervention Office is jointly managed by the Women's Refuge, and the Autonomous Refuge of the organisation "Women Help Women." Counseling takes place in both institutions and over the phone. A special feature of the FIS concept is the proactive approach. This means the workers approach and support the women according to the principle of partisanship if the women agree. After the counseling there are regular follow-ups to secure the results. This approach is based on the fact that women experiencing physical threats or injury are often paralyzed, overwhelmed, and too anxious or stressed to take action on their own accord.

The **Men Intervention Office (MIS)** has been established as a pilot project for counseling sent-off violent men in 2002. This task falls within the responsibility of the Social Counseling Stuttgart e.V. It is in charge of the primary counseling in the first stage of the offender programme and five subsequent diagnosis and motivation counseling sessions for longer term anti-violence measures. In 2003, the MIS introduced the second stage as subsequent violence awareness training. At this stage a close cooperation with the Public Prosecutor and the court related Social Work (Gerichtshilfe) is necessary as most participants are mandated to take part in such an awareness raising training by court orders and conditions.

Since 2006, the Men Intervention Office offers mother tongue counseling for Turkish speaking offenders as Turkish immigrants do not easily develop trust into German counselors for their difference in cultural background. The topic of DV with the target group of Turkish men requires a high degree of sensitivity, expertise in the area of DV, experience in the social work with immigrants and families from ethnic minorities, knowledge of the alien law, but also consistent action regarding the protection of victims particularly when working with stubborn and change resistant clients.

In addition, the MIS also counsels violent women. However, at present there are only a few cases of home violence by women. Eventual changes in this situation are monitored.

The **Public Prosecutor's Department Stuttgart** established a special area for DV in order to improve the management of such cases. In close cooperation with the court related social work, situations, conditions, and backgrounds of the cases are examined.

The **Child Protection Center Stuttgart** has joined the intervention process of STOP in 2004 and has acted there with great success. According to our statistics, children are involved in more than 65 percent of the cases of DV in Stuttgart. The family counseling of the General Social Service (ASD) reveals time and again that mothers and fathers who recently experienced home violence are unable to acknowledge the needs of their children. Thus children often stay caught in this particular difficult and insecure position. They are left alone with their traumatic experiences, fears and loyalty conflicts regarding their parents. The Child Protection Center steps in here and assigns every child who has witnessed police action in his or her family a counselor. The contact is made by the ASD or FIS. The work with the children takes place simultaneously to the meetings of their parents. Thus there is no additional demand of time and space for the parents. Additionally, the Child Protection Center offers therapeutical groups working on the topic of violence and argument at home.

#### IV. POLITICAL LEVEL

*Public sector (at State level)*

##### **a. Relevance of the DV issues in the political debate: in programmeme's party, parliament debate, etc.**

State action plan against **violence on women**

Governmental Coalition Agreement (2011-2016)

Violence on women is still a widespread problem in all social classes. Accordingly, a satisfying offer has to be provided regarding consultant bodies and shelter houses for women and children. We champion a unified federal and non-bureaucratic financing as well as a safeguarding for the shelter houses. Access to shelter must be granted to everybody. That's why we request additional emergency accommodations in the women shelter houses and a nationwide emergency call number.

We sharply condemn human rights violations against women as well as forced prostitution, violence in the name of honor or genital mutilation. We will reinforce the rights of women, safeguard the present supplies of protection, consulting and prevention and extend them for a socially just and solitary community. At stake is the persecution of perpetrators as well as the adequate protection of the victims.

The funds for victims remain an important instrument.

### **Thematic focus: Forms of violence against women**

#### **DV**

“DV” covers all forms of physical, sexual and mental (e.g. social and economic) violence taking place between adult persons standing or having been in a close relationship among each other, regardless of the site of crime. In question are particularly persons in a life partnership, yet also in other family relations. The criminal action may also take place at the job position, at public squares, at daycare centers or at any other places. (*BMFSFJ, Manual regarding equal treatment of women and men in Germany, p. 81*)

#### **Sexual violence**

***Sexual violence against women:*** rape, coercion, sexual harassment

***Organisational forms of sexual violence:*** Forced prostitution

#### **Genital mutilation**

### **Violence in the name of honor** (Responsibility: Ministry of Integration)

#### **Goals**

- Strengthening of the human rights of woman and preserving a satisfactory offer of protection and support for women and children confronted with violence
- Instant protection of women and children acutely threatened by violence (including women in rural areas and women with a disability, problems of addiction, mental illness, migration background)
- Timely access to professional advice in order to investigate actions for termination of the violence and to assume the rights of victims
- Advice and company for working off the past experiences of violence (pressing of charges, therapy)

### **Measures**

**Introduction of a nationwide help telephone „Violence against Women” with offering a first time advice and, if necessary, an introduction into the support system on the spot**

