

Action plan of the Federal Government to combat violence against women		
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I. Introductory observations on the main focal points of the action plan

a) Measures taken to date

Daily violence against women in Germany has emerged as a topic of discussion in the public arena since the International Women's Year (1975). Until that time, talking about violence against women had been taboo. Especially violence perpetrated by the partner, its degree, background and its consequences had remained largely in the dark until then. With the slogan "What is private is political", this domestic violence was brought into the public arena and increasingly deprived of its taboo status.

The Federal Government very quickly addressed the topic in keeping with its competence and promoted this process of removing the taboos as well as the pursuit of new knowledge by means of pilot projects, scientific studies, legislation and public relations work.

On 1st November 1976 for example, the first German shelter for women was founded in Berlin as a pilot project by the Federal Government and the Berlin Senate, followed by the Rendsburg Women's Shelter as a model for the rural areas. In the initial stages, the topics of women's shelters and domestic violence were the central themes, that is, the Federal Government funded and published a series of studies, further-training material and publications on this area, drew up reports and elaborated proposals on the financing of women's shelters. In the last 10 years, studies on working with perpetrators and crisis intervention projects were added.

In addition to domestic abuse, other forms of violence also attracted attention in the Eighties and Nineties: sexual violence against women and their experiences as witnesses in rape trials, the sexual abuse of girls and boys, sexual harassment at the workplace, prostitution tourism and trafficking in women, sexual advances in the course of therapy, violence against older, foreign or disabled women. Each of these new areas of emphasis was addressed by means of pilot projects or studies initiated by the Federal Government.

The findings produced by these studies and pilot projects led to legislative amendments, especially in the area of penal law, in favour of the victim of violence. The two victim protection laws, as well as the amendments to the existing criminal law related to sexual offences, are examples of this development. The Act on the Protection of Employees against Sexual Harassment at the Work Place was also added within the framework of the Second Equal Rights Act.

(A compilation of the activities undertaken by the Federal Government to combat domestic violence against women is available from the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth).

It can therefore be said that the measures undertaken hitherto by the Federal Government affected individual areas as a rule (for example, domestic violence, sexual harassment at the workplace, sexual offences, and the like) and was able to achieve improvements in certain aspects of those areas. Both the topics and the projects were often determined by the public debate and did not follow any long-term strategy. This might be one of the reasons why little has changed so far as regards the reality of violence against women.

b) Future measures

In order to combat violence against women in an effective and long-lasting manner, a comprehensive overall concept is needed. For the first time, such a concept has been drawn up for implementation on all levels of the fight against violence in the form of the present action plan.

The main areas of emphasis of this concept are as follows:

- prevention,
- legislation,
- co-operation among institutions and projects,
- networking of assistance services,
- working with perpetrators,
- awareness-building among experts and the public at large, and
- international co-operation.

These focal points are based on requirements which affect violence as a whole, with no distinction being made between the individual forms of violence. The concept therefore illustrates clearly that structural changes are imperative and that isolated, selective measures which exist alongside one another in a disconnected and disjointed fashion, and thus disregard the complexity of the manifestation of violence, have outlived their usefulness.

Furthermore, the chosen areas of emphasis take into consideration previous developments and experience gained in combating violence in Germany. Whereas, 20 years ago, experimenting with special services to assist victims on a pilot project basis (such as women's shelters, crisis hotlines and counselling centres) were at the forefront of activities, nowadays the many years' experience gained by such institutions is there to fall back on. It is now a question of making use of this politically. This is why it is the nation-wide networking of these facilities which is currently at the forefront of the work in this field.

c) Jurisdiction

Such an overall concept inevitably encroaches upon areas which fall within the jurisdiction of the Laender and the municipalities. This not only affects the day-to-day praxis of the police and the judicial authorities, and the specific legislative powers in each case, but also the areas of training and co-operation and, in particular, the establishment and maintenance of as broad a network as possible of services for victims, whether in the form of women's shelters, counselling centres for women, crisis hotlines, special therapy facilities, crisis intervention centres and the like.

Wherever the present action plan refers to measures which fall under the jurisdiction of the Laender, the Federal Government will limit itself to a general description in order simply to give a clear picture of the overall strategy.

Those measures which lie within the Federal Government's sphere of jurisdiction will be presented in detail.

The prerequisite for the implementation of the overall concept is a type of close co-operation between the Federal Government and the Laender which has hitherto not existed in this form in the effort to eradicate violence against women. The Federal Government therefore plans to convene a Joint Working Group of the Federal Government and the Laender to Combat Domestic Violence against Women in the autumn of 1999 alongside the already existing National Working Group to Combat the Traffic in Women. Starting from the overall strategy outlined in the present action plan, this working group is supposed to come to agreement on what concrete action is needed and where, to decide on the necessary measures and to follow up and evaluate their implementation. Non-governmental organisations are being involved in this work.

II. The contents of the Federal Government's action plan

1. Prevention

Violence against women is the expression of persistent structures of a patriarchal society and at the same time of individual experiences and conflict-solving patterns. In addition to this, the concrete living conditions such as poverty, unemployment, cramped living conditions, combined with alcohol abuse, as well as the way in which society handles and sees violence, all have a not insignificant role to play. Prevention must address both the general societal causes and the individual ones.

General societal prevention comprises everything which is suited to:

- a) creating a social climate in which violence against women is outlawed. This act of outlawing violence would also mean that women are effectively protected from male violence and that the perpetrators must reckon with retribution from the State.
- b) eliminating the imbalance existing between women and men and achieving equality in all areas of life.
- c) stopping the cycle of violence which is handed down from one generation to the next.

The measures which fall under a) would include all of the projects which are contained in the present action plan. All of these projects aim to achieve this social climate which proscribes violence.

The measures which correspond to b) would include all of the projects which form a part of the Federal Government's equal rights policy. Even though they are not explicitly listed here, they also form a part of this action plan.

Individual prevention comprises everything which is suited to interrupting the cycle of violence which perpetuates itself over generations (c). Violence is learnt: in families, in the media, in the context of general social contact. This learning of violence can only be changed in the long term if, not only parents, educators and teachers but also the media, set examples both by demonstrating violence-free strategies for solving conflicts in the personal life and dealings of the persons demonstrating the concept of non-violence, and by imparting the necessary knowledge.

In order to break through the cycle of violence and promote an upbringing which is free from violence, preventive measures must be taken in various areas. The legal establishment of the right of the child to an upbringing free from violence in the Civil Code (see below II.2.a)cc) is also a component of this strategy, as is the funding of studies and of the following individual measures:

- the publication of special letters addressed to parents on the topic of violence,
- the publication of a comprehensive manual on the prevention of violence,
- the drafting of a new issue of the manual "Child Abuse - Recognising and Helping/A Practical Handbook",
- carrying out a broad-based campaign to build the necessary awareness among the media, multipliers, parents, children and young people,
- developing a new media package on violence against girls and women designed for teachers,
- promoting the expansion of the crisis telephone service for children and young people as well as the setting up of a system of crisis telephones for parents,
- promoting projects in the area of youth work in which the stereotyped role models of young men are challenged,
- continuing the federal pilot programme "Girls in the Context of Youth Services and Social Services for the Young",
- a variety of projects in the area of youth services, including the "Alliance for Democracy and Tolerance - against Extremism and Violence" contribute towards the general outlawing of violence and, as a result, to the general prevention of violence in our society.

Speaking to children and young people is also a focal point of the work done by the Federal Centre for Health Education. The communication-based approach, which constitutes the foundation of the measures implemented by this organisation, includes both the imparting of information as well as the strengthening of self-esteem, personal responsibility and conflict-management skills. Overcoming role model clichés and practising how to behave in conflict situations are themes which are integrated into all of the framework programmes of the Federal Centre for Health Education and into all of the measures for young people and multipliers.

Several practice-oriented pilot projects on gender-specific sex-education are being carried out, for example to give young people the opportunity to address issues such as sex and violence. Topics such as the disrespect of boundaries, violence, experience of abuse and the context in which these take place form part of the research projects, expert opinions and publications in this field. In the year 2000, a conference on sex education for young girls is scheduled to take place and one of its workshops will be dedicated among other things to the discussion of new methods in the field of violence prevention.

In addition, the Federal Centre is funding the pilot project "Working together as Partners - Reconciling Professional and Family Life and Partnership-oriented Behaviour at Work". Within the framework of this project, a comprehensive aid for use in professional training and further training is being developed in which, among other things, the building blocks of topics such as the roles of women and men, equality, gender-specific discrimination, conflict and sexual abuse management, will be included. Co-operating partners are currently a number of large companies such as Volkswagen AG. Small and medium-sized enterprises are to be approached in a later phase of the project. A training manual on the topic of "Sexual

Harassment in the Work Place and Mobbing" has already been produced in collaboration with the *Deutsche Bahn AG* (German Railways).

The school education system, with its specific possibilities in respect of the prevention of violence against women and girls, must also make a contribution. Within the framework of the constitutional division of powers, the Federal Government and the Laender collaborate closely with each other in this field.

