

TOPIC: DOMESTIC VIOLENCE

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1. Domestic Violence

Domestic violence is a problem worldwide, occurring to a greater or lesser degree in all regions, countries, societies and cultures, irrespective of income, class, race or ethnicity. The many forms of violence to which mostly women are subject include battering, dowry-related violence, marital rape, female genital mutilation, dowry-related violence and other traditional practices harmful to women, killings in the name of "honour", non-spousal violence and violence related to exploitation, and even sexual abuse of female children in the household.

All these forms of domestic violence go beyond general oppressive behaviour or discrimination, and constitute harm which results from force or coercion. Moreover, they are not examples of random victimisation, but are associated with inequality between women and men.

2. International steps against domestic violence

Knowledge about the forms, incidence, causes and consequences of gender-based violence against women, as well as measures to confront it, has greatly developed over the last thirty years. Much of this can be attributed to the work of the United Nations which has transformed what was once perceived as a domestic criminal problem, into an issue deserving of sustained and priority international attention.

The first World Conference on Women in Mexico in 1975 did not refer explicitly to violence, but drew attention to the *need for the family to ensure dignity, equality and security of each of its members*. The 1980 Conference in Copenhagen, which marked the middle of the United Nations Decade for Women, adopted a resolution on *battered women and violence in the family* and referred to violence in the home in its final report.¹

In 1985, the General Assembly adopted the first resolution on domestic violence based on a recommendation of the Commission on the Status of Women to the Economic and Social Council and the outcome of the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

An Expert Group Meeting on Violence in the Family (1986) adopted concrete recommendations with regard to legal reform, police, prosecutor and health sector training, social and resource support for victims. It also made clear that domestic violence was a global phenomenon that was significantly underreported.

A publication on Violence against Women in the Family (1989) described the manifold contexts and manifestations of violence against women; and also showed that violence may be tolerated and, indeed, condoned, by the community or the State. Economic, social and political developments were seen as well as ethnic, religious, communal and political conflicts to contribute to and/or exacerbate violence against women.

2.1. The CEDAW Convention

¹ The UN World Conferences on women - www.un.org/womenwatch/daw/beijing/platform/plat1.htm

With a growing understanding of the link between gender and violence, the approach to the issue within the United Nations shifted. Recommendations by the Committee on the Elimination of Discrimination against Women (CEDAW) made clear that gender-based violence falls within the meaning of discrimination against women². In 1989, the Committee adopted a general recommendation on violence against women, which recommended that States include information in their reports to the Committee on the incidence of violence against women. In 1990, a general recommendation addressed female circumcision and other traditional practices harmful to the health of women.

In 1992, the Committee adopted a general recommendation 19, which defines gender-based violence to be violence that is directed against a woman because she is a woman or that affects women disproportionately and declares it to be *a form of discrimination against women that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men*. The general recommendation makes clear that *states may be ...responsible for private acts if they fail with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation*.³

The World Conference on Human Rights (1993) was key to the recognition of women's human rights. In the Vienna Declaration and Programme of Action, the human rights of women and girls were declared to be part of human rights. The adoption of the Declaration on the Elimination of Violence against Women was deemed a priority, and the appointment of a Special Rapporteur on violence against women, its causes and consequences was mandated.

The Declaration was adopted by the General Assembly in 1993⁴. The Declaration defines violence against women as 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 private life. It outlines steps which States and the United Nations and its agencies and programmes should take to address gender-based violence against women, and makes clear that States should not invoke any custom, tradition, or religious consideration to avoid their obligations with respect to its elimination, and should exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons. In 1994, the Commission on Human Rights appointed the first Special Rapporteur on violence against women.

The Beijing Declaration and Platform for Action in 1995 identified 12 critical areas of concern which require urgent action to achieve the goal of gender equality. The Platform adopts the definition of violence against women contained in the Declaration, but also highlights forms of violence against women⁵:

- Physical, sexual and psychological violence occurring in the family. Including battering, sexual abuse of female children in the household, dowry-related violence, marital rape,

² The CEDAW convention – www.un.org

³ Committee on the Elimination of Discrimination against Women, General Recommendation 19, Violence against women (Eleventh session, 1992), U.N. Doc. A/47/38 at 1 (1993), reprinted in Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.6 at 243 (2003).

⁴ Declaration on the Elimination of Violence against Women, General Assembly resolution 48/104 of 20 December 1993

⁵ Violence against women, Beijing Platform for Action §113 - www.un.org/womenwatch/daw/beijing/platform/plat1.htm

female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;

- 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;
- Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

The 25th November has become UN's International Day for the Elimination of Violence against Women.

A resource manual on strategies for confronting domestic violence has been prepared under the supervision of the United Nations Centre for Crime Prevention and Criminal Justice. UNICEF has drawn increasingly attention to the rights of the girl child and issued a report on *Domestic Violence against Women and Girls* in 2000.⁶

Governments have since Beijing +5 noted that States have an obligation to exercise due diligence to prevent, investigate and punish acts of violence and provide protection for victims.

Governments recommended more specific or focussed actions than those of the Platform and also addressed areas that had emerged or become more prominent since the Beijing Conference, including marital rape, crimes of honour and crimes of passion, and racially motivated violence. An international zero tolerance campaign on violence against women, as well as support for public campaigns to enhance public awareness of the unacceptability and social costs of such violence were also advocated. There has been a significant shift in attitude within the United Nations since violence against women first emerged as a matter of international concern. This shift in approach has set the stage for the development of important international strategies to address the various forms of violence against women. It has also set the stage for legal and policy change at the domestic level.

3. Europe and domestic violence

3.1. The European Union

In an EU resolution⁷ from 1996 governments are encouraged to support alterations to acts of law whose aims are to fight violence against women. The EU has until now not formulated an adequate common definition of the concept. So the UN's definition from the Beijing Declaration is the best support we have.

A number of countries have implemented or work on implementing specific acts of law in this area, and there is a need to clarify that violence in the home is a criminal act. The contents of the acts of law differ. Civil law has created broader protective measures that make it possible to give better protection to the victim. Austria in 2001, and Denmark in 2004 passed radical laws

⁶ Domestic Violence against women and girls, publication June 2000 – www.unicef-icdc.org

⁷ Resolution on the report from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on the state of women's health in the European Community (COM(97)0224 - C4-0333/97)

concerning violence against women, inasmuch that the laws gave the police the power to remove violent offenders from the home in cases where there is reason to believe, that violation has occurred and will continue to occur. Finland, Ireland, Spain and The UK have similar laws, although not so far reaching, and Luxembourg and Germany are working on implementing acts of law to cover the area.

The dominant attitude has been that violence in the home was a less serious violation than violence in the public sphere. In order to counteract this attitude, Belgium (1997), France (1994), Portugal (1998) and Spain (1999) introduced acts of law, which define criminal assault between couples as an aggravating factor when convicting. The problem in considering violence in the home as a criminal act on a par with other criminal acts is partly to do with the fact that they take place in the home between intimately connected people, and partly because the seriousness of the act lies not so much in each single case, but rather that the acts are repeated. Violence is part of a pattern of coercion and repression. A law in Sweden (Women's peace paragraph 1998) accounts for this by creating a new breach of the law on gross violation of a woman's integrity. This gives the opportunity to prosecute based on the grounds of a behavioural pattern. When judging the sentence, emphasis is on the men's repeated or systematic behaviour. The advantages with this type of law are that it reflects on the character of the violence in the home, and acknowledges that the private and the repeated abuse should be seen as aggravating circumstances.

