

## **THE WINSTON CHURCHILL MEMORIAL TRUST OF AUSTRALIA**

Report By Marluce Silva Peters

2009 Churchill Fellow

**The A.C.T. Government Audrey Fagan Churchill Fellowship to investigate international best practice to support overseas born women surviving family violence – Finland, Sweden, U.K. and Austria**

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Signed:

Dated: 05 January 2010

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## Introduction

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I am integrally involved and have a leadership position in the family violence sector in the Australian Capital Territory (ACT). I have been a Social Worker for 29 years. Since 2004, I have coordinated Doris Women's Refuge Inc., a not-for-profit organisation that provides government funded supported accommodation to women with children in crisis and homeless following experiences of violence in the home environment. Overseas-born women comprise over 45% of those assisted, a significant over-representation against the general population. The unique and complex needs of this group present a challenge to the established support and advocacy services for women. In addition, there is empirical evidence that the risk factors, prevalence, non-reporting and a severe level of perpetrated offences, including homicide, in intimate-partner violence are even higher among the overseas-born. Knowing that the ultimate outcome of family violence derives from increased risk factors contributing to the escalation of a predictable pattern of behaviour, it is possible to conclude that appropriate preventative and protective interventions are warranted at both the community and government level, and expert, effective, comprehensive and easily accessible and implemented services and legal provisions to the particular needs of these women should be improved.

Attending the 1<sup>st</sup> International Conference on Women's Shelters in Edmonton, Canada, in 2008 enabled my interaction with and introduction to innovative practices in the delivery of services to immigrant women and children victims of violence, and of aspects of immigration laws protecting women during the assessment of their application for permanent residency based on their experiences of violence. I felt compelled to investigate further with the intent of bringing contributions to our practices in Australia. Having direct experience as a relatively recent immigrant, I have both the professional and personal skills to identify, consider and select the aspects of interest for deriving recommendations that can be included in the agenda of advocacy groups and government agencies for advancement in support services and protection laws for overseas born women and children leaving violence.

I am proud of and grateful to the Winston Churchill Trust and to each member of its Selection Committee for legitimating the experiences of victims through the approval of my project. I am thankful to the ACT Government through its Office for Women, for funding my fellowship. The recognition of the value of the late ACT Police Chief Ms Audrey Fagan in promoting the professional leadership of women and the association of the interventionist role of Police with victim protection in the domestic domain are again reasons for praising the choices and policies of the ACT Government.

I acknowledge and thank in particular Ms Nerida Hunter, the ACT Women's Services Network and its representative Ms Veronica Wensing, Ms Rachel Livingston, Ms Yola Melgarejo and the NSW Immigrant Women's Speakout Association. They have all supported, encouraged and enabled my application for and implementation of the Fellowship. I also thank my employer, Doris Women's Refuge Inc., the members of its Governance Committee and my work colleagues. My family, whose love and assistance nurtured my desire and ability to proceed with this investigation, I very much thank and embrace. I acknowledge the many overseas-born women who approached me to express their thankfulness at being

heard through this project. Knowing of their plight and having been privileged and able to advocate on their behalf throughout the years has enriched me greatly. I dedicate this report to each overseas-born woman and her children who have been victims of violence in Australia. I finally thank all representatives of the many Finnish, Swedish, English and Austrian organisations that very kindly and generously welcomed my visit and shared their knowledge and practices with me. Their profound commitment to the work of their organisations and to the cause of professional assistance to overseas-born women and children victims of violence is inspiring. I have, with them, established relations that will certainly produce future cooperation with other stakeholders in Australia.

## **Executive Summary**

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The A.C.T. Government Audrey Fagan Churchill Fellowship to investigate international best practice to support overseas born women surviving family violence – Finland, Sweden, U.K. and Austria

### **Highlights:**

- Visiting 20 organisations assisting overseas born women and children survivors of family violence in Finland, Sweden, U.K. and Austria during seven weeks.
- The opportunity to promote recognition of the dimension of the problem faced by overseas born women surviving violence in Australia. To illustrate, Filipino women living here are almost six times over-represented as victims of homicide, compared to other women.
- The opportunity to promote recognition that the issue of immigration continues to impact viciously on the lives and choice of immigrant women.

### **Recommendations:**

- I fully endorse and support, in particular, the recommended strategy in The National Council's Plan for Australia to Reduce Violence against Women and their Children, 2009–2021 that support services to assist female visa applicants experiencing domestic or family violence to access the protection of migration legislation are enhanced and all other strategies to ensure accessible and equitable justice for women and their children.
- I fully endorse the WARM (Women and Reform of Migration) recommendations to wind back protections for immigrant women and their children through changes to the law and to the implementation of the Family Violence Provisions. In particular, I support the employment of independent experts under clear regulations and a code of conduct to assess migration claims based on these Provisions. I further advocate for no restrictions of access to social welfare for migrant women and children, independently of sponsorship.
- There needs to be further investigation into the occurrence and experience of migrant women and children in situations of domestic violence and the documentation of cases, including the collection and examination of data on women who are victims of intimate partner homicides to include details of their immigration status.
- Implement shelter evaluation research on the effectiveness of shelter services for overseas born women and children, and develop quality standards, guiding principles and regulations, and specialised training for organisations running women's refuges at a national level.
- Consider establishing specialised, autonomous migrant women led refuges. Recognise that issues of race and gender mark their lives and the service responses they receive.
- Develop effective strategies to raise awareness of vulnerable overseas born women of the existence of the Family Violence Provisions in Australian Immigration Law.

### **Dissemination and Implementation:**

- Widely distribute this report to all services members of the ACT Women's Services Network and to members of the Immigrant Women's Speakout Association NSW Inc.
- Present and discuss experiences in diverse forums of government and non-government organisations
- Continuously reference experiences in my work environment and that of other associated community organisations in the ACT and NSW

## **Programme**

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### **Finland**

Helsinki and Espoo  
7–11 September 2009

*Monika-Naiset liito ry (Monika Multicultural Women's Association)*

Reet Nurmi, Managing Director

Bassma Chaoki, Psychologist *Monika Koti (Mona Home)*

Ljudmila Kettunen, Director *Monika Koti (Mona Home)*

Kirsi Moilanen, Training Planner

Sakari Lauriala, Communications Manager

Kaija Asp, Project Manager *MoniNaisten Talo (Multicultural Women's House)*

Nasima Razmyar, Manager, *Monikulttuurinen Voimavarakeskus (Monika Resource Centre in Helsinki)*

29 Members of Staff of *Monika-Naiset liito ry (Monika Multicultural Women's Association)* in attendance at my seminar

*Perhetalo Sahrami (Social and Educational Centre for Immigrant Women and Children)*

Pirjo Jallow, Representative,

*Miehen Linja (Men's Line)*

Dwayne Woodroffe, Representative,

*The Helsinki Cultural Office*

Various

*City of Helsinki, Social Services Department, Special Services Centre, Unit for Immigrant Services*

Susanna Kaajaluoma, Social Advisor

Heli Härkönen, Senior Social Worker

*Naisten Apu Espoossa ry (Women's Aid, Espoo Shelter)*

Irina Virtanen, Representative

### **Sweden**

Stockholm (Husby, Södermalm) and Södertälje

14–23 September 2009

*Systerjouren Somaya Kvinnojour och tjejjour (Immigrant Women's Shelter Somaya)*

Najla Ahmed, Board Member

Susanne Namaani, Director

*Alla Kvinnors Hus (Women's Shelter Alla Kvinnors Hus)*

Lotta Molander, Child Worker,

*Kvinnojouren Annfrid (Södertälje Women's Shelter)*

Marianne Herz, Coordinator

*Sveriges Kvinnojourers Riksförbund (Swedish Association of Women's Shelters)*

Katarina Björkgren, Board Member

***The Netherlands (see Appendix)***

Amsterdam

25 September 2009 (a single and brief contact)

*Federatie Opvang (Federation of Shelter Organisations)*

Marloes van der Sande

***England***

London and Wolverhampton

28 September–10 October 2009

*Women's Aid Federation of England*

Various

*The Haven Wolverhampton, Herian House*

Michaila Tope, Residential Services Director

Kath Rees, Herian House

Elvira Wilson, Herian House

*Refugee and Migrant Centre*

Tanveer Khaja, Senior Adviser and Monitoring Officer

Sylwia Czort, Adviser

Alex Bergman, Projects Coordinator

***Austria***

Vienna

12–23 October 2009

*Women Against Violence Europe – WAVE Network Office*

Maria Rösslhumer, Executive Director

Regina Webhofer, Project Officer

Catherine Joksch, Project Officer

Julia Kensy, Project Officer

*Autonome Österreichische Frauenhäuser – Autonomous Austrian Women's Shelter Network*

Maria Rösslhumer, Executive Director

*3 Wiener Frauenhaus (Vienna shelter number 3)*

Irma Lechner, Coordinator

*Wiener Interventionsstelle gegen Gewalt in der Familie – Vienna Domestic Abuse Intervention Centre*

Rosa Logar, Director

Klara Weiss, Administrator

Cansel Demirdelen, Adviser/Supporter

Arsaluy Bayvertyan, Adviser/Supporter

## **Main Body**

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### **Rationale and aim of this investigation**

I applied for a Winston Churchill Fellowship to enable my visit to a number of shelters and organisations in Europe relevant to the completion of an investigation about best shelter practices and outreach services provided to overseas born women surviving intimate partner and family violence that could be utilised in Australia. In addition, I also proposed to assess existing immigration regulations aimed at protecting migrant women victims of violence whilst under temporary visa conditions.

Violence has its roots in social structures. Violence against women is a social problem whose origins lie in the structures of our society. It is not a phenomenon that affects only certain women. The 1993 United Nations Declaration on the Elimination of Violence against Women recognises:

...that violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men.

Physical abuse is not the only form of violence to which women are exposed. Violence is the result of an abuse of power and control, isolation, menacing behaviour and coercion, emotional and economic abuse, damage to property and to dignity.

The World Health Organisation (WHO) describes violence against women as one of the most pervasive yet under-recognised human rights violations in the world, with studies on violence against women indicating the prevalence across countries.

International research consistently demonstrates that a woman is more likely to be assaulted, injured, raped, or killed by a current or former partner than by any other person. Findings from nearly 80 population-based studies carried out in more than 50 countries indicate that between 10% and 60% of women who have ever been married or partnered have experienced at least one incident of physical violence from a current or former intimate partner (Ellsberg & Heise, 2005).

In Australia, family violence harms the lives of one-third of women. Sexual assault and family violence are overwhelmingly perpetrated by men against women. Women are assaulted by men they know, often in their own homes, and in circumstances where they may be subject to repeated violent acts over time. When seen as the escalation of a predictable pattern of behaviour with increasing risk factors, family violence and related homicides are essentially preventable.

Australia has a culturally and ethnically diverse population base. Overseas born women living here have arrived to join family members or intimate partners, to work, to seek asylum and for other reasons. With a significant population of

female migrants, frontline domestic violence services are increasingly supporting migrant women from a variety of countries, who are experiencing violence.

While domestic violence affects women regardless of age, class, race, ethnicity or sexuality, women who experience male violence are not a homogenous group. For many women, coping with their partners' violence, abuse and control is further complicated by their marginal status in society. For migrant women, structural barriers such as immigration status, racism, poverty, strong cultural markers in their community, lack of language and culturally appropriate advocacy and support systems can seriously impact on their options for assistance and protection. Structural barriers facing migrant women and the challenges of meeting the needs of women from diverse backgrounds and communities are emerging issues for family and domestic violence services. While many organisations are highlighting these issues and developing good responses, there is a strong need for research on the issues facing migrant women in situations of domestic violence or on the experiences of service providers in meeting the needs of these women.

This report aims

- to document the issues raised through my experience of visiting women's services and, in particular, women's shelters or refuges, in a number of European countries,
- to register general and specific practice and policy issues for the provision of responses to migrant women,
- to identify wider legal and policy issues that can act as barriers when migrant women seek support and protection, and
- to make recommendations for services in Australia to consider while exploring further what I considered quality and innovative practices, systems and issues relevant to migrant women and to women advocating and supporting them in the countries that I visited.

### **Definitions**

In this report, the term 'migrant women' includes not only recent immigrants and refugees but also those citizens and permanent residents who may have been in a country for many years but who still consider themselves to be outside the mainstream society in terms of their linguistic, racial or cultural backgrounds, and who therefore still define themselves as immigrants.

I acknowledge that such a broad definition can reduce the clarity of some of the points made and the inclusion of so many diverse groups in the working definition of migrant women can lead to some confusion, since not all groups of migrant women are subject to the same policies, guidelines and restrictions. However, this broad definition reflects that it is a diverse group of women that are seeking the help of the services visited.

This report focuses on 'domestic violence' which generally refers to abuse of women by current or former male intimate partners.

## **The Nature of Domestic Violence**

Studies into the nature and patterning of male violence in intimate relationships demonstrate the underlying root causes of power and control. Domestic violence is a process rather than a one-off event, with abusive men employing a multiplicity of abusive and coercive tactics to gain control over their partner's life. Research confirms that most women who suffer physical or sexual abuse by a partner generally experience multiple acts over time and tend to be subjected to multiple forms of violence (Ellsberg and Heise, 2005). Emotional abuse is experienced by a large proportion of women, and for many women emotional abuse or the threat of violence can be more frightening than actual physical violence and controls, and undermines women just as much as actual acts of violence. With the intention of ensuring compliance of a woman, abusive men actively seek to isolate women from any possible sources of support such as family, friends and community and many women are prevented from active social life.

In the most extreme form, violence kills women. Worldwide, an estimated 40 to more than 70% of homicides of women are perpetrated by intimate partners, frequently in the context of an abusive relationship (Ellsberg & Heise, 2005).

## **The diversity of women's experience of violence**

What is evident from the prevalence and patterning of domestic violence is that domestic violence happens to women across all race, religion, ethnicity and class groups. Much of the literature on domestic violence emphasises this fact and this emphasis has been important in terms of bringing the issues into the mainstream, and shifting the debate away from the domain of the private and 'other'.

However, we also need to attend to what may be hidden by such a homogenising approach which tends to miss or pass over the class and 'race' dimensions of abuse (Burman et al., 2004).

Since the 1970s and 1980s, activists in the US and the UK have been highlighting the need to recognise the different experiences of minority ethnic women in feminist theory and practice. Through this activism, feminists began to recognise that for change to benefit all women it was important to map out the differences between women and what their consequences are in legislation, policy and practice. As a result, research on violence against women has begun to explore differences in women's experiences and how these connect to different ways of coping with men's violence.

## **Violence against migrant women**

The plight of migrant women in a violent relationship is often especially difficult. If they have not been issued a visa of their own, their visa ties them to the perpetrator which places them at a higher risk of being severely abused. This dependence can only be countered if countries guarantee migrant women separate residence and work permits that do not tie them to their husbands and families.

