

## **Methods and Policies for Preventing and Combating Domestic Violence at the European Level**

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### **Abstract**

The study is generally dedicated to researching the methods and policies of the European Union states in terms of preventing and combating domestic violence at the European level. Domestic violence has serious immediate and long-term consequences for the physical and mental health of victims. In the long term, the European Union and the member states develop policies and methods to prevent and combat domestic violence. They aim to protect women from domestic violence and other forms of gender-based violence during crises such as pandemics, natural disasters and economic downturns. Given the social and economic consequences of the current pandemic, it is essential to avoid the negative effects through austerity policies that have in turn helped to reduce domestic violence. The adoption of these policies to combat domestic violence is in line with the 2002 Recommendation of the Committee of Ministers on the protection of women against violence. This recommendation, among other things, invites Member States to develop action plans to prevent violence and protect victims. In addition, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) was opened for signature in May 2011 and entered into force in August 2014. This convention is the first binding European instrument in terms of legal views in this regard. It creates a comprehensive framework for preventing violence, protecting victims and prosecuting perpetrators, and in November 2020, the Convention counted all EU member states among its signatories.

**Keywords:** Domestic violence, victim's physical health, victim's mental health, victim, action plans, prosecution of perpetrators

### **1. Introduction**

Domestic violence has serious immediate and long-term consequences for the physical and mental health of victims. In the long term, the European Union and the member states develop policies and methods to prevent and combat domestic violence. They aim to protect women from domestic violence and other forms of gender-based violence during crises such as pandemics, natural disasters and economic downturns [1]. Given the social and economic consequences of the current pandemic, it is essential to avoid the negative effects through austerity policies that have in turn contributed to the reduction of domestic violence.

### **2. Material and methods**

Among the scientific-socio-human methods, those that become complementary, in the present work, can be found: the analysis of normative acts; the comparative method; observation, and the method of historical examination. Research methods such as systematization and generalization also have an impact.

### **3. Results obtained and discussions**

In this context, one of the Sustainable Development Goals (SDGs) of the United Nations focuses on gender equality and includes targets to eliminate violence and discrimination against

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women and girls, including a goal to end female genital mutilation of women and children, early marriage or forced. With reference to these global goals, in June 2019, the International Labor Organization adopted the Convention on Violence and Harassment. This international normative act is applied at the European level to prevent violence and harassment in the world of work. The purpose of this Convention is to commit the signatory states to an inclusive, integrated and gender-sensitive approach to prevent and eliminate violence and harassment in this context. The adoption of these policies to combat domestic violence is in line with the 2002 Recommendation of the Committee of Ministers on the protection of women against violence. This recommendation, among other things, invites Member States to develop action plans to prevent violence and protect victims. In addition, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) was opened for signature in May 2011 and entered into force in August 2014. This convention is the first binding European instrument in terms of legal views in this regard. It creates a comprehensive framework for preventing violence, protecting victims and prosecuting perpetrators, and in November 2020, the convention counted all EU member states among its signatories. We would like to highlight the fact that the adoption of such acts comes to reconfirm the legal provisions of several European normative acts, such as the Treaty on the European Union (Treaty of the European Union) which affirms the principle of equality between women and men and non-discrimination (Article 2); The Charter of Fundamental Rights guarantees the rights to dignity (Title I) and equality (Title III), to physical and mental integrity and prohibits any discrimination based on sex. Furthermore, although lacking legal force, declaration 19 and Article 8 of the Treaty on the Functioning of the European Union (TFEU) affirm the political will of Member States to combat all forms of domestic violence. The fight against violence is one of the main priorities of the EU Strategy for Gender Equality 2020-2025, which is a continuation of the strategic commitment to gender equality, women and men 2016-2019. One of the priority areas of action is to improve the collection, quality and reliability of data on domestic violence in cooperation with Eurostat, the European Institute for Gender Equality (EIGE) and the European Union Agency for Fundamental Rights. EIGE is currently running a project to improve the collection and harmonization of data on violence against women collected nationally in all Member States by law enforcement, the judiciary and social services [2]. Since 2017, EIGE has included violence against women in its Gender Equality Index, which measures progress on equality in the European Union. In addition, an EU-wide survey coordinated by Eurostat will provide new data on violence against women and other forms of interpersonal violence. The results are expected to be published in 2023 [3]. In the context of the European Union's foreign policy, its guidelines on combating violence affirm the Union's commitment to promote and protect the rights of victims of violence in third countries. The Union also addresses the issue of violence against women in its specific human rights dialogues and supports projects to combat violence against women through the European Instrument for Democracy and Human Rights. As the Commission pays more attention to prevention in combating a global phenomenon, it will also launch a European network for the prevention of gender-based and domestic violence, which will allow Member States and stakeholders to share best practices. It will provide funds for training, capacity building and support services. The Daphne program which funds projects aimed at preventing and combating violence and protecting victims, will continue under the new Rights and Values program 2021-2027. In order to address the issue of the spread of online violence against victims of this phenomenon, the Commission is considering proposing legislation on the