3.2. The European Parliament

Although not legally binding, a resolution issued by the European Parliament does indicate that criminalisation of domestic violence is an appropriate way for Member States to fulfil their legal obligations under EU law. In its Resolution on the state of women's health in the European Community 1999, the European Parliament called on Member States *to make domestic violence against women, including rape within marriage and sexual mutilation, a criminal offence and to set up services to help women who are victims of this kind of violence.*⁸

Although it has not yet become law, the European Parliament and European Council have proposed a new directive that would provide victims of domestic violence with the ability to retain their EU residency even after divorce from their EU resident spouses. Article 13(2) of September 2001 says that *divorce or annulment of marriage shall not entail the loss of the right of residence of an EU citizen's family members who are not nationals of a Member State where . . . (c) this is warranted by particularly difficult circumstances.* The accompanying explanatory memorandum explains that *the wording in the Article is vague and is meant to cover, in particular, situations of domestic violence.*⁹

The Official Journal 21 June 2002 criticised the wording of Article 13(2) as unduly vague and recommended that the wording . . . be more explicit, referring, inter alia, to family, domestic or gender violence, both psychological and physical in nature.¹⁰

3.3. The Council of the European Union

⁸ Resolution on the report from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on the state of women's health in the European Community (COM(97)0224 C4-0333/97) – www.europa.eu.int

⁹ Proposal for a European Parliament and Council Directive on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States (COM/2001/0257 final - COD 2001/0111) – www.europa.eu.int

¹⁰ Opinion of the Economic and Social Committee on the "Proposal for a European Parliament and Council Directive on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States" (COM(2001) 257 final — 2001/0111 (COD))

Finally, although also non-binding, the Council of the European Union has issued a report¹¹ containing draft Council conclusions on review of the implementation by the Member States and the EU institutions of the Beijing Platform of Action, October 2002 with regard to the issue of domestic violence. The report includes draft Council conclusions relating to domestic violence indicators. Member States must comply with the domestic violence provisions of the Beijing Platform for Action.

3.4. The Council of Europe

Although the Council of Europe (COE) has yet to create a binding instrument concerning domestic violence, the problem has been receiving increasing attention and both the COE and its Council of Ministers have issued a number of recommendations on domestic violence.

The COE's work on the issue of domestic violence began with Recommendation¹² adopted by the Committee of Ministers in 1985 followed by Recommendation in 1990 on social measures and family violence.

The Plan of Action to Combat Violence Against Women was finalised in 1998 and recommends a number of strategies to combat domestic violence, including legislative, judicial and law enforcement reforms. The Plan also emphasises the importance of prevention, education, assistance to victims and treatment of perpetrators.

In April 2000, the Parliamentary Assembly of the Council of Europe adopted Recommendation 1450¹³ on violence against women in Europe. In this Recommendation, the Parliamentary Assembly called on the Committee of Ministers to create a European program to combat violence against women with the aim of, among other things, *bringing in legislation outlawing all forms of domestic violence, establishing legal recognition of marital rape and making it a criminal offence, ensuring greater protection for women, for example by means of orders restraining violent husbands from entering the marital home and measures to properly enforce penalties and sentences, (and) ensuring greater flexibility as regards both access to justice and the availability of various procedures, with provision for ex officio action by the authorities, in camera hearings and court benches made up equally of female and male judges.*

4. An example of European plans for action:

4.1. The Daphne Programme

The European Union has initiated The Daphne Programme, which aims at supporting organisations that develop measures and actions to prevent or to combat all types of violence against children, young people and women and to protect the victims and groups at-risk.

Since 1997, Daphne has funded 303 projects.

¹¹ Council of the European Union, 21 October 2002 (13348/02) - Review of the implementation by the Member States and the EU institutions of the Beijing Platform for Action

¹² Council of Europe - declaration on policies for combating violence against women in a democratic Europe www.europrofem.org

¹³ Recommendation 1450 (2000) Violence against women in Europe - www.assembly.coe.int

The Daphne II¹⁴ programme (Council decision 2004/803/EC) is complementary to other programmes that exist in the Member States of the European Union, especially in the way it focuses on the exchange of good practices about violence across the Union.

From the total budget of EUR 50 Million for 2004-2008, the Commission will use 15% at its own initiative to improve the programme's impact and to play a more proactive role with a view to the dissemination of good practices. Activities to be covered are threefold. The first is to develop indicators on violence, so that the extent of a number of violence phenomena can be quantified. A second axis is to extract and deduce policy issues, wherever possible, from the work achieved by funded projects, with the aim of suggesting common policies on violence at Community level and reinforcing judicial practice. Finally, the third axis aims to disseminate, on a Europe-wide scale, good practices stemming from funded projects.

Daphne represents the starting point of NGOs and voluntary organisations co-operation at EU-level in the fight against violence towards children, young people and women. It encourages NGOs to set up or reinforce European networks and helps them implement innovative projects, the results of which can be disseminated to other Member States and regions. In many cases, these organisations offer services that the public authorities do not have the power or the ability to provide. Society will only benefit from the expertise and experience of the NGOs if their ideas and programmes are disseminated throughout the European Community and shared with like-minded organisations in other Member States.

The Daphne II programme closely follows the lines of the first programme, and the activities that can be supported are:

Identification and exchanges of good practice and work experience with a view in particular to implementing preventive measures and assistance to victims, mapping surveys, studies and research, field work with the involvement of the beneficiaries in all phases of project design, implementation and evaluation, creation of sustainable multidisciplinary networks, training and design of educational packages, development and implementation of treatment programmes and support for victims and people at risk, as well as for perpetrators, development and implementation of awareness-raising activities targeted to specific audiences.

4.2. National plans for action

The EU has committed the Member States to combat violence against women. According to the Beijing plan of action, violence against women is defined as any gender-based violent act, resulting in or assumed to result in physical, sexual or mental injury on women, including threats of such acts, coercion, or captivity, whether it takes place in public or private premises.

The EU initiatives against violence against women are mainly targeted towards intimate partner violence. That is, violence that mainly takes place in the private residence and is committed by a present or former partner. The violence includes physical, sexual and psychological acts of violence.

During the Danish EU presidency in 2002, it was agreed to analyse the magnitude of the problem, to describe victims and perpetrators and to assess the actual means to combat and reduce violence against women in the different member states¹⁵.

¹⁴ www.europa.eu.int/comm/justice_home/funding/daphne/funding_daphne_en.htm

¹⁵ The Danish Government's action plan to stop violence against women - www.lige.dk.

The Danish EU Presidency thus proposed seven indicators with a view to a future follow-up to the Beijing Platform for Action as regards domestic violence against women and invited future Presidencies to follow-up the indicators. Among the aims of the indicators is the collection of comparative data on violence against women.

The seven indicators are:

1. Profile of female victims of violence
2. Profile of male perpetrators
3. Victim support
4. Measures addressing the male perpetrator to end the circle of violence
5. Training of professionals
6. State measures to eliminate domestic violence against women
7. Evaluation

4.3. Definitions

The term domestic violence is not equal to intimate partner violence. However, the present information on place of occurrence allows us to estimate the amount of domestic violence, being violence against women taking place in a private residence. Most often the perpetrator in these cases could be a former or present partner, in some cases however it could be another person known by the victim, such as a friend, father, brother or other relative.

The term single woman refers to a woman who is not married or living with a partner. However, a single woman can be subject to intimate partner violence. If the perpetrator were the woman's ex-partner, or a boyfriend not cohabiting with her, the violence would still be defined as intimate partner violence.

5. Children and domestic violence

5.1. The UN Declaration of the Rights of Children¹⁶

The family is seen in a high degree, as a private domain. That is the reason why there traditionally, has never been a written child and family policy. Physical punishment of children as part of an upbringing is not a new phenomenon, and during the last hundred years there has been no warrant to include it in acts of law. The parents' "right" to punish their children physically survived in Denmark until 1997, despite radical changes in the structure of the family, brought about by the changes in society during the 1960's and 70's.