Migrant women must also be given sufficient social and economic support to enable them to start a life of their own. They often have access to fewer resources and are barred from social benefits. This makes it all the more important to admit abused migrant women to refuges. For them and their children, a refuge may well

be the only place where they are safe and supported. In Europe, a high proportion of women in refuges are overseas born. In Austria, for example, foreigners accounted for more than half of the women admitted to shelters. In the last few years in the refuge that I coordinate in the ACT, Australia, an average 45% of supported women were migrants.

### **Barriers for migrant women**

Migrant women are burdened by language barriers, discrimination, limited mobility, low personal income, and more restrictive marital norms than other women in the general population. In Europe, many are also undocumented citizens and therefore ineligible for social assistance. They usually report longest and highest duration and severity of abuse, are less likely to have disclosed the abuse to family members, friends, authorities and general social services agencies, are more likely to live below the poverty level and less likely to have access to private transport or to have a driver's licence (Council of Europe, 2006). Minority women often encounter additional barriers in seeking support, and stereotyped response that expose notions of prevalence and even acceptance of abuse in certain social groups (Batsleer et al., 2002).

Factors that distinguish between women who maintain or terminate abusive relationships include economic variables, such as income, education, and employment opportunities. Specifically, low income, lack of education as well as a paucity of job skills and opportunities for employment all serve as significant barriers to leaving an abusive relationship. Psychosocial factors such as social isolation, low self-esteem, and internalisation of blame are also related to an increased likelihood that women will remain in abusive relationships. Institutional factors, such as the lack of appropriate legal and social interventions, also serve as real and significant barriers to escaping abuse.

Key structural barriers including immigration laws, social welfare restrictions and racism prevent migrant women experiencing domestic violence from accessing support and protection. State laws and policies need to address these barriers to ensure domestic violence legislation offers protection to all women. Domestic violence provisions developed in some countries afford some protection, particularly where the evidence required reflects the nature of domestic abuse and women have access to housing and social welfare benefits.

International evidence supports the feminist analysis that the purpose of domestic violence is to maintain men's power and control over women's lives. For migrant women the additional vulnerabilities of uncertain immigration status, no access to independent income, unfamiliar surroundings and language and culture, exacerbates their dependency on their partners, leaving them particularly vulnerable to domestic violence.

Very little data is available in Australia with respect to differences in experiences of domestic violence within particular communities. However, to illustrate the dimension of the problem, we do know that Filipino women living here are almost six times over-represented as victims of homicide, compared with other women (Cunneen and Stubbs, 2002).

Though many barriers emerged through the very few studies on the topic of family violence and overseas born women, four key issues are repeatedly identified as having a significant impact on this population.

- Immigration legislation impacts greatly on the lives and choices of migrant women, increasing their physical vulnerability and distress in situations of domestic violence and severely curtailing their options particularly when social welfare and visa restrictions apply,
- restrictions on public funds for individual women through social welfare restrictions, and to services through under-funding, limit women's choices and curtail the development of appropriate responses,
- migrant women often face the dual problem of racism from wider society and rejection from their own communities if they report abuse. This exacerbates women's fear of isolation and often prevents women from leaving the abusive relationship, and
- cultural differences and lack of understanding and culturally appropriate responses can often be a significant barrier to women seeking help and protection (Batsleer, 2002; Southall Black Sisters, 2003).

### ***Immigration legislation***

*Time for Action:* The National Council's Plan for Australia to Reduce Violence against Women and their Children, 2009–2021, published in March 2009, recommends an improvement in the law's capacity to provide just responses to women and children. A key strategy for implementation of this recommendation is to ensure accessible and equitable justice for women and their children by

- enhancing support services to assist female visa applicants experiencing domestic or family violence to access the protection of migration legislation and
- ensuring that all victims of violence (including children exposed to violence) have access to victim/witness services with staff who are knowledgeable and responsive to the diversity of women so they can support them in their interactions with the justice system.

In many countries in the world, including Australia, migrant and women's organisations have campaigned for change in relation to barriers encountered by overseas born women, with much of their focus on the area of immigration law. These campaigns have resulted in provisions being introduced in many countries which offer protection to victims of domestic violence with uncertain immigration status.

Australia has a similar provision to the UK's 'domestic violence rule' called the 'Family Violence Provisions' (FVP; see also below in the section on England). These provisions were introduced in response to community concerns that spouses and partners were remaining in abusive relationships for fear that they would be forced to leave Australia if the relationship ended. The FVP allows certain people applying for permanent residency to continue with their application after the breakdown of their family unit, if they or a family member, have experienced domestic violence committed by their spouse or partner (DIAC, 2007-2008). The evidence required to prove domestic violence is more wide-ranging than in the UK and women can provide reports from a range of professionals

including doctors, social workers and community workers as proof of violence. There are, however, a number of concerns with the implementation and application of the FVP.

Under Australian migration law, partner visas are generally granted in two or three stages of which the grant of a permanent visa is the final stage. If the relationship on which eligibility for the visa is based ends before grant of the permanent visa, generally a permanent visa can only be granted if the relationship ceases because of domestic or family violence, because the spouse has died or because there are children involved (Immigration Advice and Rights Centre Inc, 2008).

In its *Annual Report 2007–08*, the DIAC - Department of Immigration and Citizenship stated that:

- 502 claims of family violence were made nationally (in an immigration context),
- At 30 June 2008 there were 74 referrals to Centrelink for independent assessment of claims,
- Of the 61 referrals finalised by Centrelink up to 30 June 2008, there were 40 findings that family violence had occurred, and 21 findings that it had not (Centrelink findings are binding on the immigration decision maker),
- Of the further 49 referrals to Centrelink by the Migration Review Tribunal, there were 19 findings that family violence had taken place, and 26 findings that it had not, and
- At the Departmental level, approximately 65% of family violence claims in any financial year result in a grant of a permanent visa.

The extremely small number of claims raises concerns that the most vulnerable migrants may not be aware that family violence provisions exist in Australia's Migration Program.

Women and Reform of Migration (WARM), a network of individuals convened by the Immigrant Women's Speakout Association NSW who are committed to undertake activities to change flawed and unjust immigration policies and programs, recommends that the Department of Immigration and Citizenship:

- accept the alleged victim has suffered domestic violence and consider the application on that basis or, if not satisfied the alleged victim has suffered domestic violence, grant a visa independent from the sponsor/spouse whilst the independent expert determines whether or not the alleged victim has suffered domestic violence,
- powers are exercised in less than 48 hours from the receipt of a complete application and in less than five days for the independent expert to complete an assessment,
- Adverse claims or statements about an alleged victim or her application must be in the form of a statutory declaration or the Minister may not refer an application to an independent expert. Where adverse information is received, the alleged victim must be given the opportunity to respond to that information in writing before a determination is made,

- Suitably qualified experts and non-government organisations should be statutorily appointed and contracted to act as independent experts,
- Centrelink and its staff should not act as an independent expert,
- Publicly available regulations and a code of conduct must govern any independent expert under the FVP, and
- If decisions of Centrelink social workers are adverse to a woman, a complete review must be requested to the Migration Review Tribunal, so that it can consider evidence provided by the applicant in support of their claim and/or appoint an alternate expert to assess the application (WARM, Issues Paper).

### ***Social welfare restrictions***

A further consequence of immigration policy is the restriction of social welfare benefits to certain categories of immigrants. With evidence that access to affordable accommodation and economic independence are essential prerequisites for victims of domestic violence to be able to leave violent relationships, state policy and practice that restrict access to housing, levels of state benefit and childcare pose significant barriers to migrant women.

Whilst current domestic violence rules in some countries can remove some women's fears of being returned to their countries of origin if their marriage/relationship breaks down, they do not remove women's fear of destitution and of being trapped in a violent home. The continuing restriction to public funds preserves the economic dependency of abused women on violent partners or relatives and prevents a significant number of women from escaping violence (Southall Black Sisters, 2004).

For migrant women in violent relationships whose status is dependent on their husbands or for those who are restricted from accessing welfare benefits, the law exacerbates their situation rather than protects them.

The threat of being deported affects women in terms of exacerbating their distress and sense of insecurity and uncertainty...Women not only reported how 'the law gives all the power to the man', but also how the abuse they were subjected to was made possible precisely because of their immigration status (Burman, 2004).

In Europe a number of migrant and women's organisations have called for the removal of social welfare restrictions for women in situations of domestic violence. These groups, pointing to research that indicates financial control is a major factor in women's entrapment in abusive relationships, highlight that restrictions on migrant women experiencing domestic violence prevent them from fleeing violent partners (Fagan, P, 2008). Learning can also be drawn from the practical experience of women's shelters in Australia that highlights that, even when protection in relation to securing immigration is afforded to migrant women, such protection has limited effect without entitlements to safe accommodation and financial support.

Several countries, including Austria, provide women with public funds pending application. As outlined earlier, with access to housing and social welfare benefits vital to women escaping domestic violence this needs to be an integral part of any protections introduced.

In Australia, women who are not permanent residents and are under an Assurance of Support (AOS), that is, a legal undertaking by one or more Australian residents to repay to the Australian Government the value of specified welfare payments made to the new temporary resident while the AOS is in force (generally for two years), can make a claim for a special benefit as a result of domestic violence. In this case, the Assurer may not be notified prior to payment, but Centrelink will recover the money paid directly from the Assurer or will deduct the value from any AOS bond paid. Women in need of access to such special benefit will frequently avoid applying or receiving it because they fear further adverse reactions from their Assurer (generally a husband, perpetrator of violence against them) when asked to repay money to Centrelink.

### ***Racism***

A key issue affecting many migrant women is racism. A number of studies have found that racism and discrimination have the ability to permeate every stage of the help seeking process for minority ethnic women. And fear of racism has been highlighted as a major factor in minority ethnic women's decision not to leave a violent situation (Rai & Thiara, 1997).

Racism and sexism combine to exacerbate the problems migrant women face. Immigration laws which define foreign-born wives as dependents with no independent right of residence are racist and sexist laws. Immigration laws are at the cutting edge of migrant women's experience of racism at the hands of the state. As a result of restrictions and particularly specific measures to prevent people from using marriage to gain entry and residency, immigration rules can trap women in violent relationships.

More than half of our clients have come from abroad to the UK to join their husbands. Others entered the UK with husbands who came here to claim asylum. The majority of these women seek help because they are in violent marriages or have fled violence. The right of these women to stay in the UK is invariably dependent upon them remaining in violent marriages (Southall Black Sisters, 2003).

Migrant women often face the dual problem of racism from wider society and rejection from their own communities if they report abuse. For these women the reality of racism can create a tension between their experience of abuse, and the perception that they need to protect their community from intervention, especially from the police. Women's loyalty to their community coupled with fears that by reporting domestic violence they will fuel racist ideas and practices, creates deep concerns that reporting violence may result in racist reactions against what may be an already over policed section of the community (Southall Black Sisters, 2003; Burman, 2004).

It has also been pointed out by minority ethnic women that, because their communities are subjected to extreme violence and discrimination from the dominant community, the effect of this oppression causes high levels of stress in the community which has an effect on the level of violence against women (Kelleher associates & O'Connor, 1995).

### **Cultural barriers**

The institution of the family remains the most important force in many cultures and is fundamental to understanding social life and the nature and extent of violence within it. The experience of minority ethnic women in situations of domestic violence shows that for many women it was the loss of their family and community as well as the fear of racism and isolation within the dominant community that stopped them from moving on (Batsleer et al, 2002).

Cultural factors pertaining to marriage and family honour have a significant impact on women's help-seeking behaviour if domestic violence occurs. Pressures not to disclose abuse outside the family because it can bring shame upon it are common. Women fear being ostracised from their communities if they seek support outside. The women's identity and status can be strongly linked to marriage and the breakdown of a marriage can be viewed as extremely shameful for women and their families. In addition, the stigma against divorced women or women who litigate against their family is strong in some communities, as are cultural norms that often blame women for the violence inflicted upon them.

Many migrant women also suffer economic pressures from their birth family in their country of origin, with marriage associated with the provision of income to those members left behind experiencing poverty.

Mistrust and fear of contact with police are prevalent barriers for some overseas born women. They are unaware of their legal rights or that police, in Australia and in a number of European countries, play an interventionist role.

### **Violence against women in Europe**

Women are discriminated against the world over. On every continent they are subjected to abuse, not only but primarily by their partners. Neither ethnic nor social backgrounds are factors here. In all probability, violence against women constitutes the most frequently practised human rights violation in Europe. Even the most conservative estimates suggest that 12 million European women are subjected to violence.

Since the first refuge opened its doors in London in 1972, the number of women's shelters has been growing steadily. However, there are still many battered women who cannot seek shelter in a refuge, either because there is no such facility nearby or because the refuge is so full that it has to turn women away.

Approximately 2,060 women's shelters exist in European countries, offering nearly 20,200 places. However, in order to fulfil the recommendation of the European Parliament of 1986, which states that 1 family place in a women's shelter should be provided per 10,000 inhabitants in every country, about 80,000 shelter places for women victims of violence and their children are needed for an approximate number of 802 million inhabitants. According to data provided by governments in the framework of a monitoring survey, only 9 countries out of 32 state that they fulfil this quantitative minimum standard. In a recommendation issued in 1997, the Council of Europe stated that one family place in a women's refuge should be available per 7,500 inhabitants, creating a much greater challenge for countries in meeting the target. Only three countries – Luxembourg, the Netherlands and

Norway, have been able to fulfil this recommendation (WAVE,1986; Council of Europe,1997).

Once a woman has made up her mind to leave her partner, the risks to her safety are heightened. Studies and experience gained from working with abused women show that the partner's behaviour grows potentially more violent during the phase of separation. The woman, at that time, needs an even greater degree of protection, which only shelters with their confidential addresses can provide. To illustrate, in a study carried out in the Netherlands, 65% of the women interviewed said they had experienced mild violence, 26% moderate violence, 7% severe violence and 2% very severe violence. During the termination of an abusive relationship 33% suffered severe violence, 21% moderate violence and 23% mild forms of violence.

The Council of Europe Steering Committee for Equality between Women and Men's Plan of Action to Combat Violence against Women (1998), states what is today endorsed by WAVE – Women Against Violence Europe (2008):

*Provision of support to women experiencing violence*

Alongside the provision of an appropriate legal framework and education structure, it is also essential to ensure that those women and girls who experience violence have access, on an individual basis, to the appropriate support and services which will meet the variety of their needs and which will ensure their protection and safety.

*Governments should therefore consider the following:*

- The recognition of the expertise of specific services focusing on the needs and rights of women and the development of work in partnership with such organisations in relation to work to combat violence against women,
- The provision of financial and other support to specialist organisations to allow new developments such as helplines and 24 hour services, and to expand the network of support available from such organisations, ensuring that key services are not dependent on fund raising and charitable donations, but receive stable and ongoing funding,
- The provision of support to enable the development of additional victim and witness support schemes, as well as those services tackling under-recognised forms of violence,
- The development of sufficient, well-funded refuge provision, with the *establishment of a national minimum number of refuge places*, provided in accordance with good practice, and
- The support and development of new services as new needs are identified.

