

**Ways of Implementing the EU Directives
on Violence against Women, Children and Youth:
Good Practices and Recommendations**

The project was conducted by the

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in cooperation with ten partner organisations:

- Association of People Challenging Patriarchy (PATENT), Hungary;
- Blind Assistance Foundation, Poland;
- Center for Equality Advancement, Lithuania;
- Institute of Philosophy and Sociology, University of Latvia, Latvia;
- National Centre for Equal Opportunities, Slovakia;
- Organisation for the Promotion of Human Rights, Malta;
- Symfiliosi/Uzlaşma, Cyprus;
- University of Cyprus, Cyprus;
- University of Tartu, Institute of Sociology and Social Policy, Estonia;
- Vita Activa, Association for Promotion of Equality and Plurality, Slovenia.

An electronic version of the book (in English) and leaflet (in Albanian, Croatian, Czech, English, Estonian, Greek, Hungarian, Latvian, Lithuanian, Macedonian, Polish, Slovak, Slovenian or Turkish) can be downloaded from the project's web page or ordered by e-mail.

Project's web page:

<http://www.ff.uni-lj.si/fakulteta/Dejavnosti/ZIFF/DAPHNEeng/home.html>

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EXAMINED: POLICIES ON VIOLENCE AGAINST WOMEN, CHILDREN AND YOUTH IN 2004 EU ACCESSION COUNTRIES

RECOMMENDATIONS

Background

The following recommendations are the results of the research of the legislations concerning violence against women, children and youth in ten 2004 EU accession countries. Special emphasis was given to the impact of community documents on national regulations. The research was conducted as part of a two-year project titled **Ways of Implementing the EU Directives on Violence against Women, Children and Youth: Good Practices and Recommendations**, financed by the European Commissions' Daphne II Programme.

Legislations on violence against women, children and youth in the Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia have been scanned and analysed for the period extending from 1991 to 2006. Partner organisations from these countries provided the information and data which was the basis for the analysis conducted by the research team at the University of Ljubljana. The preliminary results of the research were discussed with more than 100 experts from all over Europe at the Conference in Ljubljana, held from the 20th to the 22nd of March 2009. The project's findings are published in the book **Violence in the EU Examined**.

This leaflet provides recommendations on how to tackle different forms of violence against women, children and youth. The following issues are addressed: physical, psychological, economic, sexual, interpersonal, domestic and intimate partnership violence; sexual harassment; female genital mutilation; crimes in the name of honour; trafficking in persons, sexual exploitation; child prostitution; and child pornography and corporal punishment.

GENERAL RECOMMENDATIONS

Legislation

■ **Gender perspective** should be integrated into the legislation. Therefore, gender-based violence should be recognized in the provisions and taken into consideration when different laws are drafted and implemented.

■ **Intersections** of different forms of violence against women, children and youth and different social groups should be considered. Economical and psychological violence or neglect should be addressed with the same seriousness as physical violence. The special situations of migrants, the disabled, addicts, Roma and other groups should be recognized and tackled in an anti-discriminatory manner.

■ **Mandatory prosecution** for all forms of violence against women, children and youth should be implemented.

■ The **mechanisms for funding and including NGOs** in policy shaping and the provision of services should be transparent and regulated by legislation. If legal binding documents are missing, decision making actors can show their commitment by signing special cooperation agreements with NGOs, which should contain transparent rules of cooperation.

■ **New technologies** represent a new realm for violence and should be considered in the legislation, especially in regard to bullying, filmed child sexual abuse and stalking. In order to be able to understand these problems, better education and awareness raising on new technologies is essential.

■ The **implementation** of all adopted laws and policy papers should be continuously monitored and evaluated. In the ensuing stages, existing policies should be changed in line with the outcome of the evaluation.

■ When implementing obligations from **EU legislation** and international conventions, decision makers should be aware that they represent only minimal standards, and should be **upgraded and elaborated into comprehensive, cross-sectoral cooperation strategies** that should encompass legislation, media campaigns, research, training and services for the victims.

Secondary victimisation

■ In order to prevent secondary victimization, the rights of the victim in legal proceedings should be emphasized. The victim — regardless a child or an adult — should have the right to be **questioned only once** (through the use of recorded testifying), the right **not to be confronted with the perpetrator** and the right to be questioned in the presence of an **appropriate expert**.

Services and support

■ Competent authorities should establish a central **data base on services** for victims of violence, starting with disposable accommodations, help lines and other support programmes in different regions for victims of different forms of violence, which should be dealt with separately.

■ Safe and accessible **accommodation** for victims of violence should be provided by the State as well as by NGOs, as it is of the highest importance for more effective empowerment and rehabilitation of the survivors.