The UN's Convention on the rights of children was passed at the General Meeting in 1989 to secure the rights of children the world over. It is more extensive than The Declaration on the

¹⁶ The Convention on the Rights of the Child was adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 – www.unicef.org

Rights of Children, passed 30 years earlier. The declaration, which is soft law, was not legally binding, as is the case at a convention. Poland suggested therefore, in 1978, that UN should prepare and pass a convention, hard law, concerning children's rights. The work took 10 years instead of the 1 that Poland had expected.

The convention differs on a number of points from the other international human rights conventions. This international convention is the quickest in the world to have been ratified by most countries. It was ratified in Denmark in 1991. At the moment only the U.S.A. and Somalia have not ratified the convention. This means that 96% of the world's children live in countries that are legally bound by The Convention on the Rights of Children.

The convention is not an act of law, which can be used to sentence and punish countries. It is a set of guidelines, which the government of each country has a duty to uphold. If they do not, they can be criticised and reprehended by other countries and organisations – e.g. UN's Child Committee.

This applies to all societies, cultures and religions. No one can, from a legal aspect, take advantage of or suppress children or youths while referring to the excuse that it is customary in their culture. The convention ascribes that children be valued as humans who must be respected as independent individuals, and are therefore, not the property of any other person.

The backbone of the convention is comprised of 4 principles

- The right to life, survival and development. Children have a right to protection, care, health and education.
- For the child's best. Decisions having to do with children must be taken in the light of that which best serves the involved children.
- The child's participation. Children have the right to air their views and take part in activities that concern their daily life.
- Non-discrimination. All children, whatever race, sex, language, origin, handicap or other characteristics have the right to develop their potential fully.

The convention is binding for those countries that endorsed it, but it is the responsibility of each state to secure, via acts of law, the rights contained in the 54 entries.

5.2. Support and help to children that experience violence at home

In violent families children get a confused picture of peoples' interaction with each other, just as their need for care, attention and stability is put aside in favour of the "games" between the adults of the home. The effect of the violence on the child depends to an extent on the reaction of the adults. Having been witness to an assault on his or her mother, a child may react, even though he or she is not a direct victim of violence¹⁷.

These children will have particular needs relating to: support, care, attention, and predictability from adults they will meet in other contexts.

¹⁷ Behrens et al 2004

Some children have a need for professional help, while others get through with the support and care of sensible, responsible adults. But the experiences with violence can also give the child traumas. Post traumatic stress syndrome depends on: duration, extent, and context in which violence has occurred.

The need for support depends on each child's: resources, personality, and network other than their parents.

5.2.1. Child abuse and incest

Many children are abused. And incest and other abuse vary from forced masturbation, to sexualised beatings, touching of genitals, fellatio, cunnilingus and rape. Fathers, brothers, stepfathers, uncles, cousins and even grandfathers can be engaged in incestuous practices.

Women commit incest more rarely, but the number may be larger than realised. There are also cases of parents inviting neighbours to commit sexual outrages. The victims are mostly females. Many of the survivors of incestuous practices suffer from various psychological and physical disorders. One of the main problems is the enormous emotional difficulty in reporting these crimes, especially in the face of disbelief and lack of punishment for the perpetrator.

5.3. The child contact with the violent father

Children can find themselves in an emotional dilemma in connection with time spent with the father. Even though the child perhaps hates and fears the father, due to the violence inflicted on him or her self or the mother, the child is tied to him in a positive way. It can be difficult for a child to express this dilemma to the mother, as the child may feel split between the mother and father, and feels loyalty to both. Educators at the crisis centre play an important role in relation to speaking with the child about his or her needs. As far as the mother is concerned the educator has to create an understanding for and acceptance of the child's need of a father.¹⁸

5.4. Children whose fathers are imprisoned

One of the many taboos in the life of children with difficulties relating to criminality is when the father is in gaol. A taboo that is made worse, when the reason he is imprisoned is for assaulting the mother. Children do not find it easy to keep a secret, so consequently use a lot of energy on keeping one. We can all have an idea about the feelings a child has for their parents, but we cannot know what goes on inside each child's head, which makes it necessary for us to dismiss these ideas. When the father goes to prison as a result of violence against the mother, then there may be conflicting emotions in play, such as shame, anger, relief, grief, longing, anxiety etc.

The child can be worried about visiting their father in gaol. Older children may decide to distance themselves from a violent father, which should be respected. The younger child does not have that choice. The child may imagine what life in prison is like, that the father lives chained up in a small dark cell. One should help to create a realistic picture of prison, and help the child to express thoughts and feelings brought about by the father's sentence, e.g. longing for him¹⁹.

¹⁸ Behrens 2002

¹⁹ Behrens et al 2004

6. Violence against elderly people

In its many and diverse forms, violence is essentially a phenomenon both in historical terms and in today's society. Difficult as they are to comprehend, the forms of violence against the elderly are nevertheless virulent.

It also includes unconsciously committed forms of violence and discrimination, which contravene agreements founded on the rule of law.

The spectrum of violence ranges from neglect and psychological ill treatment, financial exploitation and restriction of freedom right through to physical violence.

Violence often occurs in close social or private relationships. Elderly people rarely report violence in the family and this results in a correspondingly high number of unrecorded cases.

Not only does the European Senior Citizens' Union want to denounce this deplorable state of affairs, but it also wants to achieve rapid changes. This requires clear and decisive action from all those responsible²⁰.

Aitken and Griffin (1996), writing from a feminist perspective, suggest that elder abuse should be included as a category in domestic violence, but should emphasise a gender-power analysis: The relationship between elder abuse and care, and between elder abuse and family violence, need to be revised. Neither care nor family violence by itself offers a sufficient explanation for abuse of elderly people.

The sexual abuse of older women is an area that has proved extremely problematic to consider, largely due to the difficulty that many people have in conceptualising older people as sexual beings. It was difficult enough to raise issues concerning child sexual abuse in the early 1980s, for example, so to consider an older woman as the subject of sexual violence may prove very difficult. Throughout the 1990s, issues concerning violence towards older people have been raised and the silence wrought by the taboo has been challenged and gradually eroded.

Although there is an absence of agreed or standard definitions of abuse, most people concerned with the issue agree on the different types of abuse that can happen. These are physical abuse, sexual abuse, neglect, financial abuse (also referring to exploitation and misappropriation of an individual's property and possessions), and psychological and emotional abuse. To these may be added such categories as abandonment, enforced isolation and deprivation of necessary items for daily living (warmth, food or other aspects, such as teeth). Some of these types appear to be reasonably distinctive to older people: for example, neglect or financial abuse may occur in ways that are not commonly seen in situations concerning children or young women.

Furthermore, the lack of data available about older women may be evidence in itself of the difficulty older women experience in speaking about their situation. Many writers on elder abuse report that older people will not disclose violence for a range of reasons, which include:

- fear that the complaint will increase the violence

²⁰ www.eu-seniorunion.info

- inability to complain because of loss of communication skills
- fear that the complaint will precipitate committal to institutional care
- isolation of the victim and being too ashamed to report the abuse.²¹

7. Different types of domestic violence

Domestic or family violence contains all forms of affliction: physical violence, sexual abuse, mental/psychic pressure and manifestations of the control of one party. It takes place in the family – in households. The victims usually are women and children, but sometimes they are also other members of the household, including men.

Physical violence includes the following forms of abusive behaviour and torture: kicking, beating (by hand, stick, belt), hair dragging, burning with cigarettes, hot water scalding, binding to furniture, tearing hairs and the like. Deliberate negligence in taking care of a child can also be comprised here. Psychic/mental coercion includes emotional and verbal abuse – cursing/bad language/bad names, verbal attacks against self-confidence of the abused person, humiliation and ridiculing. In the relation to children, this can comprise indifference, unconcern and lack of care, or permanent comparison with the sibling who is, according to parents, wiser, more successful, more orderly and the like.