### **Prevalence of Violence in Europe**

Violence against women, in all its forms, continues to be a massive problem in Europe. Prevalence studies have shown that approximately 20 to 25% of all women have suffered physical violence, and more than 10%, sexual violence, during adult life. If all forms of violence against women are taken into account, around 45% of women have experienced violence. This means that, in 27 member states of the European Union, with a total of almost 500 million inhabitants, about 100 million women are estimated to become victims of male violence in their lifetime and 1 to 2 million women are victimised every day (Council of Europe, 2006).

It is important to register that violence against women always affects their children, and this is exacerbated by the fact that it is still predominantly women who care for children.

In the countries of the European Union, one woman in five is subjected to violence at the hands of her partner at least once in her life. One violent crime in four involves a woman being the target of her husband or partner's aggression. A Eurobarometer survey showed that a mere 4.4% of Europeans had never heard of domestic violence, whereas 11% said they knew a woman who had been victim of some form of domestic violence where they worked or studied, 18% in their neighbourhood or immediate area and 19% in their circle of friends and family.

### **Role of women's shelters**

Shelters are an integral part of the community response to violence against women and children. They provide crisis intervention, housing and a range of support services to assist women to realise longer-term options for independent living. A women's shelter provides safe accommodation in which women and their children who have been subjected to domestic violence can live without fear of being abused. The guiding principle of working with abused women is a strong commitment to advocate women's rights and the empowerment of women to live an independent and dignified life.

Women's refuges fulfil a vital role in combating violence against women. Their functions go far beyond just providing shelter and a safe place to stay. In a refuge, women and their children receive the kind of support which enables them to deal with their traumatic experiences, to end the violence, to regain their self-esteem, and to lay the foundations for a self-determined and independent life. Women's refuges offer crisis support and on-going counselling and support in all matters related to the violent experience (legal issues, housing, employment, health assistance, and more).

Given the serious, often life-threatening abuse experienced by many of the women who use shelters, it is not surprising that most women identify safety as one of the greatest benefits provided, particularly during the early part of their stay. In addition to security needs, women require considerable personal support in emerging areas such as emotional support and counselling, protection and counselling for children, housing, income and financial assistance, advocacy, legal and immigration advice and representation, training and employment, general health and nutrition, and development of parenting skills. Abused women

arrive at shelters according to their own unique circumstances, and, as a result, they are the most informed experts when it comes to assessing their needs.

In the UK in the late 1970s and early 1980s, there was a general rise in the number of migrant women seeking assistance from existing services as well as an increased visibility of domestic violence as an issue affecting migrant communities. This trend prompted the need for services to be sensitive to the needs of migrant women and children and a call for the setting up of specialist services. The development of autonomous specialist refuges sought to give equal emphasis to race, class, gender and culture. By 1999, there were 50 specialist refuges out of 250 refuge projects in England (Rai & Thiara, 1999).

With little research into the extent and nature of use of refuge support services, a study was commissioned first by the Women's Aid Federation of England to report specifically on the experiences and needs of migrant women and children using refuge support services. This research found that there were low levels of awareness about refuge services among migrant women, and also highlighted that the sensitivity displayed by a service in meeting the needs of migrant women and children was the main factor determining the quality of their experience (Rai & Thiara, 1999). Women in this study reported feeling less isolated and more comfortable and supported in the company of other migrant women, with whom they could share language, cooking and other leisure activities. All women who had difficulties communicating expressed a strong preference for specialised refuge. It was further felt that such refuges would be better able to understand specific problems and provide support given the insight that workers had into the women's religious beliefs and cultural practices.

The specific needs of migrant women accessing support services also needs careful consideration, with research identifying the response from specialised services as best meeting the needs of minority ethnic women. The restrictions on public funds and the additional costs associated with meeting such varied needs, however, is a major concern for specialised services and can be used as rationale to threaten funding directed specifically to meeting the needs of minority women.

### **The guiding principles of autonomous women's shelters in Europe**

The concept of autonomous women's shelters is valued in Europe and, with its network, WAVE, has advanced to establish guiding principles and a statement of services and facilities provided by autonomous women's refuges in Europe. Women's refuges need adequate resources to provide culturally sensitive and multilingual support and counselling, at least to the largest groups of migrant women. The principles are:

- *Women help women* – Women's refuges are set up and run by women. They offer counselling and support for women by women. As a rule men are not allowed access to shelters,
- *Autonomous* – Women's refuges are run by private, non-profit and non-party women's associations. This helps to reduce victims' reluctance to establish contact, and it safeguards their anonymity,
- *Prompt and unbureaucratic help* – Wherever possible restricting arduous formalities, application for official appointments etc.,

- *Partisan support* – Women’s refuges lend credence to women and children and make their safety a priority. They represent their interests in official matters and helps to assert their rights,
- *Help for self-help* – Women’s refuges support and empower women to take control of their lives. The assistance provided does not take the form of ‘administration’ but of help in addressing the women’s own needs and interests and in determining their own lives independently of their partners,
- *Children matter* – Women’s refuges recognise and care for the needs of children affected by violence,
- *Anonymity* – Women’s refuges pledge not to disclose confidential information, and
- *A feminist approach that is sensitive to women’s issues* – Women’s refuges promote policies and practices to prevent domestic violence. They challenge the disadvantage and social marginalisation which results from domestic violence. They endeavour to draw attention to the structural violence which permeates all areas of society and which arises from inequality of influence, discrimination, social handicaps and the exploitation of women and children. Women’s refuges support and reflect diversity and promote equality of opportunity.

*Services and facilities provided by autonomous women’s shelters*

- Protection and accommodation for women and children exposed to violence,
- Counselling: social, psychological, legal, medical and psychotherapeutic,
- Help for children in dealing with the violence they have witnessed or experienced and with their parents’ separation,
- Round the clock availability, prompt and unbureaucratic help,
- Qualified staff to attend to the needs of women and children,
- Assistance in asserting legal claims, submitting official applications, preparing for court proceedings, finding a (female) lawyer,
- Provision of psychosocial and judicial court accompaniment,
- Assistance in finding accommodation and work, and
- Crisis intervention.

Additional services/facilities are:

- Preventive and educational programs to combat violence,
- Mother-tongue counselling and interpretation,
- Non-resident counselling,
- Follow-up care,
- ‘Supervised housing’,
- Public relations,
- Supervision and training, and
- Cooperation with other organisations and networking.

### Minimum Standards for Women's Support Facilities

In 1998 the Austrian EU Presidency initiated an Expert Meeting to review measures to combat violence against women. This was followed by similar meetings held during the German, Finnish and Portuguese EU Presidencies. At the three conferences held in Austria, Germany and Finland, the participating experts from non-governmental women's support organisations, representatives of the police and state authorities, and researchers formulated practical recommendations on minimum standards for women's support facilities (Wave, 2002).

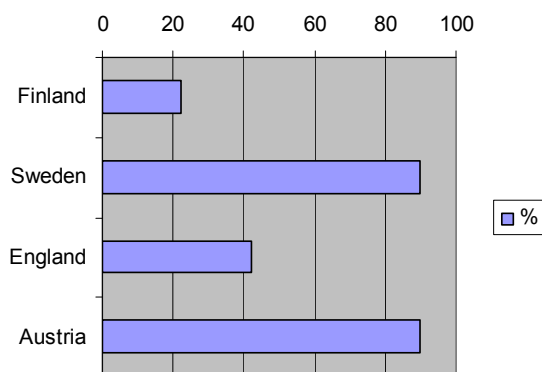
They also recognised that states are responsible for funding and promoting a sufficiently dense network of women's organisations to make sure that their activities are available to women. They endorsed the recommendation drawn up in 1986 by the Committee for Women's Rights and Equal Opportunities of the European Parliament that one shelter place should be available per 10,000 of the population and one drop-in centre per 50,000. The Council of Europe made a recommendation in 1997 that, in fact, one shelter place should be available per 7,500 inhabitants.

They recommended that all national governments are to be obliged to establish and to finance a comprehensive and cost-free offer of support for abused women and their children, regardless of their legal status, under the management of women's NGO's.

The eleven minimum standards for autonomous women's shelters and the compliance of countries I visited against these standards are illustrated below.

### One family place per 10,000 of the population

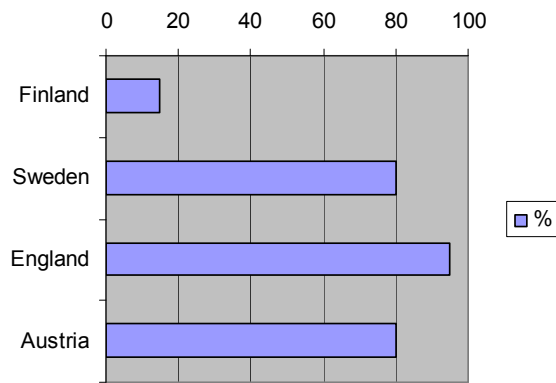
How many places for women and for children are available in women's refuges?



### Feminist non-governmental organisations

*It is recommended that women's refuges are run by private, non-profit and non-party women's associations. Feminist women's organisations regard male domestic violence as a violence of women and children's human rights, that it is the result of an abuse of power and control, and that it is rooted in the historical status of women in the family and in society.*

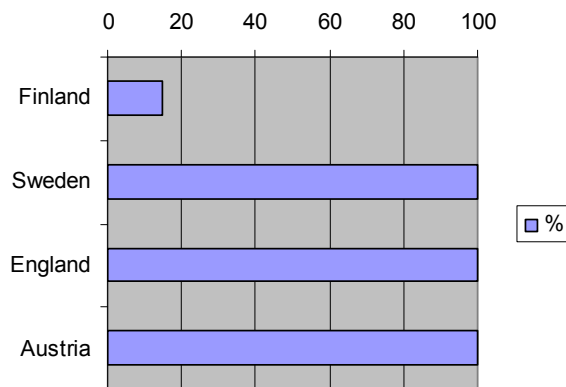
Are the women's refuges non-governmental – independent, autonomous – organisations with a feminist approach?



**Women help women**

*Refuges are run by women and offer counselling and support for women by women. As a rule men are not allowed access to refuges.*

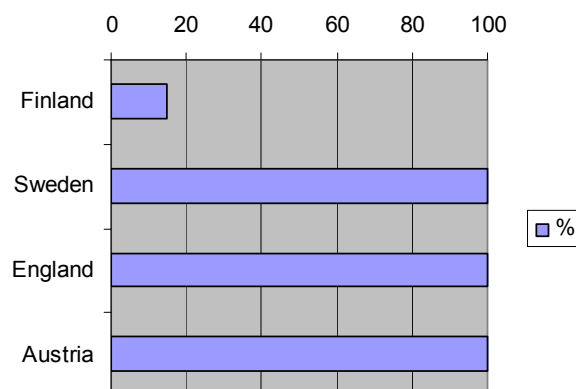
Are the refuges run on the basis that only women help, support and counsel women, and that men do not have access to them?



**Empowerment**

*Women's refuges support and empower women to take control of their lives. The refuge workers assist in addressing the women's own needs and interests and in determining their own lives independently of their partners.*

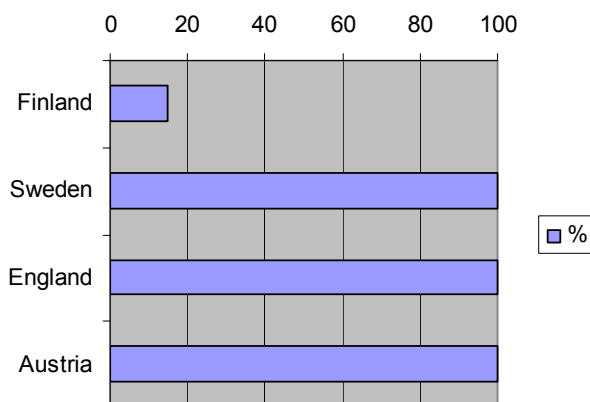
Is the basis for working with abused women in refuges to empower them?



### Safety is paramount

*In women's refuges, the safety and protection of women exposed to or threatened by violence and of their children are paramount considerations. The measures designed to ensure their safety should include confidentiality of the refuge address, security features on the premises, and close cooperation with the police.*

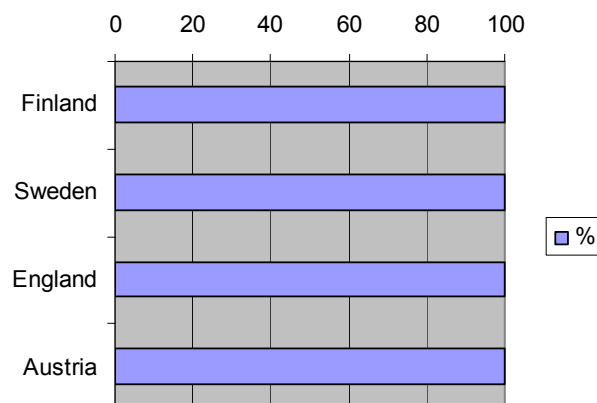
Is safety guaranteed and does it rank higher than all other considerations?



### Confidentiality

*Confidentiality requires that data and information are released only with the consent of the women concerned, except on matters of custody and protection of children when attending to legal requirements.*

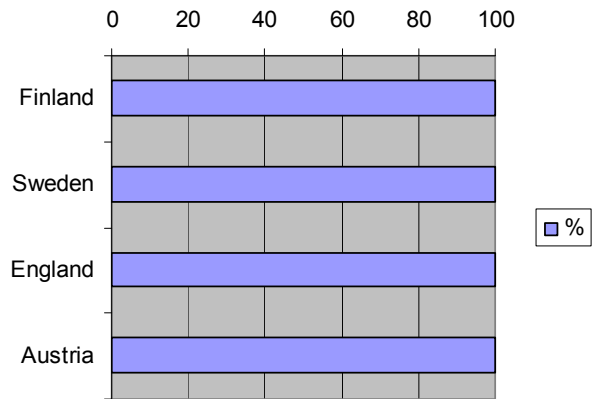
Is information about women treated confidentially?



### Open to all women

*Women are subjected to violence irrespective of their ethnic, religious or social background or their age. It is therefore essential that women are not refused access to a refuge on the grounds of social, cultural or demographic criteria.*

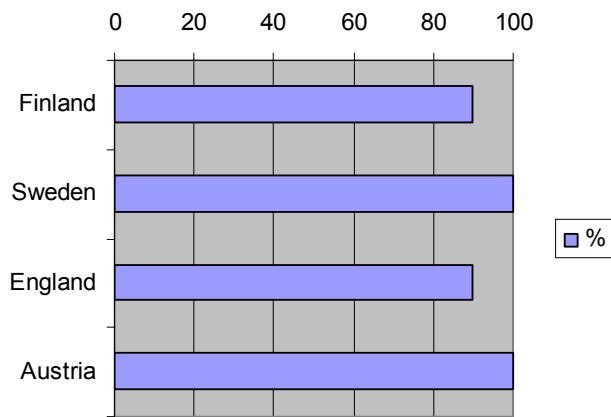
Are refuges open to all women?