Survey of addresses

Nationwide compilation of contact data regarding womens shelter and women advice centers as well as supplementary support offers in the country

Public Relations

**Inventory, survey and best estimates of the needs** in view of the global structure of the protection and support system, regional supply networks and intervention procedures

Supplementary support offers (therapy, work with perpetrators, prevention and independent support offers for affected children)

**Installation of sub-workingteams for conceptual developments** in view of an adequate supply structure in rural areas

Target specific treatment for affected women with **disability, mental illness and addiction problems.**

Optimization of networking structures und intervention proceduresafter interventions by the police in cases of violence against women

**Organisation of advanced education for professional specialists**

Advanced education for professionals of the supplementary support system

Organisation of interdisciplinary conferences of experts

**Public Relations**

Public relations in connection with the nationwide help telephone.

Installation of an own homepage (cf. state of NordrheinWestfalen)

Violence against women - In general

Help offers in the state of Baden-Württemberg according to the regulations of administrative districts

DV (subpages: definition, figures and facts in Baden-Württemberg

(women's center, women's advisory bodies, professional advice, institutions for victims of organized forms of sexual violence(forced prostitution, for persons with disabilities, persons in care, senior women, violence affected migrants; current and important information regarding the subject; links, set-ups, booklets)

Sexualized violence (subpage: DV)

Genital mutilation (subpage: DV)

**b. Action plans and policies (Please, refer to their particular fields of practice, as well as to the specific services that are provided)**

In Germany immigrants from Muslim countries, especially Turkey and increasingly Arab countries, are regarded as minorities and socially marginalized groups by the general public. Even with ethnic groups, i.e. Turkish immigrants, there is a clear definition of social level, of successful steps of integration and economic progress, which lead to segregation with ethnic groups. Often DV is explained with low educational level, with traditional lifestyle or fundamental religious values.

The largest numbers of Muslim immigrants in Germany recruits from Turkey with 3,7 million, from north African Arab states with 1,1 million, Asian Muslim countries with 400.000 and converted Muslim (native Muslims). 30 % of this group is 28 years and younger, 15 % are 65 and older. The highest number of Muslim inhabitants in Germany can be found in cities, especially Berlin, Frankfurt, Cologne, Stuttgart and Munich. Economic status of these inhabitants differs widely between poor (12%), low-level income (24%), mid-level income (45%), high-level income (19%). DV is mostly reported in families of poor and low-level income status with an increasing number of cases in high-level income families. This trend compares well to the situation in Germany in general and in non-immigrants native clusters.

A new trend in Germany is to regard men as marginalized groups. After a long discussion of female rights, equal rights from women etc. schools and vocational training centers started to talk about a "boy problem" and about "young men being victims" of social pressure, lack of support, high competitiveness with girls (who receive support from the government) and problems during male puberty. Thus, the number of male victims of DV has been increasing during the last years.

A third group in the field of DV are gay men and lesbian women living in larger families. Some of them suffer from sexual abuse, physical power and punishment by the family for their orientation, religious and cultural prejudice etc.

The last important group are senior citizens living in larger families and senior citizens in day-care centers. During the last five years an increase of DV towards the elderly has been reported in both

migrant as well as domestic families.

### **Level of awareness**

Education and information among potential and real victims of DV in Germany still needs to be improved. Many people know about services “out there” but they do not know where to go, whom to call, whom to talk to and how to access services which could support or assist them.

Media campaigns in German inform the mainstream public in a way too general form. Some representatives of minority groups ignore the fact of DV due to cultural shame. In addition, many victims are afraid of the costs a therapy or cure could impose on them. Many are unaware of their rights and privileges, of the simple fact that these health services in most cases are provided for free at part of national health in Germany.

Another deficit is the fact that often DV is linked by most people to rape, sexual violence and physical violence. Other forms such as psychological violence, violence through constant insults, verbal violence etc are not regarded as part of DV and are thus not reported or listed.

### **Major needs in every level of intervention**

Major needs in Germany are a clear analysis of DV linked to cultural-religious traditions in conservative families (both Christian and Muslim) where the role of women and children are described as inferior to men, fathers and husbands. Often DV is seen as part of the way men has to treat his wife, women or children and thus not identified as violence.

Major needs of intervention briefly can be described as:

- Cultural-religious intervention on gender roles in specific communities
- Political intervention on increasing protection for victims
- Political intervention on awareness of needs of men as potential victims
- Socio-political intervention on rights of perpetrators and access to therapy and rehab

### **c. Please provide relevant information regarding the particular strategies that are employed in the following areas of activities: • Prevention (awareness and education) • Protection (intervention, psychological and economic empowerment/independence)**

Prevention:

Work in city districts and networking with all relevant actors in the fields of children and adolescents, multipliers, public relations through information events, education, workshops, campaigns with a particular view on Muslims

Protection:

See section III g.

