



Council of the
European Union

Brussels, 5 June 2018
(OR. en)

9717/18

ENFOPOL 299
FREMP 92

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council

On: 4 June 2018

To: Delegations

No. prev. doc.: 8972/18 + COR 1

Subject: Council Conclusions on improving police co-operation in combating domestic violence, including violence against women
- Council conclusions (4 June 2018)

Delegations will find in the annex the Council Conclusions on improving police co-operation in combating domestic violence, including violence against women, adopted by the Council at its 3622nd meeting held on 4 June 2018.

Council Conclusions

on improving police cooperation in combating domestic violence, including violence against women

TAKING INTO ACCOUNT THAT:

1. Article 2 of the Treaty on European Union affirms that the Union is founded on the values of respect for human dignity, equality and respect for human rights, and that these values are common values of the members of a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.
2. Article 8 of the Treaty of the functioning of the European Union underlines that, in all of its activities, the Union will make efforts to abolish inequality and to promote equality between men and women; and Declaration 19 on Article 8 states that, within the framework of global efforts to eliminate inequalities between women and men, the Union will seek to combat all forms of domestic violence in its different policies, and the Member States will take all necessary measures in order to prevent and punish these criminal acts, as well as to support and protect the victims.
3. A number of EU legislative instruments which contribute to the elimination of gender-based violence and ensure that victims of domestic violence receive protection and support are already in place, most importantly the Victims' Rights Directive¹ and the instruments of mutual recognition of protection orders².

¹ Directive 2012/29/EU

² Directive 2011/99/EU and Regulation 606/2013/EU

4. On 11 May 2017, the Council adopted two decisions on the signing of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), which has already been signed by all the Member States.
5. In 2012, the Council adopted its Conclusions on Combating Violence Against Women, and the Provision of Support Services for Victims of Domestic Violence³ and, in 2014, the Council adopted its Conclusions on preventing and combating all forms of violence against women and girls, including female genital mutilation⁴.
6. Violence against women violates the access of women to human rights and freedoms. It constitutes an example of discrimination against women (or is a result of discrimination) and comprises all acts of gender-based violence, which cause, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life⁵.
7. As referred to in the 2012 Conclusions on combating Violence Against Women, the Provision of Support Services for Victims of Domestic Violence, combating and eliminating all forms of violence against women and their children who witness it requires coordinated policies, including police cooperation and a comprehensive approach. These policies should also contain measures to encourage victims to report incidents to the police, given that currently only one in seven women report the most serious incidents of violence.⁶

³ 16382/12

⁴ 9543/14

⁵ Article 1 of UN Declaration 48/104

⁶ European Union Agency for Fundamental Rights (FRA) (2014). Violence against women: an EU-wide survey. Main results, Luxembourg, Publications Office.
<http://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report>; page 67, table 3.10.

8. One of the most common forms of violence against women is domestic violence, which includes any act of physical, sexual, psychological or economic violence that occurs within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim. Gathering comparable data on domestic violence is hindered by the differences in terminology and definitions among the Member States.
9. In cases of domestic violence, effective protection of victims against repeat victimisation is premised on the competent authorities being vested, in accordance with Article 52 of the Istanbul Convention, with powers to order the perpetrator of domestic violence to leave the residence of the victim and to prohibit the perpetrator from returning, or approaching or otherwise contacting the victim, based on a national protection measure or while enforcing a protection measure from another Member State⁷, applied according to the national legislation of the executing Member State. The objective of such an intervention is to bring to a halt what is often referred to as the cycle of violence and to allow the victim to live free from fear. By their intervention the competent authorities must demonstrate that domestic violence is a public issue, not only a private matter, and that it is the perpetrator of domestic violence who is held to account and has to change his behaviour, not the victim. Conveying these messages also helps to relieve victims of feelings of guilt or shame.
10. While the police intervention is oriented towards protecting the rights of the victim from violations, police powers often depend on the criminalisation of such violations. Therefore, it is of paramount importance that the police can rely on criminal law definitions that cover all aspects of domestic violence. This includes psychological forms of violence, such as instilling in the victim – often over a long time period - feelings of fear, helplessness, or inferiority. This also includes sexualised forms of violence, which are often experienced by victims as particularly debasing and traumatic.

⁷ In accordance with Regulation 606/2013 or Directive 2011/99/EU, respectively.

11. Despite the progress achieved to date, there is a significant difference in the support services within and among EU Member States in terms of capacity, quality and geographical distribution. Considering the unresolved challenges, further efforts will be necessary to ensure effective coordination of law enforcement services in targeting prevention programmes and systematic training on victims' rights and needs for police officers working with victims and perpetrators of acts of domestic violence and violence against women.
12. Administrative data – including police data – cannot accurately show the extent (prevalence) of domestic violence and violence against women because most victims do not report incidents to the police. Administrative data collection is important as a means of recording information concerning state responses to such violence; in particular, the evaluation of policies to combat it. The requirement for high quality administrative data is also in line with the international commitments of Member States to fight violence against women, as defined in the Victims' Rights Directive 2012/29/EU and the Istanbul Convention. National databases are maintained by the competent authorities, including the police in 22 Member States.⁸
13. Cyber violence against women and girls is a rapidly growing form of violence against women, with potentially significant economic and societal consequences. The phenomenon is even less reported, less responded to, and less known than real-life violence, but deserves special attention, also in the context of cybercrime as one of the priorities under the new Policy Cycle for 2018-2021.
14. Most of the Member States have set up specialised units or have designated public prosecutors to combat domestic violence within their structures, which has certain advantages such as more effective organisation of the prevention, detection and investigation of the violent acts.
15. It has to be recalled that no forms of domestic violence and violence against women can be justified, nor can the prosecution of perpetrators be avoided, on the basis of different customs, traditions, cultures or religions.