As a result of this collaboration, a number of school projects which were able to identify approaches and possible solutions in the field of violence prevention were carried out in recent years within the framework of the Joint Commission of the Federal Government and the Laender for Educational Planning and Research Promotion. In this process, school-based preventive measures against sexual violence were also developed.

Within the framework of a project funded by the Federal Ministry for Education and Research entitled "School of Tolerance, Understanding and Life Perspectives", which was implemented with the support and advice of the ministries of the Laender and in particular that of the Ministry for Cultural Affairs of the Land of Hesse, it was possible to evaluate the results of the pilot-projects conducted by the Joint Commission of the Federal Government and the Laender and make them available to the public at large under the title "School Programme for the Prevention of Violence - Results of Current Pilot Projects".

The results are also being made available via the Internet ([www@Verantwortung.de](http://www.Verantwortung.de)) within the framework of an ongoing pilot-project which is scheduled to run until the end of 1999 entitled "Network for the Assumption of Responsibility and the Prevention of Violence". When this pilot-project comes to an end, there are plans in the pipeline to undertake a follow-up project with the Laender on the development, testing and dissemination of a violence prevention and further-training concept aimed at school-girls and designed for general education and vocational schools. The focal point of this concept is supposed to be gender-specific forms of violent behaviour and school children, teachers and parents are to be involved. The already established network in which 40 schools, project centres in 5 Federal Laender, as well as the inter-regional co-ordination office in Wetzlar collaborate, shall be used in this effort.

Furthermore, in response to a proposal by the Federal Government, the topic "Violence-free Schools - Pedagogical Concepts for the Prevention of Violence" is to be discussed at the 5th German Conference on Prevention in November 1999.

Violence prevention measures must also address the special situation of

- disabled girls and women,
- older women, and
- foreign women and girls.

The various aspects of structural violence have an even more far-reaching significance for disabled women than for women without disabilities. A survey conducted by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, as well as an international symposium of disabled women have been able to demonstrate the daily experiences of disabled women in this aspect of life, in particular in the area of health care services.

Prevention in this context also means raising the awareness of persons in the disabled women's environment. The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth will be supporting relevant individual measures and publications as well as targeted studies on the experience of violence among disabled women and girls. Starting at the end of 1999, a national co-ordination centre will be funded to assume co-ordination and counselling tasks for disabled women.

In addition to the above, the Federal Government awards major importance to the outlawing and combating of violence against older persons. Various studies have shown that the proportion of persons who have had experience with violence increases with age. Alongside physical and mental abuse, the most frequent forms which violence against older persons takes are: financial exploitation, neglect and restriction of their freedom of movement. The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth took advantage of the opportunity at an international conference of experts on the topic of "Violence against Older Persons in the Home" to discuss the causes of and circumstances which prede-

termine this type of violence as well as proposals for a special prevention strategy. The findings of this conference led to the following projects which, among other things, are meant to help prevent violence against older persons:

- pilot project "Violence against Older Persons in their Personal Environment" which is being conducted in Hanover and being funded until the year 2000,
- pilot project "Nursing Care Practice in Facilities Offering In-patient Assistance for the Elderly",
- also in the pipeline is a pilot project entitled "Assistance for the Elderly - Structures for the Future" the aim of which will be to improve co-operation, networking and co-ordination in the area of assistance for the elderly. This programme is intended to accompany, in a praxis-oriented manner, the planned reduction of the considerable reform backlog currently existing in the area of statutory provisions regarding older persons, the improvement of which is also intended to prevent violence in facilities offering assistance to older persons. The first step in this direction has already been taken with the Federal Act on Care for the Elderly,
- a research project entitled "Handling Burnout - Prophylactic Measures for Persons Caring for the Elderly".

It is particularly difficult for foreign girls and women to resist violence. The reasons for this are both legal and social. These persons require continuing support and assistance in the area of legal counselling as well as with their life organization. There is no religious or cultural justification for violence or the use of force. Consequently, there can be no acceptance of violence for which cultural or religious grounds are adduced.

The Federal Government funds nation-wide events as well as individual projects with migration and integration-related contents which are meant, among other things, to help prevent violence in foreign families. One of the projects envisaged by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, for example, is having a survey conducted among foreign girls and (especially older) women living in Germany about their life situation and plans for the future.

2. Law-making by the Federal Government

a) Legislation

The Federal Government will examine the degree to which the protection of women against violence can be improved by means of legislative measures. A state which is based on the rule of law must ensure that its citizens are protected as well as possible from violence. This applies to a special degree to the protection of women from all forms of violence directed against them: both domestic and sexual violence as well as the traffic in women.

Protecting women through the law is something which all legal areas - penal, civil and public law - have to ensure. The aim of these efforts is to put an end to violence directed at women and to ensure their safety. The implementation of the existing legal provisions in practice is a very important aspect of this process. It is only when the legal possibilities are really taken advantage of that violence against women can be effectively combated.

- a) Criminal prosecution of the perpetrators is a necessary component of the effort to prevent violence. The perpetrator is punished for the wrong-doing for which he is responsible; he is therefore directly confronted with the consequences of his crime. Punishment of the perpetrator also makes it clear to the public at large that the behaviour for which the punishment has been meted out is not tolerated by the State and the bodies which comprise it. The Federal Government is of the opinion that both perpetrators of domestic violence and those who commit their acts in "public" must be prosecuted and must reckon with state sanctions. Domestic violence against women is by no means an internal family matter in which the State has no right to intervene.

Violence against women in the home is covered by the criminal law provisions contained in the German Penal Code. Depending on the details of the individual case, the prerequisites must be fulfilled for the act to be classified as either bodily injury, coercion or rape. Against the background of the experience gained in other countries, the Federal Government will be examining whether it is advisable to introduce a new statutory definition of a crime - that of "persistent domestic violence".

To this end, the Federal Government considers it important to take advantage of the knowledge gleaned by those with practical experience in the field, the courts, public attorneys, lawyers as well as the counselling centres for the victims of domestic violence which are already in existence.

Furthermore, after evaluating the experience of the penal courts, there will be a need to determine whether the current legal situation according to which domestic violence is classified as "simple" bodily injury is sufficient to appropriately uphold the interests of the victims. According to the law in force, simple bodily injury is a case for private prosecution. The Guidelines on the Proceedings for the Imposition of Fines and Administrative Penalties make it possible to claim public interest in the prosecution of such cases by way of a public action when, even though the public peace has not been disturbed outside of the victim's immediate personal environment, if owing to their personal relationship with the perpetrator the injured person cannot be expected to initiate private criminal proceedings and if the criminal prosecution constitutes a matter of current concern for the public at large. These regulations, pursuant to which, in cases of domestic violence, referral to the private prosecution procedure should be avoided as a rule owing to the relationship between the perpetrator and the victim, have to be examined to see whether they prove their worth in practice.

In addition, the Federal Government will be examining closely the entire criminal law related to sexual offences to see whether it fully covers all cases which are deserving of punishment and leads to coherent threats of punishment. A series of initial discussions on this topic have already been held.

The provision contained in § 179 of the Penal Code, which makes it a punishable offence to sexually abuse defenceless persons, will also be included in this examination. In its report on the 33rd Criminal Law Amendment Act, the Legal Committee of the German Bundestag called upon the Federal Government to submit a report by May 2000 on the degree to which an area of application will continue to exist in the praxis of the courts for § 179 of the Penal Code after § 177 of the Penal Code (sexual coercion; rape) has been revised. In addition to its examination of the loopholes in criminal liability, the report is also supposed to investigate the coherence of the different statutory ranges of punishment contained in sections 177 and 179 of the Penal Code. In preparation of the report to the Legal Committee, the opinions of the legal administrative bodies of the Laender, as to whether § 179 of the Penal Code should be repealed, amended or adapted, will be sought by the end of 1999.

In the criminal proceedings, the difficult situation of women who are victims of violence and who participate in the proceedings as witnesses must be given special consideration. The judicial authorities must show understanding and sensitivity for the women who are victims. Only in this way can they take an active part in the proceedings and be able to contribute to the conviction of the perpetrator. The Federal Government will examine whether the regulations contained in the Act on the Protection of Witnesses of 30th April 1998, which entered into force on 1st December 1998, have proven to be effective or whether further amendments are necessary.

The law pays attention not only to the victim but also to the perpetrator. The cycle of violence can only be interrupted when the perpetrator modifies his pattern of behaviour. Courses in social training can lead to a change in the perpetrator's behaviour. The bill of law introduced by the Federal Government to establish perpetrator-victim compensation in criminal law (Bundesrat Printed Paper 325/99) envisages opening up the hitherto concluding catalogue for the dismissal of a criminal case upon fulfilment of the requirements and directives contained in Section 153 a of the Rules of Criminal Procedure. By doing so, a criminal case can be closed subject to the condition that the accused participates in a course in social training.

The Federal Government remains open to additional suggestions for improvement from professionals in the field of criminal law and criminal procedural law. However, it should be emphasised at this juncture that punishment is not the sole means by which the State reacts to wrongs which have been committed. Other methods, such as perpetrator-victim compensation, can also make a contribution to solving violent conflicts in a person's immediate social environment.