**Free of charge**

*Refuges must be free of charge.*

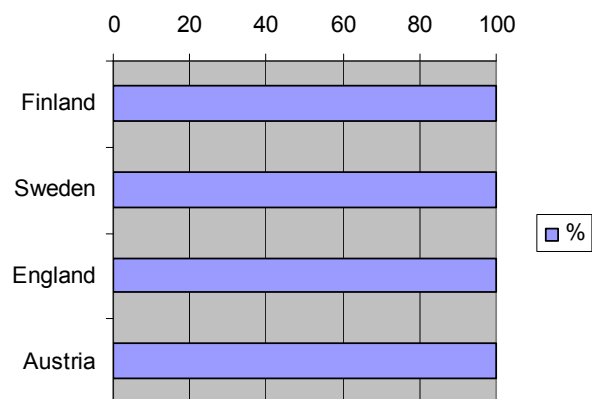
Is residence in a refuge free of charge?



**No time limit for stay**

*Refuge workers will try to find solutions jointly with the abused woman in the shortest possible time.*

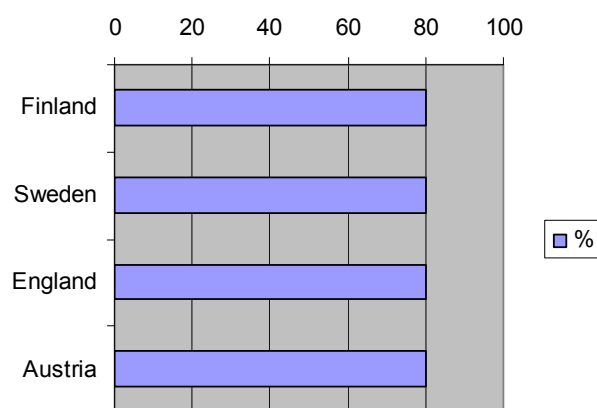
Is residence in the refuge subject to a time limit?



### Adequate funding by the state

*Given the prevalence of domestic violence, women's refuges are essential facilities. If abused women are to receive qualified care, effective protection and adequate support, the existence and maintenance of the refuges must be safeguarded. The state is called upon to provide and ensure a secure financial basis for their operation.*

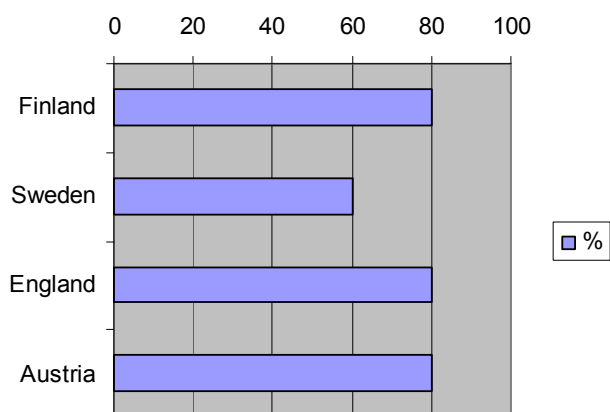
Do the refuges receive adequate and secure funding from the state?



### Personnel and training costs

*Abused women need support from trained personnel. Refuge staff must therefore be qualified for the work and receive commensurate salaries.*

Are the levels of training and salaries adequate?



## **Overview of facts and figures, legislation, services and issues on family/domestic violence in Finland, Sweden, England and Austria**

Information on population, domestic violence, legislation, services and issues is taken from the Women Against Violence Europe (WAVE) Country Report 2008.

### **Finland**

Population:	5,276,955 (2008)
Female inhabitants:	2,693,213 = 51.03% of total population
CEDAW ratified:	yes (1986)
Optional Protocol of CEDAW ratified:	yes (2000)
Member of Council of Europe:	yes (1989)
Member of European Union:	yes (1995)

### ***Facts and figures***

Number of femicides yearly: 38 murders (in partnership), 23 murders (in domestic violence) (2000–2004)

Number of DV cases reported by police yearly: 3,195 cases of domestic violence against women, 2,153 cases of violence in partnership (2005)

Number of DV cases reported by women's shelters yearly: no data available

Prevalence of DV: violence in a current partnership 19.6% (2005)

### ***Services for women victims of violence***

*Women's Helplines:* In Finland there are presently two national helplines for women victims of violence, the WAVE Focal Point 'Women's Line' and the Rape Crisis Centre Tukinainen. Both offer services for survivors of domestic violence, but only one offers multilingual counselling. The costs for running these services are covered by state funding. In addition, 25 regional helplines operated by local shelters provide counselling for women victims of violence and one of them offers multilingual counselling. All of these regional helplines receive state funding mostly allocated by municipalities.

*Women's Shelters:* Currently there are approximately 25 women's shelters available for victims of domestic violence. This number is difficult to define since there are no unified quality standards for shelters. All shelters receive state funding usually from municipalities. There are 120 shelter places available and according to the recommendation of the European Parliament, Finland still needs 407 more family shelter places. Since Finland is a large country with a small population, shelters should also be established in the less inhabited southern and northern areas.

### ***National Action Plan***

Finland has an Action Program called 'Prevention of intimate partner and domestic violence 2004–2007'. It aims to improve a country-wide network of basic and specialised services for women survivors of domestic violence and perpetrators of violence against women, to increase prevention work and support children and young people witnessing and experiencing domestic violence, and to offer training for professionals of different fields working with violence against women.

### ***Important issues***

Besides implementing the National Action Program, there are plans to increase the number of shelter places for women survivors of domestic violence.

### ***Legal measures***

Domestic violence against women is classified as a criminal offence in Finnish legislation.

#### *Protection law*

A protection law is established in the legislation and can be applied by police or by civil courts. Court accompaniment is available free of charge for all women victims of violence. Since 2005 restraining orders can be issued for domestic violence cases through criminal courts.

#### *Marital rape*

Marital rape is defined as a criminal offence in the legislation. While cases of domestic violence are usually prosecuted, marital rape is still highly tabooed and only prosecuted within the framework of gross violations.

#### *Sexual harassment*

The Finnish Act on Equality between Women and Men defines and prohibits sexual harassment.

#### *Anti-stalking law*

An anti-stalking law has not yet been developed. Stalking can only be prosecuted if other legislative acts are applicable.

#### *Immigration legislation and women surviving domestic violence*

Immigrant women are able to remain permanently in Finland if they have lived in the country for a period of four years, including three years of marriage if that was the reason for their immigration. They can become citizens of Finland after a residence period of five years.

In cases of separation or divorce, regardless of the basis for such measures, women are able to remain in Finland as long as they are working or attending an educational/training program.

I obtained the information above through oral communication with my hosts at Monika-Naiset Liito ry, but not within a formal context through the Finnish Immigration Service.

### ***Organisations visited***

Under the auspices of **Monika-Naiset liito ry** (Monika Multicultural Women's Association or 'women from many cultures in cooperation'), I visited a number of organisations for women, children and men in the Helsinki region.

Monika is an umbrella organisation of multicultural women's non-governmental organisations. It develops and offers services, including shelter, for immigrant women and children who are victims of intimate relationship and honour related violence, forced marriages and human trafficking. It is also a member of The Advisory Board for Ethnic Relations established by the Ministry of Interior. It was

established in 1998, has 39 direct full time employees who can speak 25 different languages, operates in six localities and is open 24 hours per day. Its main funding partners are the Slot Machine Association of Finland (RAY) and the Social Services Department of the City of Helsinki and of five other cities. It also receives funding from the European Union Integration Fund to implement a number of programs. Its main services are:

*Monika Koti (Mona Home)*

Mona Koti was the first specialised refuge opened in Finland for immigrant women and children in crisis, offering psychosocial support in a secure environment and liaison with the Social Services Department of the City of Helsinki. Safety is of high priority and to maintain confidentiality of address as much as possible, Mona Koti is transferred to a different location every 5 years. It offers shared accommodation and is staffed 24 hours with 3 workers available in the morning, 2 workers in the afternoon and 2 workers at night. During the 2008 year it accommodated 60 women and 29 children in its 8 bedrooms (1 bedroom is permanently reserved to women victims of human trafficking and, throughout the period of my visit, it was accommodating 3 victims of human trafficking). The main countries of origin of women assisted are Russia, the three Baltic nations (Estonia, Latvia and Lithuania), Iraq, Iran and a number of African nations, particularly Somalia.

Mona Koti offers daily physical exercise activities and a sauna as a strategy to reduce isolation and depression during the long and dark winter months, and weekly outdoor camping excursions during the warmer months.

The public social welfare system in Finland is comprehensive, active and directly involved in the delivery of services. Women accommodated at Mona Koti are also assisted by Social Workers employed by their city of residence. The Social Services Department contributes €152 per family per day to Mona Koti.



Seminar presented at Monika-Naiset liito ry

*MoniNaisten Talo (Multicultural Women's House)*

MoniNaisten Talo is a support centre sponsored by the European Fund for the Integration of Third-country Nationals, a 'one stop shop' for immigrant women in the cities of Helsinki, Turku and Mikkeli. It acts as a multicultural meeting place and open forum, providing activities aimed at building life skills including IT guidance, parenting sessions, individual mentoring and counselling. It hosts a large number of specific cultural associations such as the Finnish Thai Association and the Finland's Association of Russian Organisations, and provides public relations work to these associations. It is a shared space that enables civic activities and networking beyond ethnic boundaries.

*Monikulttuurinen Voimavarakeskus (Monika Resource Centre in Helsinki)*

The Resource Centre provides training on the topic of violence against immigrant women to a number of external organisations, including to the Police and government agencies. It is also a political arm of Monika-Naiset liito ry, lobbying for change, community awareness and for expansion of services that are of benefit to migrant women.

*Perhetalo Sahrami (Social and Educational Centre for Immigrant Women and Children)*

Sahrami is a multicultural family centre located in Helsinki, offering a number of activities particularly aimed at promoting opportunities for social inclusion and empowerment of women and children. It is funded by the Social Services Department of the City of Helsinki.

It offers an integration course for immigrant women that include opportunities to practise the Finnish language and to learn and discuss the various aspects of Finnish society such as the function and structure of various social systems. It helps built up practical and living skills such as shopping and banking. It addresses parenting skills against what is expected, tolerated and promoted in Finnish society.

Other activities offered at the Centre are childcare, a social and convivial group for the elderly women, a coffee group promoting integration and connection between overseas born and Finnish women, and various discussion groups addressing topics of interest such as sexual health, pregnancy, nursing and nutrition of children, and cultural and religious traditions and beliefs. The Centre promotes excursions and special events when fathers are invited to spend time with their children and interact with other men and women.

Most attendees at the Centre are originally from Somalia, Afghanistan, Iraq, Thailand, India and Pakistan. They are mostly referred by government agencies and present with challenges such as poor literacy in their own language, very little or no knowledge of the Finnish language and significant isolation, particularly during winter months.

*Miehen Linja (Men's Line)*

Miehen Linja is a project of Lyömätön Linja Espoossa and is funded by the city of Espoo and by the Slot Machine Association of Finland (RAY). It provides group and individual sessions, and a 24-hour line to assist immigrant men to abstain from using violence in their intimate relationships, and to understand the legal,

cultural, social and religious make-up of Finland. It has been operating for fifteen years and utilises the Alternative to Violence Program developed by the cooperative network Lyömätön Linja Espoossa. This program involves a variable number of individual sessions and of fifteen group sessions over a period of eighteen months for men who have acted violently or are fearful of doing so. It works cooperatively with women's shelters, the Police, the District Attorney's Office, public and private family counselling centres, religious organisations and various immigrant organisations. Six hundred men from sixty different countries have been assisted over the years. It also hosts alliance groups of immigrant men and collects information on issues affecting immigrant men that are used by both community and government entities in the design of other social programs. It publicises its work by assuring information is available inside other services which are accessed on an everyday basis by the general population, such as postal services, the Social Security Institution (KELA) and other social institutions, and a number of multicultural organisations and alliances.

*Naisten Apu Espoossa ry (Women's Aid in Espoo)*

Naisten Apu Espoossa ry is a project of the cooperative network Lyömätön Linja Espoossa. It is a shelter for single women and women with children victims of domestic violence. It is located in the city of Espoo, situated in close proximity to Helsinki and home to large companies such as Nokia and AGFA. Espoo is the fastest growing city in Finland.

The shelter is an association founded by women who through their practical work wish to end violence directed at women. The association was registered in 1980 and the shelter opened in 1983 to accommodate women and their children in time of crisis.

In addition to running the shelter, the association carries out general educational work through meetings, courses, presentations, publishing information and statements, and political lobbying. It also provides telephone and drop-in support to any women who wishes to share their experiences, anxiety and fears, or to seek any other level of assistance, including accommodation.

The shelter is funded at a rate of 70–75% by the local government of the City of Espoo. The remaining funding is allocated to the shelter by the Department of Social Services of the City of Espoo when funding the care of specific families referred by that Department, and directly by women who are able to contribute to their expenses at the shelter.

The shelter and all of its services operate 24 hours a day. There is one large building with ten rooms for accommodation and a canteen and common living areas which can accommodate up to 11 women and their children. In 2008 it accommodated a total of 57 women and 62 children. Of those accommodated throughout the years, 35% of women and 31% of children were overseas born, from a total of 30 different countries and speaking 26 languages. Many had escaped honour related violence. The support period varies from a few days to a few months, entirely depending on the circumstances and needs of women. Food is provided by the shelter and prepared in a modern canteen under specialised conditions and staff. Women are not permitted access to the kitchen.

The shelter has 12 workers, including a manager, residential support workers, an outreach worker, a child worker, the kitchen staff and the administration staff. There are three shifts covering 24 hours of operation; overnight workers are entitled to a 40% loading for the hours worked.

Naisten Apu Espoossa is located in an isolated area surrounded by forestland, 800 metres away from a road where access to public transport is possible. Its location is not confidential. However, the level of security implemented is very high. As Finland has a very high rate of private firearms ownership, all glass doors and windows are bullet proof, there are a number of cameras recording every movement in the vicinity of the building and all access points require security codes to be used by all, including staff members. Workers carry panic bracelets monitored by a security company and with direct warning link to the Police at all times. The shelter does not own a vehicle and most external support is provided to women by the Department of Social Services of the City of Espoo or by other government and non-government organisations covering matters of legal proceedings in regards to child custody and maintenance, divorce and property settlement, court proceedings, interaction with police and access to a range of social services.

Children from the age of 3 years are assessed by a child worker, who promotes individual and group activities.