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digitization of services. This will clarify the responsibilities of online platforms with regard to content posted by users and facilitate the development of a new framework for cooperation between internet platforms. Currently, the European Union does not have a specific binding instrument dedicated to the protection of victims against domestic violence. However, there are legal instruments in various areas where women are likely to be victims of violence, as well as in areas where violence has a cross-border dimension, because it is in these areas that the Union has designed to fight crime. This means that, unfortunately, the European Union does not comprehensively address the wider phenomenon of violence as experienced by women [4]. These instruments relate, for example, to equal treatment and non-discrimination, which include the prohibition of sexual harassment (Directive 2006/54/EC), a reform of Directive 2002/73/EC on equal treatment with regard to access to places of work and working conditions, Directive 2010/41/EU on the application of the principle of equal treatment between men and women who are self-employed and Directive 2004/113/EC on equal treatment in the access to and supply of goods and services<sup>16</sup>; human trafficking (Directive 2011/36/EU on combating trafficking and Directive 2004/81/EC on the residence permit of third-country nationals who are victims of trafficking); or the protection of victims by strengthening the rights of victims, regardless of their nationality and wherever the crime took place in the Union, including where the victim moves or relocates within the Union (Directive 2012/29/EU on the rights and protection of victims of crime, Directive 2011/99/EU on the European protection order in criminal matters and Regulation (EU) No. 606/2013 on the mutual recognition of protection measures in criminal and civil matters). Although there are common trends in national policies to combat domestic violence, not all Member States approach the problem in the same way. At the legislative level, physical domestic violence and sexual violence are the main forms of violence that are criminalized. Psychological domestic violence, forced marriage, sexual harassment or female genital mutilation are punished differently depending on the country. In addition, in some cases the victim's complaint is necessary to initiate the procedure [5] and therefore the low rate of prosecutions and convictions for domestic violence and rape appears to be a common problem in many Member States. In addition to legislative measures, Member States have in recent years adopted political strategies to combat violence against victims, either through national action plans on all or some forms of violence, or by incorporating measures into other action plans. Domestic violence and human trafficking are the two main issues that national action plans try to address, although the issue of sexual violence, especially sexual harassment, tends to figure more and more among the concerns of these action plans. Regarding the types of intervention, the action plans pay more attention to preventive measures and support (such as victim shelters or helplines). On the other hand, reintegration programs targeting the needs of victims of domestic violence (access to affordable housing, employment and training and income support) are less widespread. In 2020, the Council of Europe concluded that many countries could do more to ensure that their national action plans cover all forms of violence and that measures are fully monitored and funded. Against the background of the adoption of several political strategies to combat violence against victims by the Member States of the European Union, since 2009, the Parliament asked the Commission to develop a proposal for a comprehensive directive on the prevention and combating of all forms of violence. In its resolution of 25 February 2014, the Parliament also requested the Council to add violence against women to the list of particularly serious crime areas provided for in Article 83(1) TFEU and the Commission to initiate the procedure for Union ratification of the Istanbul Convention of the Council of Europe as a supplement to a future European directive.