- bb) The Federal Government considers the main area of emphasis with regard to legislative measures to be: improving and securing the civil law protection of women affected by violence. An explicit legal regulation of the consequences of domestic violence will serve to eliminate insecurity among affected women as well as among those who apply the law on a professional basis, the courts and the members of professions which provide legal advice. Civil law is not only capable of reacting to violence which has already been perpetrated; it can also have a preventive effect and help to preclude additional acts of violence in the immediate social environment.

The Federal Ministry of Justice will shortly be submitting a bill of law on protection against violence. In addition to the long discussed simplification of the procedure for allocating the marital home, this bill will also contain explicit legal regulations for a prohibition to contact, harass and come within the proximity of the victim.

In the new regulation concerning the allocation of the marital home in the case of separated spouses, the results of the examination of the legal facts, which are available in the meantime, are to be taken into consideration. The principle that the spouse who exercises violence has to leave the common home is to be made more easily enforceable. The (provisional) allocation of the home should be possible not only in the case of married couples but also in other cases of cohabitation. In the above-mentioned case, the law in force had unintentionally created obstacles which hindered the regulation of the right of use through the granting of temporary legal protection, since it allowed summary measures only in the case of so-called "unlawful private nuisance" (§ 940a of the Code of Civil Procedure). However, in cases other than common marital households, the allocation of the home is allowed only for a limited period of time.

The protection of the victims of violence, in particular women and children, from further use of violence might also require, in individual cases, that the perpetrator be ordered never to enter the victim's home again, to refrain from stalking the victim at her place of work, during visits to the offices of public authorities, at the children's school or elsewhere and to refrain from seeking to establish contact. Special attention is to be awarded to studying how such protective restraining orders can be implemented speedily and effectively in practice.

The new regulations relating to substantive law will also be flanked by the necessary rules of procedure. Since we are dealing with common households, it would be logical to refer these cases to family courts and to subject the proceedings to the regulations contained in the German Ex Parte Jurisdiction Act.

Even given the best possible organization of the courts, however, legal protection under civil law would not be immediately forthcoming for the purpose of putting an end to a concrete hazardous situation. In the latter case, police law, which lies within the competence of the Laender, must intervene.

Consequently, within the framework of the preparation of the Bill to improve the protection against domestic violence provided under civil law, the Federal Ministry of the Interior and the Federal Ministry of Justice will be seeking, in collaboration with the Federal Laender, to clarify whether and if so in what way police protective measures and protective measures based on police law can support and complement civil law protection.

- cc) The establishment of every child's right to a non-violent upbringing in the Civil Code is not only meant to be a measure aimed at protecting the child and strengthening its legal position; it is also to be seen as a preventive measure aimed at putting a stop to violence. Scientific studies prove that children who have been badly beaten or mistreated have a greater tendency to become violent themselves later in life and this two to three times more frequently than children who were brought up in a non-violent manner. The Legislative Initiative on the Elimination of Violence in the Upbringing of Children seeks to use this as its starting point and to make parents more aware of the fact that the "cycle of violence" can be broken by means of appropriate child-raising measures. This project is therefore in a position to help stem the tide of delinquency among children and young people.

- dd) Furthermore, § 19 of the Aliens Act which regulates spouses' independent right of abode, is to be reformed. The general waiting period is to be reduced from four to two years and the hardship clause is to be reformed so as to take adequate account of the intolerable life situation in which the affected persons find themselves. This would include, in particular, sustaining physical and psychological violence meted out by the husband to the foreign wife's children.
- ee) In the context of the planned legislation on the implementation of the prohibition of discrimination against disabled persons (Article 3 paragraph 3 of the Basic Law) and on the Social Security Code, Book IX, measures which could make a contribution towards the protection of disabled persons and women from violence are also to be examined.
- ff) The implementation of the Act on the Protection of Employees against Sexual Harassment at the Work Place, in public administrations, enterprises and in court decisions, will be examined on a national scale in the course of the year 2000. A preliminary study among the highest federal authorities has shown that, in practice, this law on the protection against sexual harassment at the work place is hardly ever applied any more. A nation-wide research project to examine the legal facts will now endeavour to verify whether a need for amendment exists.

The existing legal regulations and those which are being pursued to provide protection from domestic violence must be supplemented, where necessary, in the federal Laender by

- targeted further-training measures in the affected fields,
- instructions and guidelines as to how to proceed in cases of domestic violence,
- the deployment of specialists or special units, as well as
- the promotion of institutionalized forms of co-operation between the institutions involved and the projects (round table discussions, crisis intervention centres).

(See Chapters II.4 and II.6).

b) Administrative provisions

aa) Gender-specific persecution

The Bundesrat consented to the administrative provision regarding the Aliens Act subject to the proviso that 160 amendments are made. These include proposals for the rewording of §§ 53 and 54 of the Aliens Act to explicitly mention gender-specific endangerment and the violation of objects of legal protection resulting from acts such as genital mutilation or systematic rape. These draft amendments still need to be co-ordinated with the other ministries involved and adopted by the Cabinet.

bb) Trafficking in women

Bringing those who traffic in human beings to justice is an indispensable part of combating the traffic in women. Practice shows that witness testimonies are the only way to achieve a court conviction of these offenders. The tendering of evidence is also made more difficult or even impossible if the victims of trafficking are immediately deported to their countries of origin because they are residing illegally in Germany. It is necessary, therefore, to grant women who are victims of the traffic in human beings a temporary stay of deportation of a minimum of four weeks. This time will allow the criminal prosecution authorities and the specialized advisory services to work together with the affected woman to determine whether she would be an appropriate witness and whether she would be willing to make herself available to give testimony during the preliminary investigation and the trial itself. If she remains in Germany as a witness she will be granted a temporary suspension of deportation and the police, along with the specialized advisory services, will examine whether she needs to be included in a witness protection programme.

Should the woman in question not be available as a witness, the pre-deportation period can be used by the specialized advisory services to prepare the woman's safe return, for example by contacting non-governmental organizations in her country of origin. To this end, close co-operation between the offices for foreigners and the specialized advisory services is desirable.

A number of federal Laender already handle such cases in this manner and have obtained the necessary guarantee that they can continue to work in this way by means of cabinet decisions. The Federal Government is looking into the request that this manner of proceeding be adopted on a national scale and is examining ways in which the following, in particular, can be facilitated:

- the minimum grace period of four weeks before deporting potential victims of the traffic in human beings,
- co-operation between the offices for foreigners, the criminal prosecution authorities and the specialized advisory services with corresponding mutual obligations to inform each other,
- residence status for the affected woman for the period during which she remains in Germany as a witness,
- possibly an extended right to stay in cases where the affected woman would continue to be threatened if she returned to her country of origin.

At the same time, the federal Laender must ensure that during this pre-deportation period the affected women are placed in accommodations which correspond to their special needs and that they are protected.

3. Co-operation between state institutions and non-governmental assistance services

The problems faced in combating violence against women are extremely complex. This applies especially to the areas of domestic abuse and the traffic in women. Legal regulations alone do not suffice in these cases; instead, it is much more co-operation between the different authorities which are involved and the non-governmental assistance services which is needed.

These types of co-operation are in themselves processes which can only succeed if, among other things, the following basic prerequisites are met:

- those responsible at the political and administrative levels must take a clear stance in favour of such co-operation efforts and must provide them with sustained support in their individual sphere of influence (political will),
- co-operation must be institutionalized,
- decision-makers must also be involved so that definite decisions can be made regarding the steps and measures to be taken and to ensure that the process does not end up being a non-committal exchange of opinions,
- institutions and non-governmental projects must be represented in an appropriate ratio,
- one body must bear responsibility for the co-ordination and ensure continuity in the work which is done,
- the interfaces must be organized (competencies assigned and contact persons chosen).

With regard to the content of the work itself, the following needs to be applied:

- all of those involved must work together on the analysis of the problem,
- they must agree on a joint main objective as well as on the individual steps by means of which this objective is to be achieved,
- the implementation of these individual steps must be continually supervised,
- all steps and measures must be elaborated on the basis of the consensus principle,
- there must be a clear distribution of roles and tasks.

This type of co-operation for the effective combating of violence against women has no tradition in anti-violence work in Germany. It is only recently that the need for co-operation has been increasingly realized and that the willingness of the individual actors to get involved with the corresponding pilot projects has started to grow. Many reservations still exist, however, among all of the individual participants but most especially between the institutions and the non-governmental assistance projects. It would be a mistake to underestimate these problems and both a competent go-between as well as a body responsible

for supporting the co-operation process are necessary. What is important is that all of those involved recognize each other's expert competence and are prepared to learn from one another.

An effective strategy to combat domestic abuse requires, among other things, the co-operation of: the police, the criminal justice system, civil and family courts, lawyers, equal opportunities commissioners, youth offices, commissioners for foreigners' affairs, facilities providing support for women and facilities working with violent men.

