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

Reply to Recommendation¹: Recommendation 1817 (2007)
Committee of Ministers

1. The Committee of Ministers has noted with interest Parliamentary Assembly [Recommendation 1817 \(2007\)](#) “Parliaments united in combating domestic violence against women”: mid-term assessment of the campaign”. It has brought the recommendation to the attention of member states and transmitted it to the European Committee on Crime Problems (CDPC), the Steering Committee for Equality between Women and Men (CDEG) and the European Committee on Legal Co-operation (CDCJ) for information and possible comments. The comments received appear in the appendix.
2. The Committee of Ministers still attaches crucial importance to combating violence against women, which has been a priority for the Council of Europe since the Third Summit of Heads of State and Government in Warsaw. The Campaign to Combat Violence against Women, including Domestic Violence, has, moreover, been an important aspect of the implementation of the Action Plan adopted at the Summit.
3. Like the Parliamentary Assembly, the Committee of Ministers has worked to promote the multidimensional approach (governmental, parliamentary, local and regional) adopted in the campaign, which has paved the way for comprehensive, co-ordinated action. It appreciates the Parliamentary Assembly’s involvement and congratulates it on the action it has taken, not least in setting up a network of contact parliamentarians. The Committee of Ministers also welcomes the inclusive approach adopted at the campaign’s closing conference, held in Strasbourg on 10 and 11 June 2008. This event, which was attended, *inter alia*, by the Council of Europe’s international partners active in the field, as well as NGOs, reflected the various dimensions of the campaign.
4. The conference provided an opportunity not only to reiterate the need for concerted action by all the parties involved, national and international, in order to eradicate violence against women, but also to show that the measures taken along these lines throughout the campaign, to raise awareness of this violation of human rights and protect victims, have in fact been a real success.
5. At the campaign’s closing conference, the Task Force to combat Violence against Women, including Domestic Violence (EG-TFV) proposed that a series of future measures be implemented in this area and, more specifically, that a Council of Europe convention be drafted to prevent and combat violence against women. The Committee of Ministers, for its part, has invited its Rapporteur Group on Human Rights (GR-H) and its Rapporteur Group on Legal Co-operation (GR-J) to consider, at a joint meeting, whether a convention should be drafted and, if so, what it should contain, and to report back to it by 15 October 2008. The Committee of Ministers will inform the Assembly in due course of the follow-up that is to be given to this project.

1. adopted at the 1034th meeting of the Ministers’ Deputies (11 September 2008)



Appendix 1 – Comments by the Steering Committee for Equality between Women and Men (CDEG)

1. The CDEG thanks the Parliamentary Assembly for its [Recommendation 1817 \(2007\)](#) – “Parliaments united in combating domestic violence against women’: mid-term assessment of the campaign”.
2. Like the Parliamentary Assembly, it considers that it is crucial to promote synergies between the three strands (parliamentary, governmental and local and regional) of the Council of Europe Campaign to combat Violence against Women, including Domestic Violence, so that the Organisation's action has a real impact in Europe. It also welcomes the recent initiatives which have made it possible to intensify co-operation between the contact parliamentarians and the representatives appointed by governments for the implementation of the campaign, such as the Conference of National Focal Points and the Joint Meeting of National Focal Points and Contact Parliamentarians, held in Strasbourg on 4 and 5 June 2007. In this connection, the CDEG points out that many of its members have been appointed as focal points or high-level officials responsible for running this campaign, which allows the Committee to follow it very closely and to keep abreast of parliamentary initiatives in this field.
3. It wishes to draw attention to the pioneering role played by the Council of Europe, which adopted the first international instrument to recommend a global, multidisciplinary approach to the problem, Recommendation Rec(2002)5 of the Committee of Ministers to member states on the protection of women against violence. This instrument, based on the considerable body of work done within the Council of Europe since the late 1960s to protect women from violence, made it possible to take an overall view of the victims' situation and to initiate joint action among all the players concerned by the problem.
4. It was on the basis of this recommendation that the Task Force to combat Violence against Women, including Domestic Violence, established as part of the follow-up to the Action Plan adopted at the Third Summit of Heads of State and Government (Warsaw, 15-16 May 2005), drew up the Campaign Blueprint and set the objective of implementing the measures called for in Recommendation Rec(2002)5, i.e. legal and political measures, assistance for and protection of victims, collection of data and awareness raising.
5. The CDEG is pleased that the seven priority measures proposed by the Parliamentary Assembly to the national parliaments are in keeping with the objectives set by the Task Force in the context of the campaign and are aimed at strengthening parliamentary action to combat domestic violence in co-operation with government agencies and local and regional authorities. It also underlines that these measures are consistent with the Secretary General's proposals for assessing the success of the campaign.
6. Like the Parliamentary Assembly, it expresses the wish that the Committee of Ministers continue to give its backing to campaign activities (see paragraph 7.1 of the recommendation), and it endorses the Parliamentary Assembly's request to the Committee of Ministers that it continue to incorporate fully the parliamentary dimension into the closing conference of the campaign (paragraph 7.6). In this connection, it lastly draws attention to the fact that the Committee of Ministers has instructed it and the Task Force to combat Violence against Women, including Domestic Violence, to examine a feasibility study concerning a convention against domestic violence, which would cover, *inter alia*, the priorities set out in point 5 of the Parliamentary Assembly's recommendation.
7. It concurs with the Parliamentary Assembly that it is necessary to encourage the member states to participate in the Council of Europe Campaign to combat Violence against Women, including Domestic Violence, and urges them to implement the campaign at national level.