The majority of women assisted in the shelter were born in Finland and presented mainly with difficulties relating to alcohol abuse and intergenerational poverty and family disintegration, all with an interface to experiences of domestic violence.

Shelter workers reported that most assisted overseas born women arrived in Finland for the purpose of marriage to a Finnish citizen, and that following a relationship breakdown due to domestic violence, most had fewer rights to services than women under the category of refugees. A priority of community services supporting overseas born women is to assure access to literacy in Finnish as a basis for training and employment, both of which give women the legitimacy to seek and obtain permanent living status in Finland.

*City of Helsinki, Social Services Department, Special Services Centre, Unit for Immigrant Services*

Finland receives the overseas born wishing to live in the country under the Act on the Integration of Immigrants and Reception of Asylum Seekers. They are assisted during three years by a number of government and community organisations to integrate into society. This period can be extended or reduced according to the success of the immigrant in securing employment. Each municipality in Finland has integration programs that include a plan on services to support the integration of immigrants. The path to integration includes an individual integration plan, drawn up as soon as an administrative court has received notification of the home municipality of the newly arrived person. It includes the allocation of a personal ID code, a registration with KELA (Social Security Institution), language lessons, work experience, general education, vocational training, professional development, career guidance, coaching for working life and evaluation of life progress and needs. The Act on the Integration aims to ensure that each migrant will have access to either employment or

education, and is assisted by the Department of Social Services of the municipality where he or she will reside. Unless the person arriving is fully sponsored by a Finnish citizen with means to support that person and under family ties, an integration plan is both a right and a must.

The main goal of the Unit for Immigrant Services is to oversee the promotion of integration and the provision of social services, and to give guidance and expertise in matters concerning the integration. The Unit takes measures, in cooperation with various administrative bodies and stakeholders, to support the personal development of the migrant. It liaises with the Department of Social Services and other government and non-government bodies to confirm the functioning capacity of the person to secure housing, psychosocial support, care of children, health services and full understanding of their legal rights and responsibilities, in addition to the development of his or her individual integration plan. The expert services provided by the Unit to local authorities, organisations and various institutions have the goal of disseminating and increasing knowledge about matters concerning immigration issues, strengthen networking, promote tolerance and prevent discrimination.

#### *Helsinki Cultural Office*

The City of Helsinki Cultural Office was founded in 1979. The Office is directed by the Cultural Director and supervised by the Culture and Library Committee elected by the Helsinki City Council. The Helsinki City Cultural Office consists of several units and it runs three regional cultural centres, one receiving venue, an international cultural centre and an arts education centre. The Cultural Office was established to foster an encouraging atmosphere and a climate suitable for producing and experiencing art and culture in Helsinki. The priorities of the Office include the support for professional artists, arts education, regional cultural work, international co-operation and multiculturalism. It provides support and information to migrants.

#### **Sweden**

Population:	9,113,257
Female inhabitants:	4,589,734 = 50.36% of total population
CEDAW ratified:	yes (1980)
Optional Protocol of CEDAW ratified:	yes (2003)
Member of Council of Europe:	yes (1949)
Member of European Union:	yes (1995)

#### ***Facts and figures***

Number of femicides yearly: 20 approx.

Number of DV cases reported by police yearly: 25,000 cases approx.

Number of DV cases reported by women's shelters yearly: not available

Prevalence of DV: approx. 300,000 women (3.3%) are likely to experience domestic violence each year

#### ***Services for women victims of violence***

*Women's Helplines:* The Swedish National Women's Helpline was established in 2007. It is operated by the National Centre for Knowledge on Men's Violence Against Women. It provides multilingual services and is funded by the state.

*Women's Shelters:* In 1978 the first women's shelter was established in Stockholm. Since then 149 more women's shelters have opened. There are two umbrella organisations for women's shelters in Sweden: WAVE Focal Point Roks, the National Organisation for Women's and Girl's Shelters in Sweden was founded in 1984. It consists of about 100 member organisations. In 1996 the second umbrella organisation was founded, the SKR Swedish Association of Women's Shelters.

It is difficult to estimate the percentage of state funding as every member organisation is independent and a variety of financing strategies are applied. Many shelters receive funding from their local and or regional municipalities, but the extent of funding differs greatly throughout the country.

### ***National Action Plan***

The Swedish government launched in 2007 the National Action Plan for Combating Men's Violence Against Women, Violence and Oppression in the Name of Honour and Violence in Same-sex Relationship. Substantial investments are being made to implement fully this Plan.

### ***Important issues***

A new research centre is currently being built for the purposes of data collection on violence against women and of education on and prevention of domestic violence directed to every educational institution in Sweden, regardless of the educational area or field.

### ***Legal measures***

Domestic violence against women is classified as a criminal offence.

#### *Protection law*

Since 2007, all women and children surviving domestic violence are fully entitled to obtain prompt support from their municipality, including the right to a shelter place, the right to specialised assistance to children and the right to comprehensive income support sufficient to build a new life. Protection orders can be obtained in civil courts and court accompaniment is also available to victims.

Legislation passed in 1998 introduced an offence into the Swedish Penal Code, called 'Gross violation of a woman's integrity', which refers to acts committed by men against women with whom they have an intimate relationship. This legislation seeks to target difficulties of prosecuting perpetrators of domestic violence in the criminal justice system based on breaches of particular laws, rather than a pattern of behaviour. Police can charge a man for gross violation of a woman's integrity by a series of behaviours over time, in addition to each individual charge.

#### *Anti-stalking law*

An anti-stalking law is being developed for implementation in 2009.

#### *Marital rape*

Marital rape is classified as a criminal offence.

### *Sexual harassment*

Sexual harassment is classified as a criminal offence. However, prosecutions do not occur often. Women's organisations claim that this is so due to gender discrimination.

### *Immigration legislation and women surviving domestic violence*

Women migrating to Sweden on the basis of marriage receive a 2 years visa. If the relationship is interrupted due to violence or abuse, a permanent visa can be obtained by presenting police and professional expert reports to the Swedish Immigration Board. Court orders are not required.

### **Organisations visited**

Under the auspices of the SKR – Sveriges Kvinnojourers Riksförbund (Swedish Association of Women's Shelters), I visited a number of organisations for women and children in the Stockholm region.

SKR is an association for local women's shelters, young women's help centres and other organisations working against men's violence against women. It has no political or religious affiliation and aims for equality and women's emancipation within all areas of society. Its highest priority is to support its member organisations and the local development of shelters in Sweden by offering seminars, conferences, research and representation of its member's expertise, experiences and interests. It promotes cooperation between women's shelters, police, the judicial system, and social and health services to enable women to obtain quality assistance.

SKR also manages an internet service helpline where women exposed to threats or violence can get advice and help anonymously. Family and friends can also find help and guidance in how to provide support to victims.

### *Systerjouren Somaya Kvinnojour och tjejjour (Immigrant Women's Shelter Somaya)*

Somaya is a specialist shelter for immigrant women in Stockholm offering nine family places in shared accommodation for women with children in two locations, four places for young single women in one location and one transitional place in a separate location. It has been in operation for 11 years and has nine employees. Service users are mainly from Iraq, Somalia and Iran.

Somaya is funded by government and its main activities are to provide accommodation and facilitation of access to the social system.

### *Alla Kvinnors Hus (Women's Shelter Alla Kvinnors Hus)*

Alla Kvinnors Hus is the oldest Women's refuge in Sweden, having opened its doors in 1978. It is located in central Stockholm and operates with ten full time employees and eight volunteers who work every day between 6 and 9pm. The shelter is staffed between 9am and 9pm and offers shared accommodation to nine women with or without children who are homeless due to domestic violence. However, its address is not confidential. It is funded by government and by a large number of members (approximately 800) who contribute financially. It also receives frequent and significant funding from the Swedish motorcycle clubs permanent campaign named 'bikers against rape'.

A slight majority of women and children assisted are overseas born, although a significant number of Swedish women and children seek safety and support at the shelter. In addition to trauma originated from experiences of violence, women present with mental illnesses and drug and alcohol addiction.

I was particularly impressed with the very creative and active program for children implemented at this shelter. Here, children receive a level of attention similar to that their mothers do, and their needs and interests are assessed separately from that of their mothers. A number of therapeutic groups and individual sessions are frequently carried out with children, both those residing in the shelter and those that have left Alla kvinnors. Educators and psychologists are employed specifically to deliver services to the children. These services are quite innovative and include the development of age appropriate safety plans with each individual child and the promotion of a healthy relationship, to the extent possible, with her/his father. Shelter workers actively seek to establish contact with fathers and welcome them inside the shelter walls for the purpose of engagement with their children, even when there are important limitations in their capacity or ability to deliver positive mentoring to their children. These limitations may originate from drug and alcohol abuse, or mental illness, or difficulty in interacting with others without the use of violence. Regardless of these concerns, still shelter workers will explore options for any possible level of productive association between a child and her/his father. The Child Worker hosting my visit expressed the view that her 'work has no limitations, whatsoever, as long as a child may benefit from any approach or activity'. Outcomes for this work was reported to be very positive in empowering children to believe again that adults can care, can listen and can admit mistakes.

#### *Kvinnojouren Annfrid (Södertälje Women's Shelter)*

Kvinnojouren Annfrid is a refuge located in the city of Södertälje, located in close proximity to Stockholm. The city received a very large influx of Iraqi refugees, with more than 22,000 Assyrian/Syriacs living there (35% of the total population).

The refuge supports five women and children in one single shared apartment mainly originally from Iraq, although at the time of my visit its family residents were one each from Somalia, Ghana, China, Poland and Iraq. It employs one full time worker and two workers at 30% and of 25% equivalent of full time. However, intensive support is provided to women and children by Social Workers from the welfare system, and they are available to assist women up to 11pm during the week. A counselling centre is also very active and involved in assisting women and children living at the refuge.

## **England**

Population:	50,431,700 (July 2007 est.)
Female inhabitants:	25,216,687 = 50.63% of total population (approx.)
CEDAW ratified:	yes (1986)
Optional Protocol of CEDAW ratified:	yes (2004)
Member of Council of Europe:	yes (1949)
Member of European Union:	yes (1973)

### ***Facts and figures***

Number of femicides yearly: 208 including under 18s in Scotland, England and Wales in 2006/7

Number of DV cases reported by police yearly: overall 24% of people aged 16 to 59 were victims of partner abuse since the age of 16. 5% experienced this abuse in 2007. The police in England receive one call every minute asking for assistance because of domestic violence. This equates to an estimated 1,300 calls per day, and over 570,000 calls each year

Number of DV cases reported by women's shelters yearly: an estimated 17,545 women and 25,452 children were given temporary accommodation by refuge organisations across England in 2006–7. A further 96,500 women and 23,000 children received non-refuge based support from domestic violence organisations in England during the year 2006–7. As reported by WAVE Focal Point – Women's Aid Federation England – in one day (Nov 2, 2007), approx. 3,156 women and 3,648 children were resident in refuge accommodation across England.

Prevalence of DV: according to British Crime Survey data from 2004–7, 28% of people aged 16–59 in England and Wales have experienced domestic violence since the age of 16. In 2007–8, in 85% of incidents of domestic violence the victim was female.

### ***Services for women victims of violence***

*Women's Helplines:* In England there is one national women's helpline providing help for survivors of violence and their children. This service is also multilingual.

*Women's Shelters:* In 1972 the first women's shelter was founded in London. Two years later the autonomous and feminist women's organisation and WAVE Focal Point 'Women's Aid' opened, and within a few years over 100 women's shelters were established in England, Scotland and Wales. There are overall more than 600 services (excluding shelters) for survivors of domestic and sexual violence. In 2008, an approximate number of 680 women's shelters were in operation with a total capacity of 3,653 places, that is, 2,424 less than recommended by the European Parliament. Almost all shelters offer multilingual services. In England, women's refuges are usually state funded at national and local government level.

### ***National Action Plan***

The National Action Plan in England was originally written in 2005 and is reviewed each year.

### ***Important issues***

Currently the government's priority is to expand the network of Independent Domestic Violence Advisors and Multi-Agency Risk Assessment Conferences. Both of these initiatives are aimed at the most high risk victims (10%) and focus on improving victim engagement with the criminal justice system.

Funding for specialist, independent domestic violence support services (both refuge and community-based) continues to be short-term and decided at a local level. Without a dedicated funding stream from central government, there are concerns about the future funding of specialist services.

Implementation of the National Service Standards for Domestic and Sexual Violence started in 2009.

### ***Legal Measures***

There is no specific criminal offence of domestic violence in legislation, but many aspects of domestic violence such as physical assault, sexual assault and rape, harassment and imprisoning are criminal offences. Other types of abuse, such as psychological abuse, may not be classed as criminal offences. In 2006–07, 55.5% of reported incidents of domestic violence were prosecuted, a 15% increase from 2005–06. Currently, approximately 70% of all prosecutions of incidents of domestic violence result in a conviction.

### ***Protection law***

Survivors of domestic violence can apply for a non-molestation order aimed at preventing a perpetrator from continuing to intimidate, harass or abuse a victim or her children. Additionally, victims can apply for an occupation order, which regulates who can live in the family home. Occupation orders can require the perpetrator to leave the family home. It is also possible to apply for a restraining order which offers similar protection as a non-molestation order. Application for all three orders can be made in the civil courts. Breaching a non-molestation or restraining order is a criminal offence and is dealt with by the police and the criminal courts. Breach of an occupation order is not a criminal offence and is dealt with by the civil courts.

A range of support services is available to victims of domestic violence, including court support. In the past few years the government has also funded the development of Individual Domestic Violence Advisors, whose primary function is to support very high risk victims navigate the criminal justice system. The Crown Prosecution Service and police also run the Witness Care Units, which are accessible to all victims and witnesses of crime.

There are also one-stop shops in a number of areas bringing together a range of statutory and voluntary sector agencies comparable to intervention centres.

### ***Anti-stalking law***

An anti-stalking law is established and offenders can be prosecuted.

### ***Marital rape***

Marital rape is not a stand-alone offence in England. It is prosecuted under the general rape category of offences. The Crown Prosecution Service does not record the circumstance in which a rape occurs and, therefore, it is not possible to know the number of cases of marital rape in the country.

### ***Sexual Harassment***

Sexual harassment was criminalized in the Sex Discrimination Act of 1975.

### *Immigration legislation and women surviving domestic violence*

In 1999 the UK government introduced the Domestic Violence Concession which permitted women, who entered or stayed in the UK as spouses and partners subject to a probationary period, to apply for indefinite leave to remain in the UK if they could provide evidence of domestic violence. The concession was incorporated into the Immigration Rules in December 2002 and has come to be known as the "domestic violence rule".

The type of evidence of domestic violence required to qualify under the rule was extended in 2002, however, requirements are that more than one type of evidence is required from the following list:

- A court order,
- A police report confirming attendance at the home of the applicant as a result of domestic violence,
- Letter from a GP confirming injuries consistent with abuse,
- A medical report from a hospital doctor, confirming injuries consistent with abuse,
- A letter of support or report from a women's refuge, and/or
- A letter from social services confirming involvement in connection with domestic violence.