Combating the traffic in women will require, among other things, co-operation between: the police, the public prosecutor's office, the courts, the offices for foreigners, the social welfare offices, the specialized advisory services, Laender ministries as well as the public authorities and non-governmental organizations of the countries of origin.

These types of co-operation must take place continuously and must therefore be institutionalized. They will need to be organized at different levels (federal, Land, local) in keeping with the various competencies.

The following co-operation forms have already been established or are to be established at federal level:

- a) A nation-wide prevention body in which high-ranking representatives from the Federal Government, the Laender and the local authorities and other societal forces participate, is supposed to develop strategies for crime prevention especially the prevention of violence. The German Forum for Crime Prevention which is currently being set up, will be assuming this task.
- b) With regard to combating domestic abuse, the Federal Government will be convening a working group of the Federal Government and the Laender in which the ministries whose fields are affected, the expert conferences of the federal Laender as well as non-governmental organizations will be represented. On the basis of the overall strategy described in the present action plan, this working group will need to agree on the concrete demand for action, decide on the necessary measures and supervise their implementation.

For a number of years now, a variety of intervention projects against domestic abuse have been going on in Germany and these have succeeded in institutionalizing the corresponding co-operation effort at local and/or Land level. The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth is currently funding the Berlin Crisis Intervention Project to Combat Domestic Abuse together with the Administration of the Berlin Senate and is also represented at the round table discussions there.

Another crisis intervention project, which for the first time will also be setting up the corresponding co-operation mechanisms for a larger Land, is also just starting off in Schleswig-Holstein. The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth will be funding this intervention pilot project together with the Ministry for Women's Affairs of the Land of Schleswig-Holstein.

The continuous scientific observation team which examines and compares these two crisis intervention projects on behalf of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, will be describing the advantages and disadvantages of the various co-operation forms and approaches as well as the way in which they came about and then developed. The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth will be publishing and disseminating preliminary results at the beginning of the year 2000. The aim is to encourage, in as many federal Laender and local authorities as possible, the creation of such institutionalized forms of co-operation and crisis intervention centres.

- c) To better combat the traffic in women, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth has set up the nation-wide working group "Traffic in Women" in which the various federal and Land ministries, the Federal Criminal Police Office as well as the specialized advisory services are involved. It is the task of this working group to:

- ensure the mutual exchange of information among its members concerning measures to combat the traffic in women,
- analyse the problems which could stand in the way of effectively combating the traffic in women,
- elaborating joint activities and proposals,
- preparing German statements in the context of international measures.

One of the working group's achievements has been the elaboration of proposals concerning the administrative regulations with respect to the Aliens Act as well as a co-operation concept for the protection of victim-witnesses in trials having to do with the traffic in human beings which is currently being discussed in the Conference of Ministers Responsible for Internal Affairs. This special witness protection concept builds on institutionalized co-operation between the police and the specialized advisory services and is therefore an additional example of this type of co-operation.

Furthermore, the Working Group on the Traffic in Women has been responsible for deciding on the content of the information material destined for distribution in the main countries of origin (the pamphlets were translated, printed and distributed with the financial assistance of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth) and has discussed the contents of a campaign against the traffic in women. On the agenda for the future are topics such as:

- the implementation of the already elaborated witness protection concept, clarification of the funding issues,
- the administrative regulations regarding the Aliens Act,
- the question of job opportunities or training for women who remain in Germany for several years to serve as witnesses,
- the planned law to improve the siphoning-off of extra profits,
- the United Nation's additional protocol on the traffic in human beings, especially women and children, which is currently being drawn up,
- perhaps a study of deportation practices in the case of possible victims of the traffic in women in the individual federal Laender in Germany,
- issues concerning the new media and the Internet.

In addition, co-ordinated co-operation between the authorities and specialized advisory services at home and abroad is of assistance in ensuring the safe return of foreign women to their home countries.

This is the case for example within the framework of the Repatriation Project for Foreign Women which is funded by the Federal Ministry for Economic Co-operation and run by the "Solidarity with Women in Distress" organization (SOLWODI). The project is aimed at women from developing countries who are enticed into coming to Germany under false pretences and who, with no knowledge of the language, culture, and the law in force, have been subjected to violence here and have become dependent. These women receive counselling and are prepared for their new beginning at home by means of targeted training measures and support in setting up businesses of their own.

4. Nation-wide networking of assistance services

In order to do effective lobbying in favour of women who live under the threat of violence or experience violence, as well as to achieve better and faster transmission of information and a more focused and precise deployment of resources (division of labour), it is useful to have the assistance services networked at national level. Also bearing in mind the increase in international co-operation, it is useful to have central contact points in Germany.

The increasing willingness of projects from the anti-violence field to network nationally is a new development which the Federal Government welcomes very much. In the light of the many and overlap-

ping political measures which are necessary to combat violence against women, professional lobbyism - also directed towards the Federal Government, the Bundestag and the Bundesrat - is indispensable.

After the women's shelters, the next step needs to be the nation-wide networking of the crisis hotlines and of the counselling centres against the traffic in women and violence in the migration process. Within the framework of its possibilities, the Federal Government supports such nation-wide networking efforts by granting launching aid, which is limited in time, as well as by funding nation-wide networking meetings.

At the end of 1999, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth plans to publish new further-training material for the employees of women's shelters.

5. Work with offenders

Up until now, it has been the women and children who have had to bear the primarily negative consequences, above all, of domestic abuse. Society's reaction to this violence against women, too, had almost exclusively been focused on women; after all they must be helped, they must be protected. The solution was: women's shelters, crisis hotlines and women's counselling centres.

On the other hand, however, up to now it is frequently only in exceptionally serious cases that the perpetrators have to reckon with reactions and sanctions from society; they are still rarely made to take responsibility for their acts. The women's projects do not feel responsible for them - and justifiably so - and the State still continues to treat them less as offenders than as participants in a private family conflict. It must be borne in mind, however, that intensifying criminal prosecution also presupposes a certain type of behaviour on the part of the affected women with respect to the reporting of crimes to the police. If this behaviour is to be elicited, they would require encouragement and support during the proceedings.

Very few men seek counselling on their own. For them the problem - if they admit at all that there is one - lies with their wife, not with them. They therefore see no reason why they should actively do something about their violent behaviour of their own accord and, if necessary, seek outside assistance.

The experience of the past 20 years has shown that the setting up of a network of women's shelters and counselling centres does not suffice to eliminate violence against women. Nowadays, there is a growing conviction that a serious change in the way the perpetrators are treated is also necessary. The State must intervene to show them how wrongful their actions are.

This approach has the explicit support of the Federal Government .

This new way of dealing with the perpetrators implies, among other things, that the State treats them as the criminals which they are: they must be subjected to preliminary investigations against them by the public prosecutor, and these must lead to a reaction on the part of the State. In the area of civil law, steps must be taken to ensure that the affected women are sufficiently protected from the offenders.

This can be achieved within the framework of the existing laws to protect women from violence and those which are in the pipeline, with the corresponding targeted co-operation of all centres (which will have been trained appropriately beforehand).

On the other hand, it also requires that, within the perpetrator himself, a process is initiated which is aimed at altering his violent behaviour. If this does not happen, there can be little hope that the normal criminal penalties (fines, prison sentences) alone will be able to bring about any changes in the individual man's behaviour. Although the consistent implementation of the procedures will have an overall preventive effect, by demonstrating clearly that society will not condone such behaviour, it has, however, no special preventive effect on the future behaviour of an individual offender.

Consequently, perpetrator-oriented measures which aim to alter behavioural patterns need to be added to the array of indispensable measures which can be taken before the act alongside those which provide protection for the victims as they go through the process.

The law currently in force already gives the courts the possibility of imposing a suspended sentence combined with mandatory participation in a social training course. Participation in such a course can give the perpetrator the opportunity to develop an awareness of the problem, an awareness of right and wrong, a chance to learn to empathize with the victim and, finally, serve as an encouragement to take ad-

vantage of other services offered by counselling centres (for men). Other measures rendered possible by substantive criminal law, such as perpetrator-victim compensation and reparation (§§ 46 a of the Criminal Code, § 10 paragraph 1 sentence 3 no. 7, § 15 paragraph 1 nos. 1 and 2, § 45 paragraphs 2 and 3 of the Juvenile Courts Act), can also lead to a change in behavioural patterns; in addition, the law relating to juvenile offenders offers the special possibility of instructing the youth or young adult to attend a mandatory anti-violence training course (§ 10 paragraph 1 sentence 3 no. 6 of the Juvenile Courts Act). Such courses are sometimes also offered in juvenile correctional facilities.

Special learning and training courses for violent partners were developed within the framework of the Berlin Crisis Intervention Project to Combat Domestic Abuse and are currently being tested in Berlin. The Federal Government is strongly supporting this new approach towards working with perpetrators. The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth will be publishing Berlin's experience with the special courses for perpetrators at the beginning of the year 2001 so as to make them available for discussion.