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Parliament is currently continuing to press for progress on these recommendations. In parallel, a number of specific issues related to domestic violence have been identified and supported by civil society organizations and other stakeholders. For example, new data demonstrating the negative impact of the COVID-19 pandemic on women's safety has attracted the attention of various organizations, including the Central European organization called the European Women's Lobby (EWL). It warned early on that women and girls are at greater risk of domestic violence when they are forced to stay at home, as this leads to increased household tensions. EWL calls on national authorities to work with women's organizations to better understand what is happening on the ground and to provide them with the immediate and long-term support they need to help victims. The Central European Organization (EWL) also recommends that public entities take specific measures to ensure continued access to helplines and legal services. So the European network Women Against Violence Europe (WAVE) mapped support services in Europe, such as helplines, women's shelters and shelters for victims of domestic violence, which highlighted gaps in support. In its latest report, published in December 2019, the WAVE network concludes that 21 countries in the European Union have at least one helpline for survivors. Among them, only 16 of these lines meet the minimum standards set by the Istanbul Convention (free, available 24 hours a day) and that only five member states meet the minimum standards regarding the "bed" capacity in women's shelters [6]. At the same time, the European WAVE network is doing remarkable work to raise awareness of the importance of specialist support services in supporting women and to protect these services from gender-insensitive policies and practices. In August 2020, the WAVE network published a manual on how to combat this phenomenon, which highlights the need for these services to take into account the fact that women who have been victims of violence face different forms of discrimination. It also published a position paper on intersectionality and an inclusive approach to combating gender-based violence, as well as specific recommendations on improving assistance and protection for older women and women with disabilities. Various organizations work to raise awareness and prevent harmful practices such as female genital mutilation. Following the aforementioned, the methods and policies to prevent and combat domestic violence at the European level are consistent with those applicable worldwide. With reference to this fact, the Convention on the Elimination of All Forms of Discrimination against Women (1979) and the Declaration on the Elimination of Violence against Women (1993) are reference instruments in this field. Although not binding, the declaration was the first international text dedicated exclusively to violence against women. Domestic violence, including violence against women, was one of the critical areas identified in the Beijing Platform for Action adopted at the Fourth World Conference on Women in 1995. This platform lists measures to be taken by states and international organizations or non-governmental organizations to prevent and combat this phenomenon as a form of violence. The Commission on the Status of Women is responsible for monitoring and evaluating progress in implementing the Beijing Declaration and Platform for Action. In 2016, the commission strongly condemned all forms of violence against women and girls and called for a number of measures to be put in place, including improving legislation and its implementation. At its 64th session in 2020, the Commission committed to fully, effectively and swiftly implement the Beijing Platform for Action, including eliminating and preventing all forms of violence and exploitation, whether offline or online, and ensuring that support services are provided to all women who suffer from violence. In 2017, the UN Special Rapporteur on Violence against Women conducted an assessment of the quality of the current international legal framework and concluded that the main obstacle in the fight against

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domestic violence is insufficient transposition and enforcement of international standards. General Recommendation No. 35 on gender-based violence against women, adopted in July 2017, aims to accelerate the implementation of these standards. This recommendation, as well as General Recommendation No. 19, which it updates, are founding texts because they address the issue of domestic violence as a human rights issue and a form of gender discrimination (No. 19).

#### **4. Conclusions**

Following the aforementioned, the protection of victims of domestic violence constitutes an obligation assumed by the state towards the citizens. This obligation must be honoured in conjunction with adequate and effective actions to prevent or bring the perpetrator of violence to justice. The undertaking of these actions consists in protecting the victims of domestic violence by guaranteeing the safety of the victim in relation to the perpetrator of violence [7]. However, ensuring respect for the rights of victims of domestic violence is a prerogative of the Romanian state, under European Union law and the provisions of several international and regional normative acts. According to Articles 52 - 53 of the Council of Europe Convention on preventing and combating violence against women and violence, state parties are obliged to guarantee the protection of victims of domestic violence, in particular by coercion of the perpetrator, on the basis of an emergency restraining order, restriction or protective. The provisions of the European Convention on Human Rights [8] oblige states not only to refrain from violating these rights but also to adopt legal guarantees and practices to prevent the commission of illegalities. These regulations are aimed at protecting people from violence. International legal instruments and jurisprudence pay increasing attention to protection orders in general and emergency restraining orders in particular, as part of the protection against domestic violence that states are obliged to provide to victims. The Istanbul Convention is the first international treaty to include a specific obligation to protect against violence based on protection orders. Directive 2011/99/EU on the European protection order and Regulation 606/2013/EU on the mutual recognition of protection measures in civil matters complement this obligation by obliging the member states of the European Union to recognize protection orders issued in other member states, introducing thus a real cross-border application of these instruments.

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