Sexualised violence comprises sexual acts, as rape, sexual abuse, forcing to watch pornography and others. Another form of domestic violence is social abuse, for instance when a person is prevented from having contact with other people and/or friends, where the person is locked in the apartment, and where the person is not allowed to use the phone. There is also economical abuse when the abuser prevents the victim from using financial means. This occurs especially in the violence perpetrated on women.

Violence takes on many disguises but it is the man's dominance and the oppression of the woman that is the main feature. There is 'violence in the family'²², when one part

- uses violence to make the other part act against their own wishes
- acts contrary to desires from the other
- causes damage – on one or more than one occasion – to control the other

7.1. The normalising process of violence

Experience tells us, that the considerations of battered women concerning the consequences of breaking silence keeps them in a violent relationship, or makes them return to one. There entails a psychological undermining of the woman, a so-called normalising process: The violence has become integrated in the relationship as a normal everyday occurrence, leaving the woman without the possibility to distinguish between what is normal and what is not. The

²¹ Two lives – two worlds

www.ofw.facs.gov.au/downloads/pdfs/d_v/two_lives_two_worlds_older_people_dv_two.pdf

²² Hand book in managing victims of domestic violence, 2004

worry of leaving can overshadow the anxiety of violence. There can even be a sense of security in the pattern, simply because she, in time learns to decode the man's behaviour and can prepare herself²³.

7.1.1. Masculinity and violence

In recent times, anthropologists and scholars have pointed out that, in certain contexts and in certain societies, being "masculine" in an ideal sense involves a tolerance of violence. Outrage, anger and the use of violence is for these men seen as a legitimate means of resolving a conflict.

Unless there is public education and campaigns to try and counter the negative images of violent men as ideals for a society, the heroic male stereotype in many societies may still be the one "carrying the gun" as seen in many films. Such an ideal has serious consequences for women.

Violence against women in the family in the name of culture is often sanctioned by dominant ideologies and structures within societies. These ideologies and structures emerged in a different era but continue to dominate public opinion and individual lifestyles, thus preventing the eradication of practices that are harmful to women.

Women who fall in love with men of a different ethnic group, class or community are often subject to pressure to ensure that their behaviour conforms to the norms of the family. In these contexts, women's right to control their own lives counts for little, as do girls' and women's claims to liberty or freedom of expression, association, movement and bodily integrity.

It is a strenuous burden for a child to overhear or see the mother being subjected to physical or psychological violence, or threats of that nature. Norwegian and Danish research²⁴ shows that children who witness violence often show signs of disturbance such as:

- anxiety, restlessness, insecurity, or lack of trust in other people
- depression, low esteem, suicidal thoughts
- aggression or fear in general

Living with violence affects both boys and girls well being and development both in the long and the short term, and the children can develop physical symptoms such as:

- headache, stomach ache
- concentration difficulties
- sleeplessness or bed wetting

²³ Handbook in managing victims of domestic violence, 2004

²⁴ "En opvækst hvor mor bliver mishandlet – fra barnets synsvinkel" by Else Christensen TemaNord 2002:545.

Over a longer period of time the experiences of violence, lack of parental care and in a number of cases chaotic living conditions, lead to an increased risk that these children, when adults, will experience more mental and psycho-social problems than other grown-ups.

The violence becomes part of a greater trauma, the chaotic conditions in the home, terrible living conditions, lack of care, the possibility of having to move to a crisis centre and the violence itself, all have an influence on the development of a child. So it is not hard to imagine how it will affect the child in almost all walks of life, resulting in e.g. he or she finding it difficult to concentrate on friends and at school, and perhaps being shut out or seen upon as a "problem child" or "different".

Children living in violent families are often scared, nervous and unsure of themselves. They live with constant uncertainty as to when father or mother will be angry again, and they often use a lot of energy trying to read the signs. They keep their eyes open, working out when something is going to happen.

The violence is often tabooed in volatile families, and the child cannot come to terms with his or her anxiety by talking with the grown ups in the family, neither can they talk to others about the abuse. Some children feel ashamed, and attempt to cover up what is actually happening, and even blame themselves for the violence, while others feel that there is something wrong with them. Boys in particular keep their thoughts to themselves. This may have to do with upbringing, film, advertisements and culture, but also because it is not particularly "macho" to talk about feelings. It is to a greater degree up to the surroundings, e.g. health workers, day care institution, school, doctor etc. to perceive and take responsibility for the signs of violence in the family.

The report "Ung og Koen"²⁵ describes the connection between being exposed to violence in childhood and practising violence and criminality later on in life, particularly among boys. As far as girls are concerned, there is a connection between being exposed to violence in childhood, and becoming a victim of violent behaviour as an adult. The pattern of violence repeats itself in such a way, that the girl who has experienced violence in the family, is herself exposed to violence as an adult, while the boy as a grown man exerts violence. Researchers are of the opinion that the boys will repeat their father's violent behaviour as adults, causing a negative social inheritance. The prevention of violence in the environments of children and young people can be a contributory factor in the prevention of criminality and violence in adult life.

8. Ethnic minorities in European Societies and domestic violence²⁶

²⁵ Sørensen 2001, p. 30

²⁶ Integration of the human rights of women and the gender perspective violence against women – Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, submitted in accordance with Commission on Human Rights resolution 2001/49 Cultural practices in the family that are violent towards women

In many societies outside Europe, and also in minority communities in Europe, young girls are prepared for marriage from a very early age. Girls are schooled from birth to be respectful, hardworking and self-sacrificing, respectful of their parents' wishes and choice of a groom, dedicated to ensuring that the housework will be done and all other members of the family will be looked after, and self-sacrificing even to the extent of sacrificing their own lives.

Forced marriages are a common occurrence in some immigrant societies in Europe. Parents and relatives, in order to force the young girl into an unwanted marriage, use relentless pressure and emotional blackmail. Their more extreme forms can involve threatening behaviour, abduction, imprisonment, physical violence, rape, and in some cases, murder. Forced marriages must be distinguished from arranged marriages, which operate successfully within many communities. While both men and women experience forced marriages, it is primarily seen as an issue of violence against women. Marriages are forced upon young women for such reasons as strengthening family links, protecting perceived cultural and religious ideals, preventing "unsuitable" relationships, protecting family honour and controlling female behaviour and sexuality.

During marriage, a wife may be treated like a slave. She is under the authority of the husband and she has to perform her "wifely duties" adequately if she does not want to be threatened physically and emotionally. These practices and many others constitute a form of domestic violence but have in many countries avoided national and international scrutiny because they are seen as cultural practices that deserve tolerance and respect. Cultural relativism is often an excuse to allow for inhumane and discriminatory practices against women in the community.

Other cultural practices that amount to discrimination likewise require international attention. Women's right to free and full consent to marriage, the right to equality with the partner throughout a marriage and at its dissolution, and the right to inheritance and property are also matters that are of serious concern.

8.1. Honour killings

Honour killings have received international attention and are more and more well known in many minority communities in the Europe. Husbands, fathers, brothers or uncles, carry out honour killings, sometimes on behalf of tribal councils. In order to reduce the punishment, it is mainly the under-aged males of the family who carry out the killing. They are then treated as heroes. The action is further endorsed by their fellow inmates in prison, if they are sent there, who wash these young boys' feet and tell them that they are now "*complete*" men. The act is regarded as a rite of passage into manhood. Ironically, it is not unheard of for female relatives to either carry out the murder or be accomplice to it.

