

NATIONAL PLANS OF ACTION – VIOLENCE AGAINST WOMEN

States have a duty under international law to act with due diligence to combat and eliminate all forms of violence against women (VAW), defined as ‘violence directed against a woman because she is a woman or that disproportionately affects women’ (CEDAW Committee General Recommendation 19, 1992, para 6). National Plans of Action (NPA) have long been considered an important tool in meeting the due diligence standard. One of the case studies in the *Realising Rights* Daphne Project examined the process by which NPAs were developed and their content for eight countries – Bulgaria, Finland, Germany, Italy, the Netherlands, Serbia, Turkey and the UK. Analysis used on a set of indicators drawn from UN policy documents. In this short briefing document we report our main findings.

WHAT COUNTS AS A NPA?

NPAs are required to be comprehensive and integrated – covering all forms of VAW and engaging all government departments: only three countries under study fulfilled these requirements, Finland, Germany and the UK. The other countries all focused particularly on domestic or family violence. The research also raised a fundamental question – what counts as a NPA? Whilst all the countries selected had a NPA (with Serbia developing one during the study period) according to UN and CoE sources, this appeared not to be the case for half of them. Two – the Netherlands and Turkey – had a lapsed plan and it was unclear if it would be renewed, and for a further two the existence of a NPA was disputed: in Italy because it had never been formally adapted, and in Bulgaria because it was deemed to be a programme of activities not a NPA.

THE FRAMING OF THE NPA

International law and UN documents locate VAW as a ‘cause and consequence’ of gender inequality and as a violation of human rights. UN policy documents have also specifically named certain groups which states should pay particular attention to – namely migrant and rural women – but the relevance of other differences, especially sexuality and disability are also important. Similarly, racism can be experienced by marginalised communities who are not migrants but ostensibly full citizens, such as Roma and established black, minority and ethnic communities.

Given this, it might be expected that NPAs would be framed in accordance with these principles. Of the eight countries, five do in fact recognise different groups of women (Bulgaria, Finland, Germany, Serbia, UK), although two of these neither specify which groups nor any specific actions (Bulgaria, Serbia). Moreover, in three of the five countries, the reference is to ‘vulnerable’ groups (Bulgaria, Finland, Serbia), here discrimination has been transposed into a question of ‘vulnerability’ with an accompanying risk of ‘culturalising’ certain forms of VAW, especially forced marriage, FGM and honour based violence.

Only four NPAs contain explicit references to gender equality (Bulgaria, Germany, Serbia, UK), but in Finland, the actual content is gender neutral. Only three NPAs are framed in terms of human rights (Finland, Turkey, UK), with one country drawing on the linked concept of fundamental rights (Germany). This means that of the eight countries, only one has explicit framings consistent with international law; with two others arguably close to this requirement. The shift towards gender neutrality raises the questions of whether states are meeting their international obligations: these concerns have been commented on by the CEDAW Committee in relation to a number of European countries over the last decade.

NGO INVOLVEMENT

It is expected, and deemed more effective when, specialist VAW NGOs are involved in the development, implementation and monitoring of a NPA. Our study found considerable variation in how NGOs are consulted, and the extent to which their voices are heeded. Whilst two countries had formal and extended processes (Germany, UK) the involvement of civil

society was patchier in most and in some it was little more than a ‘tick box’ exercise. UN and CoE policy documents the role of women’s NGOs – both in terms of having the most expertise on the issue of VAW and providing support services which many women chose to use – which are based on empowerment and enabling women to regain control of their bodies and lives. Here, the three key indicators are: whether the contribution and expertise of NGOs is fully recognised, a philosophical commitment to the support services they provide and whether there is a national funding mechanism to support them. Our findings show that no country meets all three criteria and only one came close: in three other countries (Bulgaria, Serbia and Turkey), specialist women’s NGOs are reliant on international donations and such funding is increasingly project based; making sustaining basic support services increasingly problematic. Few countries can claim to have sufficient geographical spread of services to ensure equity of access (European Commission 2010), especially with reference to sexual violence, rural or black and minority women. This means that none of the countries under study are currently meeting international obligations to protect women survivors of VAW: a situation that will undoubtedly worsen as austerity budgets are implemented.

PREVENTION

The goal set by the UN is nothing less than the elimination of violence against women, and this has also been reiterated by the Council of Europe and the EU. In this context prevention should be a core goal of NPAs, accompanied by specific primary prevention actions. Here we define primary prevention as efforts to prevent violence happening in the first place; this is different from awareness raising and interventions that seek to stop violence which is already occurring. Only three countries in the study – those with the most comprehensive NPAs (Finland, Germany, UK) – can be said to have both primary prevention as a key part of the NPA as well as specific measures in place to further that goal. The other activities which are reported can more accurately be termed secondary prevention – since they are intended to encourage those currently experiencing (and in some examples perpetrating) violence to seek help. Where prevention is not at the core, it becomes possible for governments – such as in the Netherlands – to argue that since the actions in a NPA have been implemented there may not be a need for a further one.

CONCLUSIONS AND RECOMMENDATIONS

In terms of the set of indicators that the case study set out to assess – no country met all of them. However, those with the most comprehensive and integrated NPAs (in terms of the forms of VAW covered and cross-government engagement) met more of them. A number of trends also emerged which give cause for concern, particularly the shift toward gender neutrality which, as the CEDAW Committee has noted, undermines the notion that VAW is a manifestation of discrimination. Whilst by no means the only route for countries to meet their obligations, we conclude that NPAs have yet to realise their potential.

RECOMMENDATIONS

The criteria for assessing whether states have a NPA need to be made more explicit, at minimum they must establish: whether a NPA is currently ‘formally adopted by government’ and ‘in force’ and ‘being implemented’; and a clear and concise definition of minimal requirements of a NPA, including covering all relevant forms of VAW.

We also recommend: consultation with victim-survivors in the development of new NPAs and reference groups involved in monitoring implementation; associated implementation/delivery plans, which can be organised around specific forms of VAW; development of responses to sexual violence; and use of the UN definition ‘violence because she is a woman or that happens disproportionately to women’.

Summary of Turner, J & Kelly L (2011) ‘Unrealised Potentials: National Plans of Action on Violence Against Women’ In: Kelly, L., Hagemann-White, C., Meysen, T. & Römkens, R. (2011). *Realising Rights? Case Studies on State Responses to Violence Against Women and Children in Europe*. London. Available at www.cwasu.org.