6. Awareness-building measures

a) Increasing awareness among professionals: further training, training and guidelines

The protection of women against violence and the consistent prosecution of offenders can only be achieved if in the institutions and groups responsible:

- the political will exists to pursue these objectives consistently with all of the resources at their disposal,
- the willingness exists to co-operate with one another in such a way that these objectives are attained and
- the persons putting the necessary measures into practice are trained in a purposeful manner to enable them to take the steps deemed requisite.

Even the best laws will lead nowhere if they are not applied consistently in the spirit envisaged by the legislator. The latter is not possible if the persons responsible for implementing them are not sufficiently aware:

- they must be informed about the situation in which the affected woman and her children find themselves and how they feel, as well as about the dynamics of violent relationships,
- they must be instructed about how to apply and use the laws and their powers of discretion in favour of the affected women; (for example, it is useful for members of the police force to have clear instructions from their superiors),
- they must also be aware of the limits of their professional possibilities for action and for exerting influence on the situation in a given case, their strain must be relieved when necessary and they must undertake and be committed to working together with other facilities providing assistance.

Experience has shown that such training and further-training measures can be most effectively implemented if experts from the individual institutions collaborate with representatives from the non-governmental assistance services.

If necessary, the above will have to be supplemented by special guidelines and instructions on how to act in given situations so that the implementing person can feel more secure about how to handle the situations with which they are confronted. Furthermore, there is a need to examine where special experts or units can be usefully deployed (in Berlin, for example, a special unit of the public prosecutor's office was set up to deal exclusively with offences committed in the context of domestic abuse).

Corresponding training and further training, the drawing up of guidelines/instruction manuals as well as the deployment of special units fall within the competence of the Laender and such tasks have already been successfully undertaken in many instances at this level. In the Working Group of the Federal Government and the Laender on the Control of Domestic Violence against Women, experience is shared and successful models are presented.

The Federal Government supports activities by the Laender in this field, also through the publication of training materials and recommendations:

- a concept for teaching members of the police force how to deal with male violence against women (published);
- further-training materials on the traffic in women (to be revised in 1999/2000);
- further-training materials for the employees of women's shelters; and
- a national recommendation from the Minister of Justice on the protection of child (victim) witnesses in criminal proceedings (to be published in 2000).

Various federal authorities carry out training and instruction programmes in their area of competence. For example, the Federal Office for the Recognition of Foreign Refugees is providing its refugee status determination officers with special further training in gender-specific grounds for persecution; the Federal Criminal Police Office conducts seminars for officers charged with criminal investigations into the traffic in women and in co-operation between the police and the specialized advisory services; the Federal Foreign Office has trained its consular and diplomatic staff in issues regarding the traffic in human beings and prostitution tourism; and the Federal Academy for Public Administration has offered seminars on the Act on the Protection of Employees against Sexual Harassment at the Work Place.

Moreover, the Federal Government funds meetings of experts on the prevention of violence. In addition to this, the Federal Government will continue to support the conferences which have been organized since 1988 on this and related topics at the German Judges' Academy.

Furthermore, the Federal Government provides indirect support for the development and testing of guidelines and instruction manuals by means of pilot projects (such as the Berlin Crisis Intervention Project) as well as through the targeted training of specialized personnel. The Federal Government will be making available to all of the Federal Laender the materials developed and the experience gained in this context and will be recommending their application.

b) Increasing the awareness of the public at large

In the process of increasing the awareness of individual professional groups, it is important not to neglect to increase the awareness of the general public. This type of public relations work includes:

- the publication of study results, brochures etc,
- the holding of conferences of experts and
- the conducting of educational campaigns.

In the area of violence against women, the Federal Government is currently planning the following measures to attract the public's attention:

- aa) The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth will be commissioning a new media package for schools on violence against women.
- bb) On the topic of the traffic in women, a campaign is to be conducted in collaboration with the specialized advisory services also with the male consumer target group in mind.
- cc) Within the framework of the overall revision of the criminal law related to sexual offences, an expert hearing was held under the direction of the Federal Minister of Justice in October 1999.
- dd) The Federal Government's Commissioner for Affairs of the Handicapped discussed the special problems involved in the rehabilitation of disabled women and girls at a workshop discussion with affected individuals and associations. This discussion also touched on the issue of violence against disabled girls and women.
- ee) Upon application, women who have suffered an impairment to their health as a result of violence perpetrated against them can assert claims on the basis of the Act on the Compensation of the Victims of Violent Crimes (Crime Victims' Compensation Act). To provide information on the benefits and services which it is possible to claim pursuant to the above Act, the Federal Ministry of Labour and Social Affairs publishes an information brochure entitled: "Assistance for the Victims of Violent Crimes" and distributes it to associations, public authorities and other interested parties.
- ff) The Federal Government considers it necessary to collect reliable statistical data on violence against women. This is the only way for the public to be made aware of the true extent of the problem. The Police Criminal Statistics, for example, currently contain no data on domestic abuse of

women. In the course of the redesigning of the Police Criminal Statistics within the framework of the police information system "INPOL-neu", it is envisaged that additional data, apart from the age and gender of the victim, such as information on the relationship between the victim and the suspect, and the scene of the crime, be collected when recording cases since, when combined, they would be able to provide insights into the extent of domestic abuse.

Since the Police Criminal Statistics only list criminal offences which come to the attention of the police, it can be assumed that the percentage of undetected crimes is high. This dark figure is to be investigated by means of a representative survey to be conducted along the same lines as a corresponding Canadian study on violence against women. The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth will be commissioning said study in the year 2000.

- gg) The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth will also be carrying out the requisite public relations work to focus attention on the plight of children who have experienced violence in their family. A conference of experts on this subject was held in Berlin in 1999.
- hh) The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth is currently examining the possibility of putting together information on the topic of violence against women catering to special target groups for dissemination on the Internet.
- ii) The Federal Ministry of Finance will be issuing a special commemorative stamp on the topic of "Violence against Women".
- jj) The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth and the Federal Ministry of Justice will be flanking the Act to Eliminate Violence in the Upbringing of Children, which is currently being read in Parliament, with comprehensive information measures. A variety of public relations measures are intended to appeal to multipliers as well as parents, young people and children to embrace violence-free child-raising practices.
- kk) The Act on the Protection of Employees against Sexual Harassment stipulates that sexual harassment in enterprises and public authorities must be prevented. Within the framework of such preventive measures, a mediation procedure for gender relations in enterprises and public authorities is to be tested over a number of years. Germany has no experience in this area to date. Several enterprises and one public authority have expressed their willingness to introduce such a mediation procedure at their own expense. The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth will support and evaluate these pilot projects and will make the knowledge gained from them widely available.
- ll) The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth will have the Berlin pilot project S.I.G.N.A.L. evaluated scientifically as well. The objective of this project is to improve the health care received by abused women by increasing awareness in the medical sector for the problem of violence against women.

7. International co-operation

The topic "violence against women" is also gaining significance at the international level. The Federal Government's active and committed participation in the various international bodies is aimed at:

- representing the interests of the affected women,
- becoming familiar with the approaches embraced by other states in the effort to solve the problem,
- presenting the German approach and measures taken to combat this violence and,
- supporting the elaboration of international resolutions, international legal instruments and the like.

a) European Union

During the German Presidency in the first half of 1999, a variety of activities were held on the topic of violence against women. The Ministers of Justice and of Internal Affairs discussed this issue in detail both at their informal meeting in Berlin in February 1999 and at the Council on 27th May 1999. At the suggestion of the German Presidency, the Commission presented a report on the most recent legislation which the individual Member States had enacted to combat violence against women. This report is to be continued.

At the end of March 1999, the Federal Government, together with the EU Commission conducted a European Congress of Experts in Cologne to launch the EU campaign to eliminate violence against women. At their meeting in June 1999, the EU Ministers for Women's Affairs also addressed the EU campaign and presented the activities they planned to carry out in their individual states. On that occasion, the Federal Government suggested that the EU Commission place a study design modelled along the lines of the Canadian survey at the disposal of the EU Member States for them to use as a pattern in designing future national studies. This would make it possible, for the first time, to collect comparable data from the whole of Europe in the area of violence against women. (The survey of violence against women which Germany plans to conduct will correspondingly be oriented on already existing surveys conducted in other EU Member States).

In June 1999, the EU Council of Ministers Responsible for Youth adopted the "Common Position of the Council with reference to the adoption of the decision by the European Parliament and the Council on the adoption of a Programme of Community Action on Preventive Measures aimed to Fight Violence against Children, Young Persons and Women (DAPHNE Programme). This programme is meant to make funds available for the promotion of work done by non-governmental organizations to prevent violence against children, young people and women in the years 2000-2003.

With these activities, the Federal Government demonstrated its full support for the path adopted by the Austrian EU Presidency - making the fight against the daily violence of women a permanent topic in the European Union. It welcomes the undertaking of the Finnish Presidency to keep this topic on the European agenda.

The Federal Government will be making a committed contribution to harmonizing refugee policy in the EU as the mandate of the Treaty of Amsterdam. According to the programme of action on the best possible implementation of the provisions contained in the Treaty of Amsterdam on the establishment of an area of freedom, security and justice adopted by the Council of the Ministers of Internal Affairs and Justice on 3rd December 1996, minimum standards for asylum procedures must be adopted within two years time and minimum standards for the recognition of refugees within five years. In the process of further harmonizing asylum laws in the EU, the Federal Government will do all in its power to have special consideration given to the issue of the gender-specific persecution of women.