**d. Please include (if possible) a brief description regarding the costs of DV in your country in relation to 1. Material Values (medical treatment of the victims, legal services, damage to properties) 2. Immaterial Values (reduced Quality of life, trust, self-respect)**

#### Costs of DV in Germany

##### Material Values

There are no compiled data available for economic costs of DV. The Federal Department for Statistics does not fully compile or combine all data which might be linked to procedures following up acts of DV.

There are however some numbers available:

- Follow-up costs in Germany for DV caused by men towards women counted up to 29 billion German Mark in 1999.<sup>105</sup>
- Costs to protect and treat victims were up to 66 million German Mark in 1999 to operate 46 “protection projects” in Germany for women<sup>106</sup>

A study by Terre de Femmes Germany estimates the costs of DV in Germany as up to 14,8 billion Euro in 1997. These costs consist of expenses for medical treatment, social care as well as loss of female workforce due to victims of DV being unable to work due to rehabilitation services.<sup>107</sup>

The German Association of Lawyers estimates costs linked to legal services for both victims and perpetrators of DV to as much as 8.5 million Euro annually, based on 2008 numbers.<sup>108</sup>

##### **Immaterial Values**

No valid numbers are available for financial follow-up costs for immaterial values. In a study by the Ministry for Women, Families and Youth in the German state of Nordrhein-Westfalen in 2007, 180 women who were victims of DV were interviewed:<sup>109</sup>

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<sup>105</sup> Inquiry by Federal Government on follow-up costs of DV, German Government, Deutscher Bundestag, Drucksache 14/849, 14. Parliamentary period, 27.04.1999

<sup>106</sup> Ebda.

<sup>107</sup> Terre de Femmes, Friedrich Ebert Stiftung: Business gegen häusliche Gewalt – Zusammenfassung einer Tagung vom 23. November 2007, Berlin 2008.

<sup>108</sup> Deutsche Anwaltskammer, Inquiry 24.4.2011.

<sup>109</sup> Ministerium für Frauen, Familie und Jugend des Landes Nordrhein-Westfalen: Bericht zur Folge von Gewalt gegen Frauen und Kinder, Düsseldorf 2004.

- 90% reported that their quality of life was significantly reduced by DV and remained reduced even after professional help and end of DV.
- 67% reported that it took an average of 4 to 6 years to fully recover from an experience of DV.
- 44,5 % reported that their trust into other persons, friends, family members remained low even after 5 years of DV experience.
- 80% reported that social care, legal procedures and protective services helped them to regain self-respect and self-safety again.

Economic scientists estimate the full social and economic costs of DV in Germany to equal 135 million Euro annually as loss of cross-national-product.<sup>110</sup>

*Third sector (at civil society level)*

**e. Please present the mechanisms and the existing structures and services that deal with DV. How are NGO's organized in terms of dealing with DV? Please refer to level of cooperation and interaction (if any) with public policies and action plans.**

Most cases of work in the field of DV in Germany are handled by social workers either employed in public service institutions or working for an NGO. In addition, there are psycho-therapists, medical professionals, lawyers and other categories of social work and family-outreach service. According to an estimate by Brot für die Welt, 89% of all social workers and other professionals working with and for victims and perpetrators involved in DV have a fully-trained, qualified and state-acknowledged professional background (diploma social workers). The remaining 11% are low-level volunteers who serve as assistants.

The most important types of professions the field of DV in Germany are:

Social workers – Social workers with diploma from university of university of applied sciences (BA or MA); specialization on crisis intervention, family counselling, DV, violence, gender issues.

Psychologist and psycho therapist – Working for both governmental and non-governmental institutions, also for police forces and courts, active in therapy and protection of victims.

Mediators and specialists for conflict resolution – Trained social workers with special skills, often specialisation on family counselling, neighbourhood services and crisis intervention

<sup>110</sup> Arbeitskreis Steuerschätzung: Bericht zur Entwicklung der nationalen Steuereinnahmen 2009, Berlin 2009.

Police force – members of police and law enforcement with special 1-year-training in addition to police-training in fields of crisis intervention, violence, preventive services, youth and family work, monitoring of illegal migration, prostitution and human trafficking

Medical professionals – doctors with special training in family therapy and doctors in field of surgery specialising on injuries induced through violent acts

Lawyers and federal attorneys – Legal professionals specialising in family and youth law, migration and immigration, gender laws, female jurisdiction, preventive law and rights both of victims and perpetrators

Neighbourhood counsellors – either trained social workers, sometime volunteers with extra training, working in neighbourhoods with social problems, violence etc. in order to talk to families, offers programmes for women etc.; often these personnel has special training in detections of family and DV

Clerical services, priests – often churches in Germany offer services for families in need, but also for victims and perpetrators. Priests active in this field often have special training in family counselling with elements of psycho therapy.