Although the introduction of the 'domestic violence rule' is a welcome development there have been a number of concerns raised by organisations working with victims of domestic violence. Firstly, not all categories of women subject to immigration control are covered by the domestic violence rule, and groups have called for the rule to be extended to all women subject to immigration control. In addition, despite reform, the type of evidence needed to prove domestic violence is not easily available. Due to the hidden nature of domestic violence and numerous problems with reporting, some victims are unable to provide the type of evidence currently required to qualify under the domestic violence rule. Groups are calling for all types of evidence of domestic violence, including victim and witness statements, and reports from statutory and voluntary agencies, to be accepted as proof under the domestic violence rule (Women's Aid Federation of England, 2002; Southall Black Sisters, 2004).

### *Restrictions to Social Welfare*

The UK has restricted access to social welfare benefits for immigrants during their probationary period. The 'no recourse to public funds' condition requires that persons coming to the UK must be financially supported by their spouses or must support themselves by working. They are not entitled to welfare benefits, public housing or to use publicly funded facilities such as refuges, unless they are able to pay rent. At The Haven (see below), for example, due to funding constraints, only one woman with 'no recourse to public funds' is admitted at a time, regardless of the fact that a large number of referrals are received for assistance to women under such circumstances.

### ***Existing knowledge about overseas born women affected by violence and specialist domestic violence services***

The last decade has been a time of political change in the UK, with domestic violence being placed high on the political and policy agenda far more than ever before, leading to the Domestic Violence, Crime and Victims Act 2004 and a raft of guidance and policies among statutory services. There has also been the development of particular interventions, and especially those focused on the criminal justice system responses to domestic violence. Recognised as the leading cause of morbidity for women aged 19–44 worldwide, in the UK domestic violence costs 23 billion pounds a year. Concerns about the widespread nature of domestic violence among all groups in society, its pervasive impact on women and on children, amply demonstrated by research, and its cost to major health and social care services has led to some shifts in the way that statutory and voluntary agencies respond to this issue. Emphasis has generally been placed on the need for all agencies to give an appropriate response to the victims they encounter (Thiara, 2007).

According to the 2001 Census, immigrant women make up about 4% of the total population in the UK, numbering 2.3 million. Of this population, Asian women form the largest group with Indian women being the biggest category, followed by Pakistani, Black Caribbean and Black African. Most immigrant women live in London and in the West Midlands, and they are known to be younger than the white British female population. Women from immigrant groups are less likely to be employed than white women, and this gap has been consistent for the last 20 years.

The 2001 British Crime Survey found that one in five (21%) women have experienced at least one incident of domestic threat or force since they were 16 years old. It is also known that 59% of domestic violence murder victims in London in 2005–06 were immigrant women. There are differences on how they respond to violence and how they are treated by services (Thiara, 2007).

There are different models of service provision for immigrant women, including specific services that are run for and by immigrant women, specialist provision located within mainstream domestic violence support services, and provision led by registered social housing associations. There are reportedly over 600 mainstream generic refuges providing advice and support to women and children nationally, of which around 30 were specific services for different groups of overseas born women and children. The specialist domestic violence sector has its roots in autonomous organisations set up by immigrant women in the late 1970s and early 1980s. Whilst facing its own challenges, the immigrant women's sector has been the bedrock of the challenge posed to patriarchal practices within immigrant communities and the practice of racism in wider society. Thus it has been crucial to linking issues of race and gender, as well as other forms of inequality, as they mark the lives of immigrant women and the service responses they receive (Thiara, 2007). These specialist domestic violence services are the source of valuable knowledge, insight, and experience about supporting immigrant women and children affected by violence and abuse. It is a sector that is also hugely valued by immigrant women, many of whom cannot envisage accessing any other services.

Many refugees are reporting higher number of immigrant women using their services – increases of as much as 69%. There are continuing issues and new challenges in delivering effective responses to immigrant women and children affected by domestic violence.

Immigrant women are less likely to access existing services and they generally have a low level of awareness as well as misconceptions about refuge support services, which lead them to endure abuse for longer periods (Rai/Thiara 1997; Batsleer et al. 2002). Research also shows that immigrant women are likely to severely underreport experiences of domestic violence (Imkaan 2008). Those women with 'no recourse to public funds', that is, without a residence permit, have been known to endure violence for longer periods amounting to many years before seeking help. Immigrant women are in general less likely to seek help from agencies which they view as insensitive to their values and needs and where they often face barriers of racism and prejudice (Sen, 1997). A general lack of publicity targeting particular groups of women and children and their communities about domestic violence and the existence of support services is also a problem. It has also been pointed out that many agencies make assumptions about the reasons for immigrant women not taking up services, such as not trusting outsiders, not wanting to expose their men and not trusting statutory agencies, rather than looking at what they are doing to build trust among such women and to respond more positively (Thiara, 2007).

Although more immigrant women are accessing domestic violence services than in the past, mainstream statutory and voluntary services still struggle to meet their needs. Women commonly report experiences of racism and prejudice leading to reluctance in seeking help. On average, a woman has 11 contacts with agencies before getting the help she needs, and this rises to 17 if she is an immigrant. Stereotyping and other forms of discrimination have also been reported as a common experience for immigrant women, which results in seeing the violence as 'normal' in some communities or focusing on the immigration status of the victim rather than protection. If a woman has to relocate further to secure safety and is removed from any support networks available to her, and then subjected to racial harassment in unfamiliar areas, and in addition she faces social barriers (silencing within communities and pressures not to report the abuse), then it is evident why so many do not seek help and the courage required of those that do. Not only many migrant women endure abuse for longer, but it is also known that they tend to experience severe abuse and higher levels of extreme isolation (Thiara, 2007).

It is widely accepted that immigrant women are more likely to suffer abuse by multiple family members and that there are culturally specific forms of harm such as forced marriage, honour and shame based violence and female genital mutilation.

The issue of immigration continues to impact particularly viciously on the lives and choice of immigrant women. It often determines whether a woman actually seeks help as well as shapes the service response that she gets. Where women with insecure status have no recourse to public funds they have been excluded from existing support services. It is a reality that many domestic violence workers are uninformed about the issues faced by women with unsettled immigration status (Rai/Thiara,1999). During April 2005–07, 637 women with 'no recourse' approached

13 immigrant women specialist services and London based domestic violence organisations, and only 9% of these women were assisted with accommodation. The fate of the remainder women is unknown. Clearly, there has been a failure to address their needs seriously, a situation that continues to leave many women unprotected and in abusive and dangerous situations (Imkaan 2008). I believe it would be useful to learn how many of those 59% of immigrant women killed in domestic violence incidents in 2005–06 were women with 'no recourse'.

Immigrant women in the UK also experience high rates of self-harm and suicide, with research showing rates two and a half times those of white women and seven times those of men (Thiara, 2007).

Domestic violence is also an attack on the mother–child relationship, which leaves an ongoing legacy. Again, immigrant women are more frequently denied relationships with their children when they leave their partners, their children suffer higher levels of abuse, and they receive higher level of frequent threats of and/or actual child abduction.

#### *Funding for Services*

As outlined earlier the 'no recourse to public funds' condition in the UK has had very serious consequences for women fleeing domestic violence. This restriction affects refuge provision as refuges rely on rental income paid via public funding such as housing benefit due to each resident and so are often unable to support women who have no recourse to public funds. Specialist refuges have been particularly affected by these restrictions, as they tend to gain less public funding and support more women with no recourse to public funds (Southall Black Sisters, 2003; Burman et al, 2004). In addition to restrictions to public funds, specialist refuges provide services to women and children who are affected by all sorts of barriers and obstacles, and in order to provide for varied needs require additional resources. In research commissioned by Women's Aid, many specialist refuges raised concerns about the limited availability of funds and the high costs of providing these services. There were also concerns that funding to specialist refuges was more likely to be under threat with the rationale that mixed refuges cater for all women, whereas specialist refuges serve only a particular group of women (Rai & Thiara, 1999).

#### *Successful services*

Specialist services led by overseas born women are highly valued by women (Rai & Thiara, 1997). When seeking help, overseas born women show a positive response if able to receive support from workers with a similar background and with experiences of migration themselves. They feel that they are helped in making informed choices. This is particularly true for women who do not speak English. Building up 'relationships of trust' can also be better facilitated if a woman is being supported by a worker who has a similar ethnic/cultural background with an insight into the pressures and contradictions experienced as well as similar experiences of racism and oppression. The employment of one worker within a mainstream service is viewed as inadequate as immigrant women often require the sensitive cultural context only afforded by specialist services. Knowing workers understand the specificity of their situations can be crucial to women's recovery from domestic violence, as is being able to meet other women with similar circumstances.

Language support is highly important for women who do not speak English and who may have been extremely isolated. Women may be unable to access written information about services, and simply utilising interpreters has widely been reported as poor practice in domestic violence support work. Women may be reluctant to fully recount their abuse experiences to a stranger with whom they have no relationship of trust. The fact that some agencies often rely on members of the victim's family or their children for interpreting has been emphasised as even poorer practice. The importance of sensitive and sympathetic support work in appropriate languages as a key to women rebuilding their lives is identified by numerous studies (Sen, 1997).

Overseas born women often require higher levels of support and over a longer period of time. Many immigrant women face the dual problem of racism and rejection from their own communities. This leads to a need to be supported more intensely and for longer. Support can include advocacy with statutory agencies, including immigration authorities, specialist counselling and general emotional and practical support. The recovery period from domestic violence for immigrant women is much longer than that for white women (Thiara, 2007). Immigrant women prefer longer-term support from an advocate or support worker rather than short-term crisis intervention, as it enables 'relationships of trust' to develop.

Outreach support is also highly valued by immigrant women surviving domestic violence. Many women believe that to remain in the home after separation shows to their communities and families that they have done nothing wrong. However, in doing so, they require considerable support from support workers. The role of outreach support services is especially crucial for many overseas born women who face numerous barriers, where they move to new/unfamiliar areas, or where they continue to experience post-separation violence and child contact and abduction issues. The nature of outreach support required in these situations calls for creative and flexible ways of working, but is an essential route to safety for many hard to reach women.

Given the reality of racism, intense isolation and language barriers faced by many overseas born women, advocacy support is crucial. Many women do not know how the system works and need help to negotiate their access to mainstream services and statutory bodies, which often respond in negative ways to them. In practice, there is often a lack of coordination among services in responding to the needs of immigrant women and children surviving domestic violence, and advocacy is particularly useful in ensuring that a multi-agency approach is taken to meeting their needs.

I emphasise that the existence of specialist services does not mean lack of integration for those groups of women. It is not a matter of segregation versus mainstreaming of women and services. The UK experience shows that women and children need choice, that immigrant women need to be central to the development of services, and that we need both – greater sensitivity in mainstream services/agencies but also immigrant women led services. It is important to take a broader view as culture is neither homogenous nor static, and changing and complex needs require thoughtful and complex service responses.

## ***Organisations Visited***

### *Women's Aid Federation of England*

Women's Aid is the national domestic violence charity working to end violence against women and children. It supports over 500 domestic and sexual violence services across the country through actions seeking to influence laws, policy and practice by working in partnership with key national and local agencies, through raising public awareness via campaigns and developing education programs, and through the provision of services, including the National Domestic Violence Helpline.

### *The Haven Wolverhampton*

Set up in 1973, The Haven Wolverhampton is a charitable organisation which provides safe, temporary, emergency accommodation and support services to women and dependent children affected by domestic violence and homelessness. It is one of the largest independent charities in the United Kingdom and is also one of the largest refuges in England. It operates with 69 paid staff members and close to 12 occasional workers and 31 volunteers and managed an income of £2,329,949 at the financial year ending 31 March 2008. It had an expenditure of £1,410,829 to maintain its residential services during that year.

The Haven Wolverhampton has over 35 years of experience of working with women and children and is sensitive to the cultural needs of those accessing services. Most referrals to The Haven come directly from women experiencing domestic violence and homelessness. Referrals also come from a number of local agencies including: Social Services, Local Authority Housing Departments, The Probation Service, The Samaritans, The Police & The Citizens Advice Bureau.

For the last ten years The Haven has worked with non-governmental organisations and civil society organisations around the world to strengthen their capacity to support women and children victims of violence and abuse. It has delivered both short and long-term training programs to professionals from Russia, Uzbekistan, India and Saudi Arabia in order to raise awareness of the needs of women and children who have suffered domestic violence and homelessness.

The Haven has developed long-term partnerships with The Crisis Centre "Ekaterina" (Russia) and the Socio-Economic Development Centre, SABR (Uzbekistan), delivering a number of successful projects. This work has helped to create networks of social partnerships between NGOs, local authorities, police, criminal justice system and business communities. NGO staff and volunteers from these organisations have received training in capacity building, networking, social research, campaigning and lobbying to improve the effectiveness in advising, representing and promoting rights of women on local, regional and national levels.

The Haven Wolverhampton has also hosted a number of volunteering placements from Western and Eastern Europe and Central Asia.

During the 2008–09 year, The Haven provided accommodation to 246 women and 245 children, and outreach support to a further 208 women and 561 children. Approximately 45% of women and children assisted were migrants. However, only five women with No Recourse to Public Funds (NRPF) were accommodated

during the period. NRPF refers to destitute people from abroad who are subject to immigration control and have no entitlement to welfare benefits, Home Office (government) support for asylum seekers or public housing.

The Haven Wolverhampton operates a 24 hour service for women and children affected by domestic violence and/or homelessness due to family breakdown, harassment or forced marriage. Within that service is the fundamental, all important helpline/ referral line; this line operates 24 hours a day every day of the year. Staff is always on hand to offer support and primarily, help in finding safe accommodation within The Haven's refuge services (if spaces are available) or with other organisations across the Midlands and throughout the UK. A large part of this role is to empower women by helping them to realise that they have choices outside of their current situation.

Helpline/referral staff liaise with multi agencies, such as Social Services, Housing Departments, Police and Women's Aid projects across the country, in order to provide the caller with a wide knowledge of the options available to her. The helpline/referral team is aware of any available space at The Haven and fulfills the role of advising of availability, in order to keep the refuges at full capacity at all times. Staff advises on alternative accommodation if they are unable to assist due to lack of bed space.

In an average year, The Haven receives calls from over 8000 women at its Helpline/referral line. Of the above number, an average of 2000 calls are direct referrals for refuge accommodation.