The EU working group on police co-operation is currently addressing the question of police intervention in cases of domestic abuse of women. The Federal Government strongly supports the elaboration of further-reaching measures. At present, proposals about how this topic can continue to be handled in the EU working group on police co-operation are being elaborated on the basis of the police-related recommendations and standards adopted by the two EU conferences of experts on the topics "Police work in the area of violence against women" in Baden near Vienna and "Violence against women" in Cologne respectively.

b) Council of Europe

In the Council of Europe, a "Recommendation on measures to prevent the traffic in human beings for the purpose of sexual exploitation" has been drawn up within the framework of a multisectoral working group. The report will be discussed in the near future by the competent steering committee before the Committee of Ministers address it.

c) The G 8 Lyon Group

The Federal Government introduced to the G 8's Lyon Group and recommended the principles for the provision of special protection of female witnesses in criminal proceedings for trafficking in human beings elaborated by the working group on the traffic in women.

d) The United Nations

The Federal Government lends its support at international level and in all fields of policy to efforts to improve the human rights situation of women. Its aim is to achieve and further strengthen the protection of women's human rights on the basis of the Peking resolutions. The Federal Government addresses violations of women's human rights at all political levels and strongly supported and was instrumental in the tabling of the resolutions on the "Combating of the Traffic in Women" and on the "Elimination of Violence against Women" at the 1999 UN Commission on Human Rights (22nd March to 30th April 1999). On

Germany's initiative, the undignified practice of genital mutilation was denounced clearly, both in the resolution to combat violence against women and in the EU Presidency's statement on human rights.

Together with its EU partners, the Federal Government was successful in having the additional protocol to the most important women's human rights convention - the UN Convention on the Elimination of All Forms of Discrimination against Women - adopted at the 1999 meeting of the UN Commission on the Status of Women. This grants women far-reaching rights of complaint at international level. The next step for the Federal Government will be to consider the ratification of this additional protocol.

In addition to the foregoing, the Federal Government is doing all that is in its power to have the UN Convention on the Elimination of All Forms of Discrimination against Women ratified and implemented by even more states. The Federal Government raises objections to any reservations which run counter to the purposes of the Convention.

Despite the active efforts that are being undertaken, great deficits can still be observed in the implementation of the protection of women's human rights and in the outlawing of violence against women, in the reduction of which considerable work still needs to be invested. Within the framework of its bilateral and multilateral development co-operation, the Federal Government supports all activities which help to contribute to the protection of women's human rights.

At the negotiations on the International Court of Justice, the Federal Government advocated and supported the inclusion of gender-specific crimes such as rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization and every other form of sexual violence of similar gravity as crimes against humanity and as war crimes in the Rome Statute of the International Criminal Court.

Within the framework of negotiations on the United Nations Convention against Organized Transnational Crime, an additional protocol is being elaborated on the traffic in human beings with special attention being paid to the traffic in women and children. The Federal Government supports this project strongly and is actively involved in the negotiations taking place in Vienna. Under the German Presidency, preliminary discussions of the drafts of the additional protocol were held in the EU and the G 8 with the aim of arriving at common positions for the negotiations.

Within the framework of the third German report on the application of the International Covenant on Economic, Social and Cultural Rights before the United Nations Committee of the same name, the Federal Government made a detailed statement about the problem of violence against women in Germany and explained the efforts and measures undertaken to combat this violence. In its implementation report due for submission before the end of 1999, it will address the questions asked and the conclusions reached by the Committee in this regard.

The same goes for the Federal Government's report on the Convention on the Elimination of All Forms of Discrimination against Women.

Important United Nations reports and recommendations are translated and published by the Federal Government. These include the Report of the Special Rapporteur on Violence against Women and the recommendations entitled "Crime Prevention and Criminal Justice Measures to Eliminate Violence against Women", both of which were published by the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth as women's policy materials.

e) Measures to benefit affected women abroad

The Federal Government promotes the achievement of human rights for women in a variety of ways by means of its development policies. For example, following through on an announcement made at the 4th World Conference on Women in Peking in 1995, the Federal Ministry for Economic Co-operation and Development pledged or earmarked 60 million deutsche marks for consultancy projects in developing countries in the area of legal policy focusing especially on women's interests.

In situations of crisis and conflict, it is precisely women and children who are particularly hard hit by violence against the civilian population. Aid measures are often slow to take off and they focus primarily on ensuring the physical survival of refugees or displaced persons. The mental and psychological damage suffered is most often ignored and remains untreated. Sequelae of the traumatic experiences include: depression, a proclivity to suicide as well as psychosomatic diseases. In addition, the victims' children also suffer from their parents' traumatization.

This is why 1.98 million deutsche marks in funds made available by the Federal Ministry for Economic Co-operation and Development have been set aside for the psychological care of traumatized women and children from Kosovo. The measures are being conducted within the framework of the Emergency and Refugee Assistance Programme in close collaboration with the German Association for Technical Co-operation (GTZ) and with the Cologne-based "Medica mondiale e.V." (an association which supports war-traumatized women and girls).

The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth will be supporting the elaboration of a treatment concept for women traumatized by war and by their experiences as refugees which will be drawing, among other things, on the experiences gained from treating women in Bosnia.

In this context, we wish to draw attention to the fact that in June 1999, the Federal Ministry of Labour and Social Affairs ensured, by means of instructions given to the Federal Employment Service, that in cases where a temporary suspension of deportation had been granted or prolonged, the hardship regulations contained in the Labour Permit Ordinance would be applied. As a result of this, the special exceptional situation of the war refugees from Bosnia, who receive a temporary suspension of deportation as a result of a trauma which needs to be treated must be taken account of in such a way that, in individual cases, the examination of the labour market situation is dispensed with in the granting of a work permit, if the work to be done constitutes an essential part of the therapy being given to the person in need of treatment.

Genital mutilation is a violation of the human right of girls and women to freedom from bodily harm and one which results in the most horrible physical and mental consequences. About 130 million women all over the world have been the victims of these damaging practices and every day another 6,000 girls are being added to their ranks. In the wake of the various World Conferences, the deleterious effects of these practices are being openly discussed in many developing countries and demands are being made for their elimination.

The Federal Ministry for Economic Co-operation and Development supports measures taken by local governments and non-governmental organizations which are seeking to become active in this area. Through UNICEF, the World Child Relief Organization, an educational campaign is being financed in Egypt. A supra-regional project with emphasis on West African countries began in 1999. It provides support for organizations which work in the areas of health, education, the promotion of women and human rights. Along with government agencies, local political leaders, religious authorities, health care personnel as well as teachers are being involved. The first measures are currently being implemented in Guinea, Burkina Faso and Mali. Furthermore, the problem is also being addressed in all other suitable health, family-planning and basic education projects. The prerequisite for German support is always local commitment.

The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth supports corresponding educational activities undertaken by non-governmental organizations in Germany (including sponsoring the publication of pamphlets in different languages) and it has published a brochure about the genital mutilation of girls and women which has been placed at the disposal of doctors and counsellors.

Preliminary Comment

On 1 December 1999 the Federal Cabinet adopted the Action plan of the Federal Government to combat violence against women. In this way, the Federal Government developed a comprehensive overarching concept for all levels of combating violence for the first time in Germany. All of the Federal Government's actions cited – in detail below – have since been implemented or launched.

The overall concept of the action plan is concerned with structural changes that affect not only the responsibilities of various Federal Government departments, but also areas of responsibility of the *Länder* and local authorities. Implementation of the overall concept not only requires close cooperation between the relevant Federal ministries responsible, but also targeted cooperation between the Federal Government and the *Länder*. To date there has never been cooperation of this kind in combating violence against women.

In this connection, a Joint Working Group of the Federal Government and the *Länder* to Combat Domestic Violence against Women was set up on 12 April 2000 – alongside the existing successful nationwide Working Group to Combat the Traffic in Women; the local authorities, non-governmental organisations and, in particular, women's shelters, are represented as well as the competent Federal and *Länder* ministries. These working groups are the controlling bodies for the implementation of the action plan.

How the various levels within the individual Federal *Länder* work together and what measures are taken there to combat violence against women became increasingly clear after publication of the Federal action plan. The action plan of the Federal Government was supplemented by corresponding action plans from several *Land* governments.

The action plan of the Federal Government to combat violence against women has now been completely implemented. This successful action plan is being continued in the current legislative period.

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Implementing the contents of the action plan of the Federal Government

1. Prevention

The Federal Government actions listed below have started in this field:

The first special parental letter on violence against children has appeared.

The campaign of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth on violence-free upbringing has been conducted successfully.

The *Bundesarbeitsgemeinschaft Kinder- und Jugendtelefon e.V.* [Federal Working Party for Children's and Parents' Telephones] has successfully set up parents' telephones in the Federal Republic. With financial support from the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, the 95 nationwide telephones for children and young people all from the same provider have created an offer where children and young people can find help and support under a toll-free number.