As honour killings often remain a private family affair, there are no official statistics on practice or frequency and the real number of such killings is vastly greater than those reported. These murders are not based on religious beliefs but, rather, deeply rooted cultural ones. Family status depends on honour. In patriarchal societies maintaining the honour of the family is a woman's responsibility. In these societies, the concept of women as commodities and not as human beings endowed with dignity and rights equal to those of men is deeply embedded. Women are seen as the property of men and they have to be obedient and passive, not assertive and active. Their assertion is considered as an element that would result in an imbalance of power relations within the parameters of the family unit. Women who escape honour killings are often in a terrible situation, living in constant fear of their lives. Their right to liberty and movement is also restricted if they are imperilled women.

8.2. Female genital mutilation

Female genital mutilation (FGM), a deeply rooted traditional practice, is believed to have started in Egypt some 2,000 years ago. The methods and types of mutilation differ according to the origin country and ethnic group. But, FGM may be broadly classified into four groups: Circumcision, Excision, Infibulation and Intermediate.

The main reasons given for the continuation of this practice are custom and tradition. In societies where FGM is practised, a girl is not considered an adult or a complete woman until she goes through the “operation”. Some societies believe that all persons are hermaphroditic and the removal of the clitoris makes the female a “pure woman”. It is said also to test a woman’s ability to bear pain and defines her future roles in life and marriage while preparing her for the pain of childbirth. FGM is also a result of the patriarchal power structures, which legitimise the need to control women’s lives. It arises from the stereotypical perception of women as the principal guardians of sexual morality, but with uncontrolled sexual urges.

FGM reduces a woman’s desire for sex, reduces the chances of sex outside marriage and thus promotes virginity. It is also deemed necessary by society to enhance her husband’s sexual pleasure. A husband may reject a woman who has not gone through the operation. Health reasons are also put forward as justifications for FGM. Non-mutilated women are considered unclean. It is believed that FGM enhances fertility. It is considered that the clitoris is poisonous and that it could prick the man or could kill a baby at childbirth.

FGM was widely publicised in Western countries in the 1970s by European and North American feminists. As a result, individual countries began to pass legislation that either regulated or banned FGM. Sweden was one of the first countries specifically to condemn FGM. It banned health professionals from performing the operation in 1982.

FGM is illegal in all its disguises and punishable according to Danish Penal Code, inasmuch as it is covered by the penal code §245 dealing with bodily harm and can be punished with up to 6 years’ imprisonment. Moreover, FGM of girls is a breach of UN’s child convention. In Denmark it is also punishable if the circumcision is carried out in another country - even if circumcision is not forbidden according to the countries’ law. Boys are protected against circumcision by the UN’s child convention, but circumcision of boys is not punishable in Denmark.²⁷

Health personnel and other professional persons’ confidentiality does not stand in the way of reacting, if someone is in danger of FGM.²⁸

8.3. Dress code

Some minority women identify very much with their culture and are offended by the arrogant gaze of outsiders who criticise their way of doing things. Some women therefore do not mind wearing the veil, they see the veil as subversive against the Western society. Cultural markers and cultural identity that allow a group to stand united against the oppression and discrimination of a more powerful ethnic or political majority often entail restrictions on the rights of women.

The strictest form in dress code is the *burqua*, which is, even in Europe, worn by many Somalian women. And many women from the Middle East, living in Europe, wear the *chador* when they go out. In many countries it is considered immoral and indecent for women to appear in public without a head covering or without a certain dress.

²⁷ Administration Act §28.2

²⁸ Nielsen, S 2004 used a number of times throughout the text

These dress codes or modesty codes are supposedly prescribed so as to desexualise women and thus protect them from violence. They are also to ensure that women's chastity is preserved so that they do not arouse the desire of men other than their husbands. However, in actual fact, they restrict women's movement and their right to expression. Health hazards connected to these garments are also common. Such dresses may cause asthma, high blood pressure, decalcification of the bones, hearing or sight problems, skin rashes, hair loss and a general decline in mental condition.

For some women, however, these dress codes can also be liberating, depending on the context and on the political situation. For example, the veil can be a powerful symbol against "Western living". As long as the choice of dress is made with the wearer's full consent, the rights of individuals are not compromised. However, if dress codes are forced on women and if punishment is meted out for not wearing very cumbersome attire, their rights of choice and expression are clearly denied.

8.3.1. Summary

States have been reluctant to intervene with regard to cultural practices in the family, often stating that this is a "private" matter and the State has no obligation in the domain of the "domestic". Throughout the world, domestic violence has rarely been prosecuted because of this private/public differentiation. However, since the 1980s, international standards have emerged that are very clear on the matter of domestic violence and the duties of States to eradicate violence in the family.

Throughout Europe, there still are practices in the family that are violent towards women and harmful to their health. Young girls are circumcised, live under severe dress codes, given in prostitution, denied property rights, and killed for the sake of honour in the family. Women who fall in love with the "wrong" man and choose their own husband, commit adultery, request divorce, or are seen as transgressors of the boundaries of appropriate sexual behaviour are subject to direct violence of the most horrific kind. The limitation of women's sexual rights within marriage has often led to a great deal of abuse in the family. It is only recently and only in a few jurisdictions that marital rape is being recognised as a violent crime.

9. Glossary

Burqua (burqa): a head-to-toe garment worn by Muslim women in certain parts of the world, notably Afghanistan.

Chador: an outer black all-enveloping garment worn by some Muslim women.

Circumcision: *Male-circumcision:* Surgical removal of the foreskin of the penis. This is usually done soon after a boy is born.

Female-circumcision: The practice of removing a girl's clitoral hood, clitoris, and/or the labia; often called female genital mutilation. This is practiced in some African, Near Eastern, and Southeast Asian cultures.

Context: the set of facts or circumstances that surround a situation or event; "the historical context".

Convention: a treaty; an international convention: a text of law signed by two or more countries with essential or procedural provisions.

Cunnilingus: Oral stimulation of the female genitals for sexual purposes.

Dowry: money or property brought by a woman to her husband at marriage.

Excision: To cut or remove.

Explicit: precisely and clearly expressed or readily observable; leaving nothing to implication; "explicit instructions".

Fellatio: Oral stimulation of the male genitals.

FGM : Female genital mutilation: Collective term for various traditional practices which are all related to the mutilation of the female genital organs. Four different forms and grades of FGM are usually distinguished. FGM is a severe violation of human rights and burdened with severe health and mental dangers. FGM is still practised in at least 28 countries and affects around 130 million women and girls worldwide.

Gaol: jail: a correctional institution used to detain persons who are in the lawful custody of the government (either accused persons awaiting trial or convicted persons serving a sentence).

Infibulation: Infibulation, in its modern use of the word, is the practice of surgical closure of the female labia majora by sewing them together to seal off the female genitalia, leaving only a small hole for the passage of urine and menstrual blood. This is usually done on young girls around the onset of puberty, to ensure chastity. It is usually linked with female circumcision, or removal of the clitoris and, usually, the labia minora as well, in order to render women theoretically less sexual.

Jurisdictional: restricted to the geographic area under a particular jurisdiction; "the jurisdictional limits of a state".

Mutilation: Mutilation is an act or injury that degrades the appearance or function of the (human) body, usually without causing death.

NGOs: Non Governmental Organisation.

Post traumatic stress syndrome: Post-traumatic stress disorder (PTSD) is a term for the psychological consequences of exposure to or confrontation with stressful experiences, which involve actual or threatened death, serious physical injury or a threat to physical integrity and which the person found highly traumatic.

Trauma: Physical injury caused by violent or disruptive action, or by the introduction into the body of a toxic substance, or a psychic injury resulting from a severe emotional shock.