### **Mechanisms and the existing structures and services by NGOs in Germany**

Germany has a dense network of both state and non-governmental institutions dealing with DV. The most dominant and active NGOs are institutions such as

- Terre des Femmes Germany
- Brot für die Welt (Bread for the World)
- Caritas
- Diakonisches Werk Deutschland
- Deutsches Rotes Kreuz (German Red Cross)
- Malteser Hilfsdienste (German Maltese Network)
- Johanniter Hilfe
- Refugio e.V.
- Verband der Frauenhäuser in Deutschland (Women shelter association)
- Weißer Ring (Victim protection association)

All these institutions have local branches which are interlinked with each other. These local branches collaborate with state institutions such as health services, police, courts, school and educational system, labor unions, municipal administration, immigration offices and law

enforcement offices.

In 75% of all cases, social services for victims of DV in these NGO networks are offered by fully trained professional social workers and individual counselors and service providers. Due to the high risk level when working with victims of DV, volunteer activities of less qualified workers are restricted to public awareness campaigns and education.

The total number of qualified social workers in these institutions working with families experiencing DV in Germany is estimated to be as high as 5.200 professionals. Out of these

- 15% concentrate of public awareness and public networking to prevent or to detect DV
- 35% work directly with families exposed to DV (mediators, therapists)
- 30% work directly with victims of DV in form of individual psychological and medical therapies
- 15% work directly with perpetrators and their rehabilitation and therapy, also in law-enforcement centers
- 5% concentrate on training, evaluation, improvement of quality of services, internal networking and professional networking of institutions.<sup>111</sup>

**f. Please refer to particular fields of practice, as well as to specific services that are provided. Please provide the relevant information regarding the particular strategies that are employed in the following areas of activities: • Prevention (awareness and education) • Protection (intervention, psychological and economic empowerment/independence)**

See section IV c.

**g. Please, compare potential gaps, deficits as well as strength of the actions and services provided by the two kinds of actors.**

All actors in the field of social services for victims of DV are positive with the documentation and resources available in Germany. The complaint however that often the various documentations, databases and archives are not combined and do not exchange their data. This makes it difficult to get a full picture of all acts of DV in Germany.

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<sup>111</sup> Source: Deutscher Caritasverband, Stuttgart 2011.

The reason to keep these different forms of documents separate is based on data-protection law. This applies especially to data kept by police forces. These data are for internal use and court-use only. Data linked to persons and individuals may not be published or distributed without the full consent of the respective individual.

Another field identified as gap or deficit is the special legal situation with DV linked to “violence in the name of honour” within Muslim families.<sup>112</sup>

A girl or a woman might have brought "disgrace" upon her family, her family will use every method to restore the family honour. In some cases they perceive only one solution: killing in the name of honour ('honour killing') of the responsible person.

Men are often victims and actors in the case of an honour killing, as the family frequently chooses minor male family member to accomplish the crime. It also happens, that a male family member feels obliged to "punish" the woman/the girl in compliance with an unexpressed agreement within the family. They cannot escape the pressure of the family. Women often participate in the preliminary stages, but the act of killing is mostly executed by men.

As of yet, there are no official police statistics on 'honour killings' in Germany, since this is not yet being recorded as a motive for murder. In May 2006, Germany's Federal Criminal Police Office (the BKA) published the results of a special Bund-Länder-Abgleichs national and state-level comparison of cases of 'honour killings' recorded by police. According to this, there were 55 such murders and attempted murders with a total of 70 victims in Germany between January 1st 1996 and July 18th 2005.

Possible gaps and deficits in Germany still are:

Now indication of quality of services offered (no ranking, no real monitoring or nation-wide evaluation helping “consumers”/victims to ensure to get the best service possible).

Language barriers and cultural biases in work with minorities, immigrants and marginalized groups.

Lack of access to services, protective shelters etc. in rural areas; lack of public transportation to reach services.

Lack of inclusion of social environment, i.e. with migrants families the complete extended families in order to “cure” DV not only in a single case but within a community or ethnic cluster in a neighbourhood.

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<sup>112</sup> Terre de Femmes, Friedrich Ebert Stiftung: Business gegen häusliche Gewalt – Zusammenfassung einer Tagung vom 23. November 2007, Berlin 2008.

Lack of coverage in the media of the work of social workers in the field of DV.

**h. Are there a collaborative efforts and joint initiatives/synergies among the different services providers and institutional actors?**

According to the aim of developing an efficient and adjusted intervention process with clear responsibilities and the maximum protection for victims while making the offenders accountable, new “points of intervention” have been established (Women Intervention office, Men Intervention Office, Crisis and Emergency Service) and a special cooperation accord was agreed upon by the individual institutions and counseling offices participating in the STOP process (see section V g).