The Haven has five refuges across the City of Wolverhampton, which can accommodate a maximum of 46 women and up to 100 children at any one time. The refuges provide accommodation in safe, secure locations, with twenty-four hour staff support, and include children's playgrounds and facilities for disabled residents. Emergency accommodation at The Haven is for homeless and vulnerable women with or without children aged 16 or over who meet the criteria of being a victim and homeless as a result of domestic violence: if a drug and alcohol user, the woman must be enrolled in a supported program of recovery; having had no convictions for arson; and being able to agree to follow house rules at all times. All refuges place considerable emphasis on security and confidentiality

The Haven receives funding from the Supporting People Programme, a working partnership of local government, service users and support agencies. The Supporting People Programme aims to improve the quality of life of service users by providing a stable environment in which they can achieve greater independence. It delivers housing-related services which complement existing care services.

Supporting People recognises that women experiencing domestic violence – besides the need for safe accommodation – have a range of support needs, including health care, emotional support, access to legal and criminal justice advice, welfare needs, and access to child protection services. It also recognises that women from ethnic minorities may face difficulties accessing support, and may require special services such as interpreting services. Other women who

may face additional difficulties include women with mental health problems, disabled women, women who misuse drugs or alcohol, lesbian women, and women who work in the sex industry. It states that, because the range of support needs of households experiencing domestic violence is diverse, domestic violence housing related services need to be integrated with other relevant locally delivered services including community safety, health, homelessness, and child protection.

The Haven Wolverhampton offers support to women from migrant backgrounds in refuges and in the community. A number of support workers are able to speak various community languages and provide culturally sensitive support, including advocacy, interpreting, understanding of cultural problems and issues, information on welfare rights and immigration, and access to legal and practical advice.

#### *Refugee and Migrant Centre*

This centre offers advice, guidance and support to immigrants and refugees in the areas of citizenship and immigration, education, employment, family counseling, healthcare, housing and welfare. It has a drop-in centre.

### **Austria**

Population:	8,340,667 (2008)
Female inhabitants:	4,277,716 = 51.34% of total population
CEDAW ratified:	yes (1982)
Optional Protocol of CEDAW ratified:	yes (2000)
Member of Council of Europe:	yes (1956)
Member of European Union:	yes (1995)

#### ***Facts and figures***

Number of femicides yearly: 107 murders and murder attempts; 75 of them in near social environment; victims were predominantly women and children (2007). In 2006, 61% of murders and murder attempts took place in circle of family and acquaintances.

Number of DV cases reported by women's shelters yearly: 3,190 cases (2007) 1,641 women and 1,549 children.

Prevalence of DV: every 5<sup>th</sup> woman is likely to experience domestic violence.

#### ***Services for women victims of violence***

*Women's Helplines:* Austria has a national women's helpline against male violence which was founded in 1998 and run by the Austrian Women's Shelter Network (AÖF) since 1999. Fast and friendly low threshold telephone counselling is provided in different languages. Currently six regional helplines for sexual violence provide services on the regional level and they are run by counselling centres for women. All of them are state funded.

*Women's Shelters:* The first women's shelter was established in Vienna in 1978. Since then the number has steadily increased. Currently there are 30 women's shelters specific for victims of violence offering a total of 748 shelter places. Four of them are located in Vienna. Besides that the City of Vienna fully funds the operation of 41 safe transition apartments for women victims of violence and their children, including special counselling services. By the end of 2010 the number of

safe transition apartments will be increased to 50 providing 72 places, fulfilling the recommendation by the Council of Europe (1997) of 1 safe family place per 7,500 inhabitants.

Women's shelters are represented by the Austrian Women's Shelters Network – (AÖF) and they are run by autonomous, independent NGOs and funded by regional governments. The women's shelters in Vienna are fully funded by the City of Vienna through a permanent contract.

*Further services for women victims of violence:* There are nine intervention centres, 1 in each region. In 1998 the first intervention centre was established. They are implemented as an accompanying measure to the protection law and are legally tied by a renewable contract guaranteeing state funding for five years. Intervention centres apply a proactive approach in helping women affected by violence: police are legally obliged to inform an intervention centre each time a barring order is implemented. The intervention centre then contacts the woman and develops a support plan, offers free counselling and free court accompaniment.

There are six counselling centres focusing on violence against women, 50 generalists counselling centres for women and a special counselling centre for migrant women.

Since 2000, a men's counselling centre in Vienna offers anti-violence training for men in cooperation with the Vienna intervention centre against domestic violence. All Viennese women's and migrants' organisations are funded by the City of Vienna. Regular meetings are organised by the City with representatives of NGOs, intervention centres, police and other government organisations to develop new strategies to increase the support for women survivors of violence and their children. Initiatives have been started combating forced marriage, genital mutilation and stalking.

### ***National Action Plan***

There is no National Action Plan on domestic violence against women.

### ***Important issues***

The residence status of a married migrant women still depends on her husband status. Those working in the field of violence against women would like to see this changed. The Vienna Intervention Centre against Domestic Violence and the Association for Women's Access to Justice brought in 2004 complaints against Austria to the CEDAW Committee (The UN Convention on the Elimination of All Forms of Discrimination against Women) in the name of two migrant women murdered by their husbands. Both cases were defeated by the Austrian Supreme Court although the CEDAW Committee clearly accused Austria for infringing women's rights. Because of the CEDAW report on those cases, several improvements were made in the Austrian service system for women survivors of domestic violence.

### ***Legal measures***

Domestic violence is classified as a criminal act and prosecuted in the criminal court. A perpetrator can be arraigned for bodily harm, marital rape and coercion.

### *Protection law*

The Austrian Federal Act on Protection Against Domestic Violence came into force in 1997 (amendments in 1999, 2002, 2004). The Second Act on Protection Against Domestic Violence entered into force in 2009, with further improvements regarding the protection and support of victims. This Act includes protection by the police and under civil law, measures under criminal law and specifies victims' rights. It consists of three elements, which were developed and designed to complement each other:

- Eviction of the perpetrator and enacting a barring order for the family residence by the police for two weeks,
- Longer protection through temporary injunction according to civil law, which can be issued for one year or more, and
- Proactive support of survivors through intervention centres against violence.

Police are obliged to evict a perpetrator from home and the immediate vicinity, and to bar that person from re-entering. The safety area is defined by the victim's needs for effective protection.

For longer-term protection, survivors can apply for a temporary injunction, which hinders the perpetrator from accessing the joint household, but also other places the victims frequent such as school, workplace, etc. If a barring order is issued the woman is automatically contacted by an intervention centre which offers free counselling service including psychosocial care, and free assistance during court proceedings.

In recent years Austria has seen significant improvements regarding victims' protection in the criminal law field: the Anti-stalking Act of 2006, and the amended Code of Criminal Procedure, under which victims, since 2006, have been granted the right to psychosocial and legal court assistance, and the amendment to the Criminal Code eliminating the need of consent from victims in order for criminal prosecution to be initiated in cases of dangerous threats in family contexts. In 2008 a Government Bill on the reform and expansion of statutory measures of protection against violence was submitted to Parliament, approved for enforcement from 2009 and includes improvements such as:

- A new type of criminal offence with imposition of more severe punishment in cases of repeated violence against a victim,
- The right to apply for protection measures under civil law is granted to any person affected by violence, independent of their family relationship to the abuser,
- Extension of interim injunctions to six months and one year, respectively, and
- Victims are granted the right to court assistance also in civil law proceedings.

Regardless of the success of the Austrian laws on protection against violence, a variety of specific forms of support and services are needed to provide sufficient protection and individual help for every woman who is affected by violence. Austria also scores well here. For 12 years a nationwide women's helpline has been operating free of charge, financed by the Federal Government, which provides counselling in languages other than German. Austria has a large, nationwide network of women's counselling centres, regional hotlines and

counselling services for victims of sexual violence, as well as specific centres from children and for men. There are now 26 autonomous women's shelters operating according to international quality standards or striving to achieve this.

The women's shelters activists have contributed to the existence of modern legislation protecting women and children against domestic violence. They also recognise that cooperation with the police is essential and, together, prepare joint solution strategies for the prevention of violence. As a consequence, police officers are trained to respond efficiently, protecting victims. Women's shelters are also active in public relations work and sensitisation as well as raising awareness. Their representatives work with students and teachers in schools, initiate campaigns and information events and organise networking and cooperation meetings with authorities and other institutions.

However, there is still room for improvement. Despite the high quality of shelter services provision, there are not enough places for offering the necessary protection to all women and children seeking assistance. There are 718 places available, short from the minimum 800 places recommended by the EU.

The Austrian model has been called 'one of Austria's most-demanded export articles' (Ten years of Austrian anti-violence legislation, 2007).

#### *Anti-stalking law*

Since 2006 an anti-stalking ('insistent persecution') law is in force.

#### *Genital mutilation*

Since 2006 genital mutilation was declared an offence in criminal law.

#### *Forced marriage*

Since 2006 forced marriage was declared an offence in criminal law.

#### *Court accompaniment*

Since 2006 all victims of violence have the right to psychosocial and legal support before, during and after a lawsuit.

#### *Immigration legislation and women surviving domestic violence*

In 2006, a new law governing long and short-term residency for foreigners (Niederlassungs- und Aufenthaltsgesetz or NAG) and a new law governing how the executive deals with foreigners (Fremdenpolizeigesetz or FPG) came into effect in Austria. The changes resulting from these new laws have drastically worsened the already extremely precarious situation of migrant women (or women from so-called third countries) on the labor market and in their everyday lives. Legal experts view these amendments as massive violations of the European Commission of Human Rights.

In Austria, the country of origin determines one's legal status. It is important to determine where a migrant woman is from, that is, whether she is from one of the "older" EU countries, one of the new EU member countries, or from a country outside the "insular" EU. There are substantial differences regarding one's access to legal rights which shape the core of one's living and working conditions. In Austria, the right to work is bound to the status of residency. In addition, there is a

range of different permit titles, thus creating different categories of migrants. The legal situation of migrant women not only puts them in a weaker social position, it also has far-reaching effects on all aspects of their lives.

Under the previous laws, migrant women already had very limited possibilities for obtaining a permit for permanent residency. There was the option of joining one's family, as a wife. The new laws continue to allow for this. The residence title for so-called "key employees," which poses another option for obtaining a long-term residence permit, has been and still is only available if extremely detailed prerequisites can be fulfilled. Because of the disparity in income, which means that women continue to receive much less pay for equal work, migrant women are still rarely able to fulfill this particular requirement for qualifying as a 'key employee'. Migrant women are driven into sectors that display a great need for cheap labor, such as cleaning, household assistance, the care industries, etc.

The new laws make it clear that migrant women have hardly any other ways of procuring a long-term residence permit without being a dependent bound to a specific family situation. The new legal circumstances therefore solidify further migrant women's dependency on men. Because their residential status is almost exclusively bound to their status as a family member (wife), many migrant women endure violent relationships to avoid jeopardizing or losing their entitlement to residency. After five years of marriage, citizens of non-EEC countries may apply for a permanent, independent residence permit. The new NAG, however, allows women to apply for their own residence permits (independent from their husbands) before five years have passed in particular cases of hardship, such as family violence. This is not an easy route to take, as applicants must also show proof of sufficient income, meaning a migrant woman must provide evidence of at least EUR 747 (current 2008) net income per month. The majority of women most eager to apply for independent permits, however, are only able to find work in the lowest income sectors. For this reason, the prospect of being able to independently earn the legally prescribed level of income becomes a sheer insurmountable obstacle, particularly when proof of additional income to support children also applies.

Strategies that are being discussed in Austria today for women's shelters activities include how to facilitate access to women's shelters, especially for women who have sons over the age of 14 years, women with disabilities, immigrant women, women with psychological illnesses, women who cannot separate from their farm, etc. A concern of many is how to better support the immigrant women, who are often excluded from the labour market. In many cases, because of such difficulty immigrant women have no other choice but to return to the perpetrator.

Austrian women are affected by violence as are migrant women. However, it is much harder for migrant women to access support resources than for Austrians (often no family in the country, limited access to the labour market, no information about their rights, etc.). Migrant women who are abused by their partner/spouse are often completely dependent on their abuser's residence permit. Language barriers and patriarchal structures exacerbate the situation. For these reasons, women's shelters constitute an important and often the only resource for migrant women who intend to leave or escape from their husbands/partners.

In order to improve the situation of migrant women and their children affected by violence, the AÖF calls for the following measures:

- Independent residence permits for women in case of family reunion: in order to obtain a residence permit in Austria, single persons have to achieve a minimum income of 772,40 euros per month. This income is especially difficult for single parent migrant women to achieve as well as for women receiving child care benefits. They often have part-time jobs and are in atypical employments. Migrant women left alone after their partner died or after a divorce are threatened with expulsion during a period of five years if they do not achieve the stipulated minimum income,
- Unrestricted access to the labour market in case of legal residence, so that battered women are able to care for themselves. Members of families who have come to Austria for family reunion are not allowed to enter the labour market for a period of one year. However, under the Regulation determining Maximum Numbers which may be exceeded, the maximum quota of employment permits for foreigners applying throughout the Austrian territory may be exceeded in certain cases. One of these cases is domestic violence,
- Expansion of counselling services made available in the mother tongue commonly spoken by women's shelters clients,
- Improved access to social benefits, such as family allowance, welfare benefits, childcare benefits, etc., and
- Access to council/community housing in all provinces. (Ten years of Austrian anti-violence legislation, 2007)

In more than half the cases (58%), abusers of women in shelters were Austrian citizens. This figure thus rebuts the widespread prejudice that men of non-Austrian origin are more violent than their counterparts.

It also constitutes a fact that the experience of migration and the prevailing system of structural violence in the host country in the form of restrictive legislation has an impact on both men and women. Due to this restrictive legislation, migrant women who are being abused by their husband or partner often face nearly insurmountable barriers. They often do not have access to information about support services, are socially isolated and unaware of their rights. If, however, a migrant woman succeeds in finding support, it remains often very difficult for her to separate from the abuser, as without an independent residence permit and a work permit, she can only dream of a self-determined life free of violence.

### ***The Austrian autonomous women's shelters***

In 2007, 1,641 women and 1,549 children received protection, security and immediate help in the autonomous women's shelters. Austria's women's shelters accommodate every battered and threatened woman irrespective of her nationality. In 2008, 44% of shelter residents were Austrian nationals and 56% were not. Therefore, many of the women's shelters have staff that are able to counsel women affected by violence in their own mother tongue. The majority of women who use the shelters are from Turkey and the former Yugoslavia.

In 2008, 3,220 persons (1,600 women and 1,620 children) found protection and shelter in the autonomous women's shelters. They comprised a total of 179,019

days of stay. In addition to counselling and accompanying measures provided to residents in the shelters, numerous counselling sessions were given to women who did not reside in the shelters, totalling 9,273 counselling sessions (7,771 telephone counselling sessions and 1,502 ambulatory counselling sessions. Aftercare operations subsequent to stays at a shelter were provided on 7,920 occasions (telephone calls, ambulatory counselling, home visits etc.).

Of the women admitted to a shelter in 2008, 62% were married, 24% single, 12% divorced, 1% widowed and 1% no data. About 77% of women were between 18 and 40 years old.