The projects from the Federal Centre for Health Education are ongoing. For example, the dossier "Acting as Partners – A Modular Manual for Trainers" was published in 2001.

For the period from 1999 to 2003 the "bundesorganisationsstelle behinderte frauen" [Federal Organisation Office for Disabled Women] was sponsored by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, in particular with the aim of identifying the special stress situations of disabled women. The subject of "violence" proved to be a key subject area. Various results were incorporated in court rulings. Among other things, the creation of Social Code Book IX included "Exercises to Strengthen Self Confidence" in disabled sport as a new rehabilitation service for disabled girls and women. Sponsorship of a relevant project is leading to curricula for implementing the exercises and to train trainers being drawn up.

The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, together with the *Land* capital of Hanover, conducted a three-year model project that dealt with the protection of the personal integrity of senior citizens. The aim of the project was to draw attention to the sensitive issue of violence against older and weaker people, to take action against attacks and identify their causes, but also to provide targeted help for victims. To conclude the project, conclusions were drawn and perspectives for further intervention and prevention strategies were discussed as part of a nationwide specialist conference in July 2001. The study was published.

The model project "Legal Practice for Care in Facilities Offering In-Patient Assistance to the Elderly" also ran. The results were published in 2002.

From May 2000 to the spring of 2003, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth conducted the model programme "Assistance for the Elderly – Structures for the Future". A total of 20 projects were sponsored within the framework of this model programme: the aim was to gain new and transferable findings in the field of assistance for the elderly and care of the elderly. A more efficient design of elderly welfare systems can help to reduce stress situations and thus violence.

The survey on the lives and situations of foreign girls and women living in Germany started at the end of 2000. In addition to socio-demographic foundations on the composition of the group of people relevant to an analysis of social integration, framework conditions should be identified, experiences and perceptions of integration from the point of view and assessment of the affected parties collected so that successful social integration can be guaranteed.

2. Legislation by the Federal Government

The Federal Government has now improved the following measures to protect women as victims of violence and also kept the focus on the perpetrators:

Perpetrator-victim compensation (with the possibility of stipulating participation in perpetrator programmes, for example) was enshrined in criminal procedural law with effect from 1 January 2000.

Article 19 Aliens Act: The amendment to Article 19 of the Aliens Act entered into force on 1 June 2000. According to this, foreign wives can acquire an independent right of residency earlier than in the past if they are freeing themselves from an untenable marriage.

The Administrative Provision on the Aliens Act contains regulations both on gender-specific persecution and on dealing with victims of human trafficking. It entered into force on 9 October 2000. If specific facts or other indications suggest that a person with a duty to leave the country is affected by human trafficking, a deadline of at least four weeks for voluntary departure must be set in principle. The affected parties can be advised and helped by special counselling centres.

Act to Banish Force in the Upbringing of Children and Juveniles: The right of every child to a violence-free upbringing has been enshrined in the German Civil Code since November 2000. It was publicised by a one-year nationwide campaign by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth "More Respect for Children". With support from celebrity ambassadors, posters, advertisements, a TV advert, specialist conferences and around 500 local campaigns in 36 cities in Germany promoted a new guiding principle in upbringing.

The "Act to Improve Civil Law Protection against Acts of Violence and Stalking and to Facilitate the Transfer of the Marital Home in the event of Separation" entered into force on 1 January 2002. The Act to Protect against Violence included in Article 1 has created a clear legal foundation for protective court orders from the civil courts, such as bans on contact, approaching or harassment in the case of deliberate and illegal injuries to the body, health or freedom of a person, including threatening such injuries. Furthermore, a foundation for making a claim to the – at least temporary – transfer of a shared home if the injured person maintains a permanent, joint household with the perpetrator. The relevant procedural and execution law has been revised in such a way that the victims concerned can quickly and simply gain their rights.

To record the effects of the new law in practice, the Federal Ministry of Justice commissioned an evaluation of the Act to Protect against Violence in 2003.

In connection with the Act to Protect against Violence, Berlin, Bremen, Hamburg, Hesse, Mecklenburg-Western Pomerania, Lower Saxony, North Rhine-Westphalia, Saxony-Anhalt and Schleswig-Holstein have amended their Police Acts so that there is no gap in protection until the protective court order is is-

sued. The introduction of an instruction option is planned in Baden-Württemberg, Brandenburg, Rhineland-Palatinate, the Saarland and Saxony.

A survey on the Action on the Protection of Employees was conducted and evaluated in the Federal authorities. Upon the instigation of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, several Federal *Länder* have launched similar surveys in their *Land* administrations. Research into the legal facts on the implementation of this Act in the private sector and by court rulings has been compiled on behalf of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth. The Act has been translated into "simple language" for people with learning difficulties and made available as a brochure and poster for institutions in vocational rehabilitation.

3. Cooperation between Governmental Institutions and Non-Governmental Offers of Help

To create and improve cooperation between various institutions and projects, the action plan makes provision for forms of cooperation at Federal level that have now been set up and done some successful work:

The German Forum for Crime Prevention was founded on 1 July 2001 as a nationwide preventive body with high-ranking representatives of the Federal Government, *Länder*, local authorities and other entities in society. Violence against women is one of its main themes.

On 12 April 2000, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth set up a Joint Working Group of the Federal Government and the *Länder* to Combat Domestic Violence against Women, in which local authorities and non-governmental organisations, in particular, women's shelters, emergency call centres and intervention projects, are represented in addition to the competent Federal and *Länder* ministries.

Every year 4 meetings have taken place since the constitution of the Joint Working Group of the Federal Government and the *Länder*. The main issues include:

- Statement on a draft civil law Act to Protect against Violence,
- Children and domestic violence: Drawing up recommendations on the interfaces between the Act to Protect against Violence and children's legislation; initiating a resolution of the Conference of Youth Ministers to implement the Act to Protect against Violence from the point of view of child and youth welfare,
- Supervised access: Drawing up recommendations for standards in supervised access,
- Further training for the police and justice authorities: Making contact with the German Judges' Academy and those responsible for further training for judges in the *Länder*; drawing up standards for basic and further training on the subject of domestic violence, in particular the Act to Protect against Violence, for the various professional groups affected,
- Public relations work and accompanying measures to implement the Act to Protect against Violence: Compiling relevant materials (sample applications; recommendations for the necessary framework conditions to implement the Act to Protect against Violence),
- The reactions to domestic violence in the health system,
- Accompanying the implementation of the Act to Protect against Violence,
- Continuing the action plan to combat violence against women.

In the field of women's shelters, financial assistance from the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth has been used to create structures that enable meetings to be prepared and analysed and for the process of will-forming to be coordinated.

In 1997 the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth set up the nationwide Working Group on Trafficking in Women for the better combating of trafficking in women; various Fed-

eral and *Land* ministries are involved in it, as well as the Federal Office for Criminal Investigation and specialist counselling centres. The Working Group on Trafficking in Women holds around 4 meetings per year. Its results so far include:

- Compiling and publishing information material for women in the countries of origin. The brochures appear in 13 languages and are distributed locally by non-governmental organisations and the German embassies and consulates.
- Submitting proposals for the Administrative Provision on the Aliens Act on dealing with the victims of human trafficking that entered into force on 9 October 2000 (e.g. minimum deadline of 4 weeks for the execution of deportation).
- Drawing up a cooperation model for special witness protection for women who cannot or do not want to be included in the witness protection programme. This cooperation concept has been sent to the Conference of Interior Ministries for a decision and has already become the basis of corresponding models in individual Federal *Länder*.
- Drawing up a hand-out for the authorities in accordance with the Asylum Seekers' Benefits Act and for the providers of social assistance on responsibility for benefits to victims of human trafficking under the Asylum Seekers' Benefits Act or the Federal Social Assistance Act.
- Drawing up a recommendation for the Federal *Länder* on the area of application of the Victim Compensation Act to the victims of human trafficking.
- The decree of the Federal Ministry for Employment and Social Affairs to the Federal Institute for Labour on the admission of female foreign employees to the employment market within the context of witness protection programmes of the *Länder*.
- Conducting special further training courses by the Federal Office of Criminal Investigation in the field of the police, incorporating individual members of the working group as speakers.

In recent times in particular, there have been an increasing number of intervention projects against domestic violence in Germany that have institutionalised various forms of cooperation at local authority or *Land* level.

The Berlin intervention project against domestic violence, "BIG", was a model project with financial support from the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth that lasted for 5 years and has been continued by the Berlin Senate alone since 2002. BIG was the first Federal *Land* to successfully link police, criminal and civil law and social measures locally. The brochures, flyers and instructions for action developed here are published by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth to give relevant help to other projects.

The model project "Coordination and Intervention Concept for Schleswig-Holstein (KIK Schleswig-Holstein), which installed corresponding cooperation for a large *Land* for the first time, was financed by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth together with the Women's Ministry of the *Land* Schleswig-Holstein from 1999 to the end of 2003. Since 2004 it has been financed purely from *Land* funds.