10. Important legislation

<http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>

(The CEDAW convention)

http://www.europarl.eu.int/news/expert/infopress_page/014-4909-33-2-5-902-20060131IPR04892-02-02-2006-2006--true/default_en.htm

<http://www.un.org/womenwatch/daw/news/vienna.htm>

(Judicial colloquium on the application of international human rights law at the domestic level)

<http://www.un.org/womenwatch/daw/beijing/platform/index.html>

(UN Beijing Declaration and Platform for Action)

http://www.euowrc.org/06.contributions/1.contrib_en/45.contrib.en.htm

(Human rights and legislation to domestic violence)

<http://www.humanrights.coe.int/equality/Eng/WordDocs/2002r5%20Violence%20recommendation%20English.doc>

(Recommendation Rec(2002)5 of the Committee of Ministers to member States on the protection of women against violence adopted on 30 April 2002, Council of Europe)

<http://www.legislationline.org/index.php?topic=107&country=31&org=0&eu=0>

(Law on domestic violence in Poland)

<http://www.stopvaw.org/Slovakia.html>

(Law on domestic violence in Slovakia)

<http://www.stopvaw.org/Poland2.html>

Polsk lovgivning om vold mod kvinder

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Behrens, H., et al., *Fagfolk omkring smaaboern*, Esbjerg, Publisher: VFC Socialt Udsatte, 2004, Page 12-67

Centralkriminalregisteret (The Central Criminal Register)

Landspatientregisteret (The Danish National Patient Register)

LOKK (Landsorganisationen Af Kvindekrisecentre) *Naar droemme og haab forvandles til mareridt, En rapport om: Danske maends vold mod udenlandske kvinder og boern*, Publisher: LOKK, 2003, Page 5-47

Nielsen, S.L., *Ung & koen*, Publisher: Ministeriet for Ligestilling (Ministry for Equality) 2004, Page 0- 29

Raal, K., *Metoder og metodeovervejelser i arbejde med boern paa krisecentre*, Publisher: Formidlingscentret for socialt arbejde 2001

Statens Institut for Folkesundhed, *Maends vold mod kvinder*, 2004

Sundheds- og sygelighedsundersøgelsen (Health survey), 2003

Soerensen Rieck, A., *Koen & vold – om voldsforskning i Danmark*, Publisher: Videnscenter for Ligestilling, 2001

12. Important websites:

www.un.org (United Nations homepage, publications, human rights, international law)

www.europa.eu.int (gateway to the European Union)

www.unicef-icdc.org (Unicef homepage)

www.stopvaw.org (The Stop Violence Against Women website, is a forum for information, advocacy, and change)

www.womenlobby.org (European women's lobby, about gender equality, violence against women)

www.whrnet.org (Women's Human Rights Net)

www.inifem.org

www.endabuse.org (Family violence prevention fund, programs for children, immigrant women, public education)

www.unhchr.ch (Office of the United Nations high commissioner for human rights)

www.onpea.org/strategy

www.manderaad.dk (A male counselling organisation)

13. Appendix

13.1. Violence in Danish homes – Who and how many?

The following aims to sum up the extent of violence used amongst present and former spouses, cohabitants and boyfriends behind closed doors in Danish homes.

13.2. Profile of the victims of violence

The following data has been obtained from sources that are in contact with battered women.

The State Institute for Human Health, 2004 - Police - reported physical violence²⁹:

- 50 killings and attempted killings on women are reported yearly
- approx. 25 women a year die due to injuries caused by violence
- 0.1% of all adult women report every year that they have been exposed to physical violence
- among battered victims is an excess of single women.
- among battered victims are an excess of unemployed women
- half of the incidents of violence are exerted by a present or former partner
- a predominant amount of accounts of violence are committed by a person who knows the victim well
- 60% of cases of violence happened in the victim's home.

Hospital treatment of physical violence³⁰:

- 0.2% of all adult women are treated each year for violence induced injuries at a casualty ward
- approx. 33% of incidents of violence are caused by a present or former partner
- approx. 60% of violent incidents occur in a private home, of which 2 out of 3 occur in the victim's own home.

Police reported violence and hospital treatment

- 50% of police reported violent incidents were investigated at hospitals
- one third of hospital treated victims of violence have also been reported to the police
- Approx. 6,500, corresponding to 0.3% of all Danish women who have reported physical violence to the police, have been treated for violence induced injuries at a hospital or have both reported the incident to the police and as a result been treated at a hospital.

13.3. Population report³¹

²⁹ The Central Criminal Register

³⁰ National Patient Register

³¹ Health and sickness research in 2000

Approx. 4% of all adult women has reported an experience of one or more types of physical violence within the last year. This corresponds to approx. 64,000 adult women each year experiencing physical violence. Of these, 13% are 16-20 year olds, and 7% 21-30 year olds

Brutal violence is reported more likely to be reported amongst older victims than younger ones.

Women with a longer education are more likely to report if they have been a victim of violence than those with a shorter or very short education.

Unemployed women are those who report incidents of violence most frequently.

2.5% of all adult women report being victims of violence committed by a former or present partner.

50% of victims of violence report having been exposed to "slight" violence (being pushed or struck) but rarely brutal violence.

A greater percentage of older rather than younger victims report being exposed to brutal violence.

13.4. Data from women crisis centres³²:

Approx. 2,000 women a year move to a crisis centre, bringing with them 2,000 children.

Most are married or live together with a man.

75% stated that the violence was committed by their present partner.

15% stated that the violence was committed by a former partner.

In relation to population compilation there is a majority of women from other ethnic backgrounds (approx. 40%).

Among the non-ethnic Danish women the violence is in 15% of cases committed by an ethnical Danish man.

The women state that they do not have the possibility of staying with family or friends.

13.5. Comparison of data for women victims of violence:

Approx. 4% of all adult women have experienced physical violence within the last year.

Approx. 2.5% of all adult women have experienced physical violence from former or present partners.

Approx. 0.1% of all adult women have reported physical violence to the police within the last year.

Approx. 0.2% of all adult women have been treated at a hospital for violence induced injuries within the last year.

³² LOKK (National organisation of women crisis centres in DK)

13.6. Summary

4% of all adult women in Denmark have reported being exposed to physical violence in the course of a year. 50% were victims of brutal violence. In 2 out of 3 cases the offender was their partner.

0.3% of all adult women have been exposed to physical violence during a year that has been either reported to the police, treated at hospital, or both. In 50% of the cases a present or former partner committed the violence.

There are more unemployed women and women with secondary jobs, than women in higher social positions, who report violence to the police. However, there are a greater number of better-educated women than women with a shorter education, who report to the police that they have been the victims of violence.

Younger women are 3 times more likely to be exposed to violence than older women are, and the risk of violence is greatest among single women.

Women crisis centres are contacted first and foremost by non-ethnic Danish women, who are victims of violence in their own home by their partner, and in circumstances where the women does not have the opportunity of staying with family or friends. The profiles of these battered women are therefore different from those of other battered women.

13.7. Violent offender profile

Danish Institute for Human Health - Police reported violence³³:

Approx. 0.1% of adult men in Denmark are charged for violence against women, calculated that one man can be the perpetrator of more than one reported incidence of violence.

Approx. 7,000 men and 600 women are sentenced each year for violence; in other words there are more than 10 times as many men as women, who exercise – or in any case are sentenced for - violence.

Men who receive treatment and counselling via Manderadgivning³⁴:

Approx. 420 men have received treatment and/or counselling at one of the country's 3 treatment centres.

Age distribution among violent perpetrators:

- one third are under 30 years of age
- one third are between 30 and 39
- one third are over 40

Social status and ethnicity:

Approx. 50% of the perpetrators of violence are unemployed (unemployment benefit, pension).

³³ Central Criminal Register

³⁴ Male counselling register

Ethnic Danish men commit approx. 15% of violence against women with a foreign background.