■ The state institutions should gather **data on accommodations provided for adult victims of violence per units** (beds and rooms) per 10.000 people. EU recommendations should also be changed in this manner.

■ Well publicised, free **24-hour help lines** for women, children and youth victims of violence should be established, with highly skilled staff available to offer psychological and legal support. For victims of trafficking and migrant women, the support should be provided in the language of the victim; in this regard, an EU wide help line would be welcome.

■ **Continuous and independent evaluation of support programmes** for victims of violence should be initiated and common national and EU standards for service providers should then be developed.

■ The **participation of survivors** in the development and evaluation of policies and services should be encouraged and promoted.

■ **Inter-agency strategy** should be developed in order to provide a coherent response to the needs of all victims of violence against women, children and youth.

Trainings

■ **Regular and mandatory training** for different institutions on different forms of violence should be initiated, targeting employees of the police, the prosecutor's office, and judiciary, social care, education and health care institutions in particular.

■ **Gender perspective** should be included in training, educational and awareness raising programmes targeting wide a range of institutions, including government agencies and offices.

Data collection

■ **Centralised data collection on violence** against women, children and youth should be conducted on the national level and should include data from the police, prosecution, judiciary, schools and social and other in-

stitutions. Effective data collection can be used as a reference point for the creation and evaluation of the effectiveness of measures adopted to combat violence.

■ At a minimum, data should be gathered according to **gender, age, education, citizenship, relationship between victim and perpetrator and type of violence**. **Attrition rates in jurisdictional procedures** should also be monitored.

National action plans

■ **Regular national action plans** and reports on different forms of violence against women, children and youth should be adopted, implemented and monitored. The main objectives, priorities, strategies and responsibilities of the specific institutions as well as evaluation mechanisms and ways of reporting progress should be integral parts of these plans.

Campaigns

■ Campaigns targeting violence against women, children and youth should be more focused on **legal literacy and the rights of victims**. Particular forms of violence should be targeted in a more significant manner, such as violence against children in the family, child sex tourism, prostitution, sexual violence against young women, sexual harassment, rape, forced/arranged marriages, female genital mutilation and femicide.

Research

■ **Specialised and focused research** studies should be conducted and adequately funded. There are a number of poorly researched areas: the quality and outcome of services provided to victims, spousal rape, dating violence, violence in same-sex partnerships, economical and psychological violence, violence and ethnicity, violence on elderly and young people, arranged and forced marriages, crimes in the name of honour, female genital mutilation, sex tourism, mail-order brides, military personnel on missions and trafficking, the demand side of prostitution, the trafficking of minors, unaccompanied minors, sexual harassment, children as direct and indirect victims of violence and ongoing violence against women and children after the divorce/separation.

■ The case of mandatory prosecution of **spousal rape** should be carefully examined from the perspective of the benefit to the victim and as the results of this examination recommendations should be drafted.

SPECIFIC RECOMMENDATIONS

On violence against women

■ Women survivors of violence and their children need empowering support from **specialized women's services**. The counselling service and the administrative power over the victim, such as the power to regulate contacts between a parent and a child, should not fall under the umbrella of the same institution.

■ Women survivors of violence should have the right to **free legal aid, special social support mechanisms** on the labour market, permanent housing and additional financial support.

■ In regard to sexual harassment at workplace the enforcement of the **Code of Practice** adopted by the European Commission should be promoted in the business and trade union environments.

■ Help and support to migrant women survivors of violence should be provided by **interculturally competent workers**.

■ Migrant women victims of violence should have the right to **residence permits** that does not depend on their violent spouse and access to the **labour market**.

On violence against children

■ Legally **binding EU documents** on violence against children in the family should be adopted.

■ A child who is a **witness of violence** in the family should be legally considered as a victim of domestic violence.

■ **Internet providers** should be obliged to inform competent authorities about any distribution of illegal content through their servers.

On trafficking in persons and sexual exploitation

■ **The criminal responsibility of legal persons** (such as marriage broker agencies, travel agencies, night clubs, etc.) for trafficking offences should be strengthened and effectively implemented.

■ **Procedures for the identification of victims** should be developed and common protocols set involving all parties that could potentially encounter victims of trafficking in persons (schools, social care services, NGOs, embassies, military missions abroad, police, prosecution bodies, the judiciary).

■ All victims of trafficking and all women in prostitution should be entitled to **basic services**, which are not conditioned on their citizenship and cooperation with the police and prosecution (housing, medical treatment, psychological and social support, information on their rights and support programmes as well as legal representation).

■ **Exit routes** for victims of trafficking and women in prostitution should be devised and resourced.