⁸ Austria, Belgium, Croatia, Cyprus, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and the United Kingdom

16. Women migrants, refugees and asylum-seekers and their children are at even greater risk of becoming victims of violence, due to their uncertain status and the often difficult circumstances in which they live. In that context, the Member States generally provide the same level of protection to these vulnerable groups, while striving to take into account that religious, traditional or linguistic reasons often hinder their access to those services.
17. The European Union Agency for Law Enforcement Training (CEPOL) is already providing training in prevention and protection of women from domestic violence, but current developments require an examination of the options for expanding them in the fields of cyber violence against women and girls and of women migrants, refugees and asylum-seekers and their children.
18. A great number of Member States have established mechanisms for interaction between law-enforcement authorities and other governmental institutions and non-governmental organisations, as well as risk assessment procedures or tools to measure the life and health risk of domestic violence victims.
19. While the general obligation on frontline police officers to provide necessary information and assistance to victims of domestic violence is well established throughout the Union, some Member States have introduced structured and proactive forms of such information, such as (sometimes multilingual) leaflets about available support services and protection measures, as well as victims' rights and relevant police competences.
20. Follow-up by public authorities of existing protection measures seems to differ widely across the Union. While many Member States confer this task on judicial authorities, some Member States have provided for frequent contact between past or current victims and police officers serving in their immediate proximity, which may be beneficial both in terms of fast reactions to potential breaches and increased trust between victims and public authorities. In turn, this may lead to better reporting of cases of domestic violence.

21. The establishment of National contact points for questions regarding combating domestic violence could contribute to a more effective tackling of this phenomenon. Where appropriate, a relevant competent authority, in accordance with Member States' national structures and legislation, should be designated as NCP. These NCPs could provide information about all forms of domestic violence and violence against women relevant for the efficient protection of victims on the territory of other Member States. The NCP could be contacted in cases in which a victim of domestic violence and violence against women from one Member State travels to another Member State and there is a risk or threat of a new violent act being committed on the territory of the second Member State, or when such violence has already taken place. The exchange of information between NCPs should allow an immediate reaction by the law enforcement authorities of the second Member State and effective risk assessment of the violent situation.
22. In an area of free movement of persons, cross-border police cooperation is highly useful in cases in which restriction orders and protection measures should be implemented abroad, in accordance with the national legislation of the executing Member State.

THE COUNCIL AND THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN UNION

CALL ON the European Commission to:

1. Support the Member States' actions, such as training for police officers to support women who are victims of violence, and promote gender equality through funding available under the relevant programmes in place.
2. Take action if needed in line with Measure E of the Annex to the Resolution of the Council of 10 June 2011 on a Roadmap for strengthening the rights and protection of victims, in particular in criminal proceedings, in order to strengthen, in accordance with Declaration 19 on Article 8 TFEU, the rights of women as victims of domestic violence to protection against repeat victimisation.

THE COUNCIL AND THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN UNION

CALL ON the Member States, in accordance with their respective competences, to:

1. Further develop, implement and improve the existing multi-disciplinary coordinated mechanisms, which aim at countering domestic violence and violence against women through prevention, detection, investigation and protection carried out by the police authorities.
2. Improve the identification of cases related to all forms of domestic violence, as well as the collection and dissemination by the police authorities at both national and EU level of comparable, reliable, regularly updated statistical data on victims and perpetrators of all forms of domestic violence and violence against women, disaggregated by sex, age and victim-perpetrator relationship, working in cooperation with national and European statistical offices as well as to support research and the exchange of good practices in this field.
3. Ensure the correct and consistent application of existing EU legislation to protect and support victims of domestic violence, including Directive 2012/29/EU and the EU rules on recognition of protection orders, as set out in Regulation 606/2013 and Directive 2011/99/EU.
4. Draw on the experience of the police forces of some Member States in the area of structured information concerning support services and protection measures, including the prevention of re-victimisation and cycle of violence, available to victims of domestic violence.
5. Strengthen appropriate training for relevant professionals at the police authorities dealing with victims and perpetrators of all acts of domestic violence and violence against women and, where relevant, and in accordance with national law and practices, reinforce police units or programmes, and task forces that deal with victims of all such acts of violence.
6. Increase knowledge and implement measures in the police structures to tackle cyber violence against women and girls and the emerging threat it poses. Adopt prevention measures and raise awareness in the form of gender sensitive training on cyber violence for the police authorities.

7. Improve cross-border police cooperation by designating, where appropriate, a relevant authority, in accordance with Member States' national structures and legislation, as a National Contact Point (NCP). The NCPs could provide timely information exchange on all types of domestic violence and violence against women and their children in order to create an effective mechanism for the exchange of information relevant for the efficient protection of victims on the territory of other Member States. This also includes cases in which a victim of domestic violence and violence against women from one Member State travels to another Member State, and there is a risk or threat of a new violent act being committed on the territory of the second Member State, or when such violence has already taken place.

THE COUNCIL AND THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN UNION

CALL ON the CEPOL, in accordance with its competences, to:

1. Further develop, with regard to the current migration situation, the training modules (for example the existing online 'gender-based violence' module) on combating domestic violence, addressing other aspects such as cyber violence against women and girls and violence against women in migrant centres, refugees and asylum-seekers and their children, and including the exchange of best police practices for handling such cases.
2. Examine the possibility of organising a dedicated workshop or an ad-hoc webinar on the issue of domestic violence and violence against women for professionals working with migrants, refugees and asylum-seekers and their children.
3. When developing its training, to draw on evidence collected by the FRA and the EIGE in their regular reports, which includes data on domestic violence and violence against women and their children in migrant centres and among refugees and asylum seekers.