13.8. Summary

Registering and research of perpetrators of violence is extremely limited compared with the research and registering done on victims.

0.1% of all adult men are charged each year with violence against women, and half of the cases revolve around violence against a partner.

The perpetrator of violence is often older than the victim; often without employment and in approx. half of the cases lived together with the victim.

In Denmark there is no reported data concerning how many men every year use violence against women, due to the fact that there has not been any population research that includes the question of violence exercised on women.

In police reported cases of violence there is an excess of men who are socially very poor, but there can be an ethnic and social imbalance as to who is charged and brought before a court.

13.9. Supporting victims of violence

Since March 2002, as a follow up to the governments Plan for action to combat violence against women there have been a number of campaigns, new websites and distribution of information pamphlets, aimed at informing women about the offers of counselling, support and treatment of violence, The information is available in Danish and 5 other languages. The plan for action involves the following:

- Website³⁵, hotline telephone numbers and information about crisis centres
- 37 crisis centres for women ready to receive and counsel battered women
- information pamphlets, websites and hotlines
- tuition about violence against women at police training school
- the opportunity for free legal help in the form of a lawyer, when registering an assault
- state analysis and statistical accounts concerning violence against women
- easily available and free entry for victims at casualty wards, emergency medical wards and doctors clinics
- opportunity for post graduate tuition on the subject of violence against women for a number of personnel groups within the health service
- 8 admission wards and treatment centres for rape victims at central hospitals and university hospitals

³⁵ www.voldmodkvinder.dk

- The granting of economical means so as to secure entry at women crisis centres for handicapped women.

13.10. Offers aimed at the perpetrator

In connection with the aforementioned plan for action aimed at violence against women, there are also established initiatives aimed at the male perpetrators so as to prevent a repeat of violence; Project Dialogue against violence:

free and anonymous offer of treatment,

referral of violent men from women crisis centres, social authorities, police and doctors,

focus on the family, offer of involvement by the female partner in the treatment,

offer of treatment for 1 year.

Likewise, the project 'Alternative to violence':

- free offer of treatment based on experiences from 'Alternative to Violence' in Norway
- opportunity for group treatment for up to a year

Psychological-psychiatric treatment:

- mainly for men, who have been sentenced for sexual assault on children and youths
- exclusively in connection with serving of sentence

NGO - offer:

- 'Manderaadgivning'(Male Counselling) offers free conversational therapy to men wishing to change their behaviour.

13.11. Summary

Approx. 44,000 women in Denmark report that a partner within the space of a year has exposed them to violence. Of these, approx. 2,000 women were granted refuge at a crisis centre. There is no possibility of uncovering how many battered women wanted to stay at a centre; it has only been established that 22% were granted refuge.

Approx. 7,000 men are convicted on the grounds of violent behaviour within a year, and 420 men have received treatment from a supportive offer of treatment. It is not possible to uncover whether those convicted are also the ones who have agreed to treatment. However, given the facts, 16% have chosen to try and change their behaviour.

13.14. Training professionals

Supplementary training is offered to professional workers, in contact with women victims of violence:

theme days for professional personnel working for the social sector as well as decision-makers,

supplementary training of personnel at crisis centres,

permanent subjects as pre-graduate within health science, human health science and nursing,

permanent subjects as post-graduate within the medical profession in female diseases and general medicine,

permanent subjects during basic training at police academy.

13.14.1. Danish efforts to combat violence

It is the aim of the government to combat violence against women and children, exposed to violence. Since March 2002 the government has therefore strengthened the effort to combat violence against women, particularly through implementing a plan of action. In 2004 these activities focused on a wide range of target groups. Among these were the employees at the crisis centres, who were trained so as to be better equipped to support battered women of ethnic minorities. On the 20th of April 2005 a new plan for action 'The Combating of Male Violence against Women and Children in the Family' was released. Over 64 million DKK have been earmarked for the joint effort, which will run from 2005 to 2008.

The activities are aimed at

giving the victims the necessary support,

curbing violence amongst others by offers of treatment to the perpetrator,

strengthening the authorities interdisciplinary efforts,

increasing the gathering of information regarding violence.

The plan for action involves a number of initiatives aimed at women from ethnic minorities. A campaign has just started which aims at this target group, who are to be helped in developing and extending their personal network in the event of violence.

13.15. Actual Danish legislation against domestic violence

Violence against women in the home is a crime, which is punishable along the same lines as any violent attack on another person. Violence against women is considered as a human rights problem, which the state has a responsibility to combat. As well as the following legislation there is need of an overall effort, not just in relation to the woman, but also in relation to the children of the family and the perpetrator.

The Danish Penal Code³⁶

§244. A person, who uses violent action against another person, or by any other means causes grievous bodily harm, is punished by fining or imprisonment of up to 3 years.

§245. A person, who submits another person or persons to grievous bodily harm of a brutal or dangerous character, is punished by imprisonment of up to 6 years. Should bodily harm result in considerable damage to the body or health in general, it will be considered as particularly aggravating circumstances.

Subsection 2. A person inflicting another person with grievous bodily harm in a way not covered by the cases mentioned in subsection 1, will face punishment of up to 6 years in prison.

§246. If a grievous bodily attack, covered under §245, been of a particularly brutal character, or resulted in serious damage or death, then the prison sentence can be up to 10 years.

§247. Should any of the crimes mentioned in §244-246 be committed by a person with an earlier conviction on the grounds of purposeful grievous bodily harm, or a crime connected with purposeful violence, then the sentence can be increased by as much as 50%.

Subsection 2. The same applies, when a crime as mentioned in §244-245 is committed on a person, who due to the character of his work is exposed to violence.

The penal code regulates the punishment for violence. Punishment by fine, reduced imprisonment or imprisonment, depends on the character of the violence. Action taken in self-defence is not punishable. It is police investigations that form the basis of a possible charge. Penal code §13, §14, §244-246.

13.16. Expulsion Act

The expulsion act and the authority to inform of protection order became effective July 1st of 2004. Expulsion implies an effective sanction prohibiting residence, by removing violent and threatening persons from the residence so as to prevent violence in the home.

13.17. Investigation of violence in a relationship

The Administration of Justice Law §742.2. The police are bound, after having been notified or otherwise, to initiate an investigation when there is reason to assume that punishable violence is taking place in a home. This applies also to reports of violence in a relationship, regardless of whether the report is given by the aggrieved or by a third party. The investigation rests on information from the informer, victim, perpetrator and witnesses, as well as information and evidence gathered at the scene of the crime.

13.18. Support and temporary housing for the woman

The social services bill §94. It is the duty of the County to secure temporary offer of accommodation (e.g. crisis centre) and support help, care and follow up help to persons with special problems, and who have not or cannot reside in their own home. Moving to the

³⁶ The Danish penal code

aforementioned type of housing can be done by enquiring at or by reference from the local authorities.

13.19. Safety alarm

Women threatened with violence can be given a safety alarm from Mødrehjælpen (Mother Help) or from the police.

13.20. Custody

Custody and Child Access bill §19. The parent who does not have custody of the child is entitled to information from schools, child day care as well as the health and social services, if it is considered not to be in danger of harming the child. Under certain circumstances access to information can be denied.

13.21. Protection of name and personal data

The Central Registration Bill §28-29. Any person has the right to apply for protection of their name and address at their county hall, to avoid such information being passed on to private persons.

13.22. Danish residence permit

A foreign woman who has been subjected to violence - and who has a residence permit gained through marriage - must prove that the actual reason for the termination of married life is violence, if she is to uphold or extend her residence permit. Each single case is evaluated – specifically and individually- taking into accounts all relevant circumstances, before reaching a decision:

- her connections to Denmark
- how long she has lived in Denmark
- the situation in her native country
- her connections to her native country

A rising problem is ascertained regarding violence against foreign women married to Danish men, especially women from Thailand, the Philippines, as well as the Baltic Countries. The problem of violence is widespread in these relationships, and to a great extent tabooed. Because foreign women stay away from hospital casualty wards and their own doctor after an attack, it is difficult to document the violence. They feel more secure going to a crisis centre. The centres experience greater numbers of foreign women seeking refuge from a violent husband³⁷.