In the meantime, similar intervention projects at *Land* level have been set up across the country. After Berlin and Schleswig-Holstein, there are also such institutionalised cooperation alliances in Mecklenburg-Western Pomerania and Rhineland-Palatinate, for example. Increasing numbers of local authority projects are being set up. The manifold developments in this field were given academic support on behalf of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth from 2000 to 2004. The intervention projects in Berlin, Bremen, Freiburg, Gladbeck, Hanover, Mecklenburg-Western Pomerania, Passau, Rhineland-Palatinate, Schleswig-Holstein and Stuttgart were included in the academic support, as were the intervention offices in Mecklenburg-Western Pomerania and mobile intervention in Berlin.

The intervention offices, which are now no longer just in Mecklenburg-Western Pomerania and Lower Saxony, but – for example – also in Baden-Württemberg and Saxony-Anhalt, work according to the Austrian model with pro-active counselling work in order to support the women after they have reported the violence man to the police.

From the outset, the information resulting from the academic support was continuously made available to all Federal *Länder*, local authorities, counselling and networking centres in the interests of proliferating this cooperation and intervention projects are much as possible. Volume 1 “Models of Cooperation against Domestic Violence” and Volume 2 “Further Training for Intervention in the event of Domestic Violence – Evaluation of the Further Training Courses for Police Officers and Lawyers” as well as the “Volume of Material on the Final Report on Academic Support to the Berlin Intervention Project against Domestic Violence” were published in 2001 and 2002.

A brochure and the four-part final report were published in September 2004: “New Support Practice for Domestic Violence”, “Governmental Intervention for Domestic Violence – Development of Practice for the Police and Public Prosecutor in the Context of Interventions Projects against Domestic Violence”, “Perpetrator Work in the Context of Intervention Projects against Domestic Violence”, “From Regional Innovations to Standards of Good Practice – The Work of Intervention Projects against Domestic Violence” and the brochure “Together against Domestic Violence – Cooperation, Intervention, Accompanying Research”. The reports can be called up via the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth website.

4. Nationwide Networking of Help Offers

Projects from the anti-violence field are increasingly willing to network – not just regionally, but also nationally. This makes more effective passing on of information and better division of labour possible. Furthermore, central contact points facilitate the increasing international cooperation. With respect to effective lobbying work for the women affected by violence, the Federal Government is explicitly in favour of the nationwide networking of offers of help.

The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth therefore finances the networking offices of the women’s shelters, the emergency calls and the counselling offices against trafficking in women and violence in the migration process. Furthermore, nationwide networking meetings and specialist conferences on the subject of violence against women are given financial support. Other networking meetings are specifically financed by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth for preparing and analysing the meetings of the Joint Working Group of the Federal Government and the *Länder* to Combat Domestic Violence against Women.

The nationwide representation of the interests of disabled women, *Weibernetz e. V.*, has been financed by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth since the beginning of 2003. The basis for this funding is Social Code Book IX and the Disability Equality Act. The Federal Government is committed to the rights of participation not only being enshrined in law in Social Code Book IX, but also being implemented in everyday life.

5. Work with Perpetrators

In anti-violence work today, the belief is becoming established that not only must the protection of women against violence be improved, but that dealings with the perpetrators must also be seriously changed. This can be done with a harmonised procedure of all parties involved that is aimed at calling the perpetrators to account, both under civil law and under criminal law.

But this also involved measures that aim at changing the violent behaviour of the perpetrator.

Therefore, from 2001 to 2004 the social training courses for violent men in the context of eight differently structured intervention projects were included as a task in the academic support of the intervention pro-

jects. Findings about use and about the assessment by perpetrators and affected women are presented in the final report.

6. Awareness-Raising Measures

Raising Awareness among Experts: Further Training, Courses and Guidelines

The protection of women against violence and the consistent prosecution of the perpetrators can only be realised if the institutions and groups responsible for this have been given the appropriate training. In these courses not only is passing on specialist technical knowledge important, but also conveying the situation of the affected women and their children and the dynamics of violent relationships and the associated risk potential.

Further training courses, the establishment of special departments and the publication of guides for action and guidelines is a matter for the *Länder*. The Federal Government can only make suggestions here and offer help.

The Federal Ministry of the Interior has conducted a *Länder* survey in connection with further training for the police, according to which further training events in this field are increasingly being conducted in most Federal *Länder*.

The Federal Office for Criminal Investigation conducts annual seminars for employees of the *Land* Offices for Criminal Investigation on the subject of human trafficking. In early March 2000, a special cooperation seminar of the Federal Office for Criminal Investigation was held for investigating officers in cases of human trafficking and for employees of the specialist counselling offices in order to prepare the participants for cooperation within the context of witness protection for human trafficking offences.

The further training material of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth for employees in women's shelters appeared in 4 volumes in November 2000.

Since 2001, so-called "train the trainer" seminars for the further training of multipliers from project work who are available as speakers for further training in the police, justice and youth welfare sectors have been held with financial support from the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth.

A first further training event for youth welfare office employees took place within the context of the Berlin intervention project against domestic violence in 2001. Since then, there has been strong demand among youth welfare offices for similar further training courses. A first interim assessment of these courses in Berlin has been submitted by the Academic Support to the Intervention Projects.

In the Joint Working Group of the Federal Government and the *Länder* to Combat Domestic Violence, a sub-working group has drawn up further training standards on violence against women and on the Act to Protect against Violence. These standards given to the various further training facilities of the *Länder*, which offer appropriate seminars. They are also part of the public relations work of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth to accompany the Act to Protect against Violence.

The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth has financed the academic support for the health intervention model project S.I.G.N.A.L. in order to check whether the provision measures – and the training for the hospital staff – are effective and appropriate for the affected women. A manual for health practice has been published.

The project to draw up a treatment concept for traumatised refugee women was conducted between 2000 and 2003 with financial support from the Federal Ministry for Family Affairs, Senior Citizens, Family

and Youth. It was sponsored by Medica Mondiale e.V., Cologne. A manual on the treatment of traumatised refugee women was drawn up.

The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth spoke to the further training experts of all *Land* Justice Ministries at the German Judges' Academy in Trier on the need for further training on the new Act to Protect against Violence, announced the standards and offered support in finding experts and in designing relevant events. This offer met with a good reception and is already in demand from individual *Länder*.

The nationwide hand-out from the Justice Ministers on the protection of child victim witnesses in criminal proceedings has been published by the Federal Ministry of Justice.

Awareness-Raising among the General Public

In the field of violence against women, the Federal Government has taken the following effective measures:

The first representative study on the extent, background and consequences of violence against women was conducted from March 2002 to April 2004. To accompany the study, an international academic advisory panel was set up that also drew up a detailed conception for the invitation to tender. The final report "Lives, Safety and Health of Women in Germany" and a brochure of the same name were published in September 2004. The results can be called up via the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth website.

From November 2002 to April 2004 a pilot study on violence against men was conducted, which was designed to show how men can be addressed to gain knowledge of their experiences with violence. The final report "Violence against Men – Personal Experiences of Violence of Men in Germany" and a brochure of the same name were published in September 2004. The results can be called up via the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth website.

An internet site on the subject of violence against women that is aimed specifically at violent men and offers them help was developed with financial support from the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth. Furthermore, CR-ROMs were developed on violence against women that address affected women with important information in various languages on the one hand and institutions with content on further training on the other hand.

The special postage stamp on the subject of "Violence against Women" was issued in 1999.

The project "Mediation in the Relationship between the Sexes in Companies" has been completed.

As public relations measures on the Act to Protect against Violence a special brochure was issued by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth and the Federal Ministry of Justice; furthermore recommendations for the interfaces with children's legislation, sample applications under the Act to Protect against Violence, recommendations for the framework conditions to implement the Act as well as a paper on further training standards. All accompanying material was published in a dossier and can be called up via the Federal Ministry's website.

7. International Cooperation

The subject of "Violence against Women" has also continuously gained in importance internationally.

All EU presidencies have dealt with the subject of violence against women, e.g. in informal council of women's ministries, conferences and by means of resolutions.

The EU Daphne Programme on Violence against Children, Young People and Women was opened to tender by the EU Commission for the first time in April 2000; it ran for four years. The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth took over or promised co-financing for various German projects. The subsequent programme Daphne II started in 2004 and will run for 5 years.

Since September 2003, the CAHTEH of the Council of Europe (Ad Hoc Committee on Action against Trafficking in Human Beings) has been drawing up a European Convention to Combat Human Trafficking. The text negotiations should be completed by the end of 2004. The emphasis will be on safeguarding the human rights of the victims.

On 15 January 2002 the Federal Republic of Germany ratified the optional protocol on the Convention on the Elimination of all Forms of Discrimination Against Women", CEDAW. The optional protocol thus entered into force for the Federal Republic on 15 April 2002, three months after depositing of the ratification certificate.

The UN Additional Protocol on Trafficking in Women was signed by the Federal Government in December 2000 in Palermo together with the Convention against Organised Crime. The preparations for ratification are ongoing.