Appendix 2 – Comments by the European Committee on Crime Problems (CDPC)

1. Following the adoption by the Parliamentary Assembly of [Recommendation 1817 \(2007\)](#) on “Parliaments united in combating domestic violence against women”: mid-term assessment of the campaign”, the Committee of Ministers decided to communicate it to the European Committee on Crime Problems (CDPC), for information and possible comments. The CDPC examined the recommendation and decided to contribute to the response of the Committee of Ministers by providing the following comments concerning matters within its fields of competence.
2. The CDPC welcomed the commitment of the Parliamentary Assembly to the parliamentary dimension of the Council of Europe’s Campaign to Combat Violence against Women, including Domestic Violence, and congratulated the Parliamentary Assembly for its achievements so far, in particular the setting up of a network of contact parliamentarians.
3. The CDPC recalled that it had commissioned a Feasibility Study for a convention against domestic violence in response to Resolution No. 1 on victims of crime, adopted by the European Ministers of Justice at their 27th Conference on 12 and 13 October 2006 in Yerevan, Armenia. This resolution called for an examination of the measures concerning violence against the partner in order to determine the feasibility of and the need for a legally binding Council of Europe instrument to combat domestic violence, in particular violence against the partner.
4. The Feasibility Study was examined at the CDPC’s plenary meeting in June 2007. The CDPC agreed that it was necessary for the Council of Europe to draft a legally binding instrument on combating violence against the partner, and that any future convention should deal with physical as well as psychological violence and should cover criminal and civil law matters and human rights aspects of the problem, and take a multi-disciplinary approach. The Feasibility Study has been transmitted to the Steering Committee for Equality between Women and Men (CDEG) and to the Task Force to Combat Violence against Women, including Domestic Violence (EG-TFV) for opinions.
5. As regards criminal law aspects, the CDPC noted that in [Recommendation 1817 \(2007\)](#) the Parliamentary Assembly identified seven priority measures to combat violence against women, most of which are related to CDPC work in criminal law and criminal procedural law issues and which, in the CDPC’s view, should be considered in the process of drafting a future convention.
6. The CDPC expressed its readiness to embark on the preparation of a future convention in this field and considered that this work should be carried out in close co-operation with other competent bodies of the Council of Europe.

Appendix 3 – Comments by the European Committee on Legal Co-operation (CDCJ)

1. Following the adoption by the Parliamentary Assembly of [Recommendation 1817 \(2007\)](#) – “Parliaments united in combating domestic violence against women”: mid-term assessment of the campaign”, the Committee of Ministers decided to communicate it to the European Committee on Legal Co-operation (CDCJ), for information and possible comments by 31 December 2007.
2. The Bureau of the CDCJ took note of the recommendation of the Parliamentary Assembly and decided to bring to the attention of the Committee of Ministers its current work which is in close connection with the topic addressed in the recommendation.
3. The Bureau of the CDCJ fully supports the promotion of synergies between the parliamentary, governmental and local and regional strands, thus leading to a comprehensive and co-ordinated approach.
4. The Bureau of the CDCJ welcomes the invitation made in the recommendation to the national parliaments to continue “carrying out and supervising the implementation of legislative reform as well as organising awareness-raising activities” to promote priority measures to combat violence against women, including domestic violence (paragraph 5 of the recommendation).
5. Such priority measures include “making provision to remove violent spouses or partners and take out protection orders against perpetrators”, as well as “guaranteeing effective access to the courts and to protection measures for victims” (paragraphs 5.4 and 5.5 of the recommendation).
6. Concerning the legislative dimension of the adoption of those priority measures to combat violence, underlined in paragraph 6 of the recommendation, the Bureau of the CDCJ will recall the Resolution No. 1 on victims of crime, adopted by the European Ministers of Justice² which invited the Committee of Ministers to entrust the CDCJ to study the question of civil, administrative and other remedies to be made available to victims of crime.
7. The CDCJ established to this end a Group of Specialists on remedies for crime victims (CJ-S-VICT). The group has recently finalised its report which highlights the importance of recognising and facilitating the exercise of victims’ rights in the civil sphere of justice, even more so when victims are particularly vulnerable, as victims of domestic violence often are.
8. The group underlined the need to ensure that remedies, which have to be provided and be of a sufficient range (compensatory remedies as well as remedies aimed at protecting the victims such as safety, protection, barring or exclusion orders) can be effectively used by the victims, thus raising a variety of issues, such as the provision of information, the entitlement to free legal aid, the simplification of procedures, and the benefits of a multi-agency approach.
9. The group furthermore addressed specifically a number of vulnerable categories of victims, of which are victims of domestic violence, and recalled the provisions of the Recommendation Rec(2002)5 of the Committee of Ministers on the protection of women against violence, which extensively deal with violence perpetrated against women and comprise a specific section on additional measures with regard to violence within the family.
10. The group noted from the replies received to a questionnaire which had been sent to all national delegations of the CDCJ that states gave a lot of attention to this specific issue, feeding the group with a large number of examples of good practice, illustrating the need for a comprehensive approach involving key agencies, the crucial importance of the protection of the victim and the necessity of providing specialised assistance.
11. The Bureau of the CDCJ stresses the key role of the CDCJ in the field of victims, and the importance of the work carried out this year under its aegis. Taking into consideration the transversal nature of this topic, the Bureau of the CDCJ agreed to share this work with other relevant stakeholders, and in particular the Task Force to Combat Violence against Women, including Domestic Violence (EG-TFV). The report prepared by the Group of Specialists will furthermore be published and disseminated to a large scale after having been presented to the plenary meeting of the CDCJ in June 2008.

2. Resolution adopted during the 27th Conference of European Ministers of Justice “Victims: place, rights and assistance”, held in Yerevan (Armenia) on 12 and 13 October 2006.