14. Children and violence in the homes

³⁷ Handbook in managing domestic violence, 2004

Almost 30,000 children in Denmark alone every year witness their mother exposed to violence or threatened with violence³⁸. It is difficult to reach exact figures as to how many children are victims of violence at home. Of the children who witness violence against their mother at home, approx. every 4th child is a victim of violence. Nevertheless, it is only a limited number of these children that come in contact with casualty wards. Likewise, only a limited number of these children come to the attention of the social administration³⁹.

The UN committee regarding child rights put pressure on the Danish government in 1995, when the committee suggested further provisions to effectively stop violence against children in private homes. On the initiative of 'Red Barnets' (Save The Child) and 'Boerneraadets' (Children's Advisory Counsel) campaign 'No to Beating' the Danish political party SF (Socialist Peoples Party) proposed a law to change the bill of authority §2.2. Its aim was to remove any ambiguity as to a parent's right to beat their children as part of the process of bringing them up. On the 10th of June 1997, the government passes the bill: "The child has the right to care and security. He or she shall be treated with respect as a person and must not be exposed to physical punishment or in any other way be treated offensively".

It must be obvious that the law states extremely clearly that violence is forbidden, and that this applies to children as well. The desired effect is not to criminalize these parents but primarily to put forward the message that violence cannot be accepted. Furthermore, it is not a law of nature for parents to regard children as their 'property'. From a modern point of view it can be said that children own the right to their own life, but that parents and the state have a common responsibility to make sure they are brought up to form part of a sensible society. The rules they are confronted with at home, must be rules they can recognise later on in society.

14.1. An example of national Children's rights; Denmark

1849 Introduction of compulsory education for children

1930 Introduction of the age of criminal responsibility (15 years)

1930 Introduction of the age of consent (15 years)

1967 Corporal punishment abolished in schools

1969 Bill for the protection of children passed

1985 Introduction of a child's right to be heard in connection with parents divorce.

1991 Denmark accepts Child Convention

1997 The right to inflict corporal punishment repealed.

14.2. Duty to inform

§35. A person or persons who receive knowledge of a child or youth under the age of 18 years, who by their parents or others who are bringing up the child, is neglected or exposed to degrading treatment or who lives under conditions, that constitute a danger to their health (including circumcision) or their immediate development is in danger, has a duty to inform the authorities.

14.3. Professionals have a greater duty to inform

³⁸ Behrens 2002 – used a number of times throughout the text

³⁹ Report published by the Ministry of Equality 2004

Extended duty means that it is a duty to inform the local authorities, in the case of a child who has needs that are not met, and who has the need of help and support.

Professional workers, including doctors, health workers, teachers, educators and others, have an extended duty to inform the local authorities, should circumstances come unto their knowledge.

14.4. The local municipality has a duty to inspect

According to the social services act, the municipality has a duty to inspect the conditions in which children and minors under 18 years of age are living under in that county. This also includes children and youths residing at a crisis centre.

14.5. Violence and ethnicity

Are violence and the consequences of violence different depending on whether the child grows up in a family with a Danish father and mother, or a Danish father and a foreign mother, or whether the child is brought up in a family with foreign parents?

The reason for distinguishing between these different groups is, among others, the fact that there has been a large rise in the number of women with other ethnic background than Danish⁴⁰, and that the group of women and children from ethnic minorities is over-represented at the crisis centres in relation to the total number of foreign citizens in Denmark⁴¹, corresponding to 35%, of which 26.7% of the women of an ethnic minority, are married to Danish citizens. The consequences for a number of the children are that they cannot verbally communicate with other children and personnel at the crisis centre. As for ethnicity and culture, there may well be different views on child upbringing, as well as the use of violence in the process. According to Behrens' research work from Danish crisis centres, 22.1% of children with an ethnic Danish background are exposed to violence as part of an upbringing, whereas the percentage for children of other ethnic background is 34%.

This means that children, whose parents originate from another country, are more often exposed to violence than children whose parents are from Denmark. This may have to do with the different countries' views regarding violence in relation to child upbringing. Nevertheless it may not rule out the possibility that Danish parents also use violence as part of child upbringing, but are perhaps more secretive of it, since the abolishment of the right to use corporal punishment in 1997. In continuation of this it should be mentioned that there has been a lot of debating, as a number of parents believed themselves to have the right to beat, pull, drag by the arm, rap on the fingers, shake etc. etc. as part of the general upbringing of a disobedient child. Behrens believes it can be difficult to achieve an exact figure of how many children at crisis centres, have themselves been exposed to violence. This is partly because it is such a sensitive issue, but also because violence against children in Denmark is forbidden and socially unacceptable.

Children in Denmark who are subjected to violence can report their parents to the social authorities or to the police. Many children do not know of this right, and are perhaps afraid of being removed from their home, or facing other consequences, if they tell the authorities of their

⁴⁰ Behrens 2002, p. 24

⁴¹ Nielsen 2004

experiences⁴². It is crucial to create openness in society as to the rights of children, also in connection with tabooed subjects such as violence against children. At the same time it is important to find the right way of going about it.

14.6. Women and Children in Crisis Centres

Landsorganisation af Kvindekrisecentre, (National Organisation of Women Crisis Centres) LOKK's report, 'When hopes and dreams turn into nightmares' is about male violence against foreign women and children, and shows us, as does the rapport '5,230 children at crisis centres', not only that the children to a large extent witness first hand, or overhear violence in the home, but that they themselves are exposed to corporal, mental or sexual violence. LOKK's research⁴³ refers to at least 4 instances, where the suspicion of sexual abuse or threats of abuse, is massive. The research deals with 35 children with mothers whose partner is not the biological father of the child, and 28 children with the same biological mother and father. Corporal punishment in relation to child upbringing is also looked into. Food has also been used as a means of punishment from the man, e.g. refusing to give children adequate nourishment over a long stretch of time, or serving food in the bedroom. The report describes horrible living conditions for a great number of these children and their mothers. One can imagine how it will influence the growth and development of these children in a negative manner.

The question is how can the public sector, improve in seeking out these women and children, and through an active and specific effort prevent them from becoming socially isolated, while at the same time encouraging integration in Danish society.

The husbands' systematic isolation of the mother affects the children in a family, and they find it difficult to establish new friendships in Denmark. Just as the woman's own children can be pushed aside or ignored by the man, if they end up with brothers or sisters resulting from their mother's new relationship. Before LOKK started their research, they had heard through sister organisations and likewise of paedophile men who by using contact advertisements and marriage to the mother achieved access to the children. However LOKK mention that from the available material it is not possible to generalise, but it does give food for thought, that despite the limitations of the material, there are still a number of suspicions and definite cases of sexual abuse of children.

14.7. Figures about children living at the crisis centres

In 2002 the Danish Ministry for Social Affairs prepared descriptive research of 5,230 children aged between 0-18 years, who stayed at a centre with their mother. The results show amongst others that:

36% of the children have stayed more than once at a crisis centre.

60% of the children are under 7 years of age at the time they moved in.

Over 90% of the children had seen or heard violence between grown-ups.

25% of the children have been subjected to corporal punishment.

71% of the children's families have been in contact with the social authorities.

Only in 28 % of the cases were steps taken to help the children⁴⁴.

⁴² LOKK 2003

⁴³ Sørensen 2001

⁴⁴ Behrens et al 2004