Of the children assisted, 83% were aged between zero and 10 years. The special needs of children and youth who stay in shelters with their mothers are at the centre of the work undertaken by staff. The understanding is that both directly or indirectly experienced violence often leads to severe trauma amongst children and youth and causes severe and long-term damage.

If the mother becomes a victim of violence, the children are often abused as well. Surveys of children in women's shelters showed that more than half of children are affected by direct violence perpetrated by their father (Jasinski & Williams 1998). A study based on in depth interviews shows that in 70% of cases not only women, but also their children were abused (Bowker, Arbitell & MacFerron 1998).

Women learned about the existence of shelters through other women's organisations in 9% of cases. Unfortunately, such facilities have usually very little public funding available for public relations activities in order to make themselves and the support they offer more widely known. The data collected on the number of women referred by the public agencies responsible for youth (9%) provided testimony to the importance of linking-up with the youth welfare agencies. The domestic abuse intervention centres referred 5% of women assisted by shelters.

These women sought protection because they still did not feel safe enough despite the protection afforded by the Federal Family Protection Act and/or counselling provided by the interventions centres. A high proportion (17%) of women were referred by friends and relatives. Police referred 14% of women, a percentage that confirms the success of police referrals and testifies to the importance accrued to the shelters by police officers. Notwithstanding these positive findings, continuous training for police officers and the cooperation with the police remain of great importance. Physicians and hospitals referred only 5% of women in shelters, although they are often the first contact point for battered women. Unfortunately, medical professionals, including nursing staff, are not sufficiently informed during their training about the pivotal role they play in caring for victims of domestic abuse and in the prevention of further violence. Since 2001, Viennese hospitals offered awareness raising training courses for their medical staff to sensitise them to victims' needs. At the provincial level there are efforts undertaken aiming at offering training to medical staff. Thus a consistent documentation sheet as well as a manual on the issue of violence against women in health institutions are currently being developed by the Federal Ministry of Economy, Family and Youth.

In 2008, 26% of women had no income at the time of their admission to a women's shelter. Patriarchal family patterns still persist that do not envision women as contributors to the household income. Rather, their role is limited to housekeeping, child carer and promoter of the well-being of the family. This percentage includes also those women who would seek employment but are not permitted to do so due to their legal status as immigrants. Unemployment benefits or social welfare benefits were received by 18% of shelter residents at admission.

In 58% and 23% of cases, women were abused by their husbands and partners, respectively. In 8% of cases women were being abused by their fathers (-in-law)/mothers (-in-law).

More than one fifth of women used the shelter for a short-term crisis stay (one to three days). For 37% of women the shelter constituted an interim solution for a period of four days to one month. 34% of women stayed one to six months, and 9 percent stayed longer. As 57% have used the shelter for a shorter period (one to thirty days), shelter staff had to provide rapid crisis management as well as mid and long term counselling and monitoring of women in aftercare activities.

Women accommodated in a shelter had done so for the first time in 78% of cases, and for the second time in 16% of cases. In 6% of cases women had stayed in a shelter more than twice in order to seek protection from violence.

The data above were reported in *Ten years of Austrian anti-violence legislation. Publications of the International Conference in the context of the Council of Europe campaign to combat violence against women, including domestic violence, 2007.*

Austrian women's shelters are mostly financed by public authorities. The federal provinces are responsible for providing the budgets for the shelters. New shelters have been opened recently, after several years of stagnation. The Viennese Women's Shelters are permanently funded by the city of Vienna. However, the financial status of a number of shelters in other provinces remains precarious. The funding provided by the social welfare system are based on daily allowances per women and children, and does not cover the actual costs incurred and is not enshrined in law.

At least one women's shelter in each federal province must run a round-the-clock emergency phone service with a qualified shelter worker to respond to calls. All women's shelters can admit women at any time of day or night.

Women's organisations are currently lobbying for the introduction of at least one women's counselling centre in each federal province to specifically cater to the needs of migrant women and women's refugees and for victims of trafficking in women and of sex tourism. There are no restrictions of admission in shelters, irrespective of legal and immigration status.

Women's shelters are also child protection centres. They offer comprehensive aid and support to children in order to enable them to survive experiences pertaining to violence and abuse. Every women's shelter has competent expert staff

members with a solid social, psychological, therapeutic and pedagogical background.

In most women's shelters the duration of stay depends on how long women need protection and support. Some women stay only a couple of days necessary to gain a degree of detachment from events, find out what are the possible paths for action, and show their partners that they will not tolerate violence. Other women decide to remain in the shelter while applying for a divorce. More and more women are using shelters as temporary accommodation while they apply to the court for an injunction to bar their partners from the home. The women's shelters thus fulfil the different circumstances of women, leaving entirely up to them to choose a path.

#### *Structural requirements for women's shelters*

The structural requirements for women's shelters in Austria are:

- A whole house complete with garden and adapted to the specific needs of a shelter,
- Adequate security arrangements (CC video, alarm systems, direct line to police stations, fences, protected from public view etc.),
- One living unit per woman and children as minimum requirement,
- Sufficient recreational space and lounges,
- Adequate space for care of and counselling/therapy for children,
- Attractive, soothing ambience,
- An events room and a training room with PCs for training courses,
- At least one room for non-resident counselling and care, and
- Amenities and fixtures for disabled persons.

#### *Staff qualifications*

Requirements for staff qualifications in women's shelters in Austria are:

- Qualified specialist staff: qualifications are required in the fields of social work, teaching, psychology and law. In addition, shelters require staff qualified in bookkeeping and public relations,
- Foreign language skills and interpreters,
- Qualified and trained staff to assist with judicial processes, and court accompaniments,
- Supervisors, and
- Administration, maintenance, renovation and cleaning staff.

All shelter staff are professionals with relevant degrees such as social workers, psychologists, educators. They enjoy very flexible working conditions, including extended leave arrangements to recover from the significant level of stress and emotional drainage originated from the work with vulnerable and traumatised women and children.

WAVE and AÖF are concentrating their efforts on three key policy areas that will have an impact on women's lives:

- Increased access to quality services,
- The promotion of vulnerable groups, and
- Building incentives to work and labour market participation.

Since the introduction of the Austrian legislation on domestic violence, in each federal province intervention centres against domestic violence and for the protection against violence were established, where victims of violence can access help and counselling. Nonetheless, these significant improvements cannot replace the function and importance of women's shelters. Women's shelters still remain the most important facilities providing protection and safety for women and children.

#### *Legal steps taken by women during their stay at a shelter*

Congruent to the prevalence of domestic violence in Europe, an average of one fifth of all women living in intimate relationships suffer abuse in Austria. In its context, this amounts to 300,000 abused women.

Every second woman in Austria says that she knows an abused woman within the circle of her acquaintances. However, the number of unreported cases is very high as many women are reluctant to talk of the abuse that has been inflicted on them out of fear and a sense of shame. In 2007, 6,347 barring orders were issued against perpetrators by the Austrian Police (Austrian Federal Ministry of the Interior, 2008). This constitutes an average number of about 17 to 20 barring orders per day.

In Austria, more than half the murders happen in the family or acquaintance circle. The victims are mostly women and children. In 2007, 107 murders were analysed upon their victim-perpetrator relationship. In 75 cases (70%) a kinship or acquaintanceship existed. In 2006 these were 61%. This is equivalent to an increase of 9% compared to the preceding year (Austrian Federal Ministry of the Interior, 2007, 2008).

Women's shelters inform women about their rights and the legal steps that they can undertake, and supports them with the submitting of applications and accompany women to court. Through the support offered, more and more women victims of violence become able to enforce their rights.

Women brought 551 files against abusers, though many women are still reluctant to bring an action against their abuser.

292 women filed for divorce during their stay, 67 filed for a restraining order to ban the perpetrator from the family house, 138 stated that the police respectively evicted and banned the perpetrator from the family house.

206 women had child custody proceedings pending while they were staying at a shelter. 189 women initiated court proceedings to obtain alimony for their children.

192 women had instituted a variety of other legal measures.

According to their own statements, 30% of women went back to live with the perpetrator after staying in a shelter. 9% of women went back to their own homes but did not live with the abuser. 21% of women's shelter residents moved into public housing, 4% into interim apartments provided by the shelters and 16% found accommodation with friends or family. 14% were allocated a home under the auspices of other social organisations.

### **Organisations visited**

#### *WAVE – Women Against Violence Europe*

WAVE is the European network connecting women's organisations working in the field of violence against women. It was established in 1994 and currently consists of approximately 4000 women's help services (women's shelters, women's counselling centres and women's helplines). WAVE operates in 47 European countries and its core is the Focal Points, that is, its partner/member network organisations. There are 90 WAVE Focal Points in Europe, collecting and disseminating experiences. It offers training seminars and a number of research initiatives.

A central aim of WAVE is to make international quality standards visible and to urge for their implementation.



Visiting AÖF and WAVE

#### *Autonome Österreichische Frauenhäuser (AÖF) (Autonomous Austrian Women's Shelter Network)*

In 1988 the AÖF was founded as the umbrella organisation of the Austrian women's shelters. The organisation supports the women's shelters in their work by providing information, public relations and press work, research and by organising annual expert group meetings on women's and children's issues and on the development of principles and quality criteria embraced by the shelters. 26 out of the 30 women's shelters are associated with AÖF.

The first autonomous women's shelter opened its doors in Vienna in 1978. Today there are 30 women's shelters in the country. In addition, there are 6 women's

counselling centres with a focus on domestic violence, and one of them is specialised in migrant women.

### *3 Wiener Frauenhaus (Vienna shelter number 3)*

The Vienna shelter number 3, which I visited, offers shared accommodation to a maximum of 45 persons, including children. It operates with 15 staff members, including three psychologists specifically employed to support children. Workers are present 24 hours and the majority (65%) of women assisted are overseas born. Its facilities are top notch, as are the qualification of its staff members. All workers are professionals with at least one university degree, and sophisticated counselling and assistance is provided to women and children inside the shelter walls. Access to public housing following a period of support at the shelter is readily possible in a matter of days, due to the high availability of properties in the city of Vienna.

### *Wiener Interventionsstelle gegen Gewalt in der Familie (Vienna Domestic Abuse Intervention Centre)*

The Federal Act on Protection Against Domestic Violence, which entered into force in 1997, is a milestone in the history of prevention against domestic violence towards women and children. It has served as a model for other European states.

Police orders to evict the endangering person disrupts the spiral of violence while, at the same time, women are supported by the intervention centres to find ways out of the violence they are experiencing. The Act is based on the principle that the person who has committed violence has to leave the family home so that the victim of violence is not forced to flee from the violence. With the introduction of the Act, public opinion has changed and domestic violence is no longer regarded as a private matter.

## **Conclusion**

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Domestic violence plagues overseas born women, who often encounter significant key structural barriers to survive, to access support and protection, including immigration laws, social welfare restrictions and racism. Whatever choices they make, presents to them a damned if you do, damned if you don't situation. They are, throughout the world, underserved by governments, underrepresented in policy making, and vulnerable to violations of their human rights.

Refuge provision and frontline domestic violence support services remain the principal response to women and children at risk who are most marginalised in the community. There are a number of challenges that organisations running refuges are working to address to ensure best practice responses. Standards and regulations that are consistent at a national level and that improve the accessibility and appropriateness of their services to migrant women need to be further developed. Models of service provision and policy development and changes should be informed through the experience of women and of workers delivering those services. Migrant women need to be central to their design, delivery and evaluation, and organisations need to politicise around the issues affecting migrant women surviving domestic violence.

The A.C.T. Government Audrey Fagan Churchill Fellowship has provided an extremely valuable opportunity to me, as a member of a specialised and autonomous domestic violence organisation and of networks of services for women and advocates for immigrant women, to witness and report on the status of overseas born women and children surviving domestic violence in a number of European countries and of the apparatus of services, service models, legal and immigration protective measures, government and non-government initiatives and action plans affecting them.

This report may help inform our efforts to guarantee best practice in the provision of refuge services to migrant women and children and to advance our thinking and direct our actions for just, equitable and inclusive entitlements to overseas born women and their children surviving violence in their homes in Australia.

## Recommendations

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- I fully endorse and support, in particular, the recommended strategy in The National Council's Plan for Australia to Reduce Violence against Women and their Children, 2009–2021 that support services to assist female visa applicants experiencing domestic or family violence to access the protection of migration legislation are enhanced and all other strategies to ensure accessible and equitable justice for women and their children.
- I fully endorse the WARM (Women and Reform of Migration) recommendations to wind back protections for immigrant women and their children through changes to the law and to the implementation of the Family Violence Provisions. In particular, I support the employment of independent experts under clear regulations and a code of conduct to assess migration claims based on these Provisions. I further advocate for no restrictions of access to social welfare for migrant women and children, independently of sponsorship, during the period of assessment of claims. Legislative and policy response to immigration should come from a rights based approach, whereby the rights and entitlements of those most affected are at the centre of their development.
- There needs to be further investigation into the occurrence and experience of migrant women and children in situations of domestic violence and the documentation of cases, including the collection and examination of data on migrant women who are victims of intimate partner homicides to include details of their immigration status.
- Implement shelter evaluation research on the effectiveness of shelter services for overseas born women and children, and develop quality standards, guiding principles and regulations, and specialised training for organisations running women's refuges at a national level to ensure consistency and best practice responses.
- Consider establishing specialised, migrant women led refuges. Recognise that there are differences on how they respond to violence and that issues of race and gender, and other forms of inequality, mark their lives and the service responses they receive.
- Develop effective strategies to raise awareness of vulnerable overseas born women of the existence of family violence provisions in Australian Immigration Law.

## Appendix – The Netherlands

### Amsterdam

#### ***Domestic violence escalation model***

Although not included in the programme for this Fellowship, I was able to visit the Federatie Opvang briefly to enquire about the domestic violence escalation model utilised in the Netherlands. This model identifies 5 distinct phases of domestic violence (5 and 6 below are equivalent phases), requiring different types of intervention. The table below summarises it:

Phase	1 No violence	2 Some violence	3 Escalation	4 Shelter	5 Family back together	6 Woman starts new life
Type of help	Prevention	Ambulant counselling	Emergency help	Safety and support	Restore relationship	Empowerment to live alone
Goal	Peacekeeping	Stop violence Peaceful alternative Conflict resolution	Stop violence Safety Isolation or punishment for perpetrator	Recovery and future Get back on her feet	Maintain peaceful relationship	A new life
Target group	100% of population	Families in domestic violence	Women, children in escalated situation	Victims of escalated violence	Reunited family	Women that do not opt for 5
Possible interventions	School: spiral of violence, conflicts Community centres: empowerment Educational training: damage to children Media: general awareness	Counselling couples Family counselling Mediation Empowerment training Telephone helpline	Medical care Help report Provide shelter Legal action	Room, money, facilities Counselling Support for parenthood Support for children	Mediation Therapy Counselling Support for parenthood Support for children	Job counselling Help find a house Therapy Parenthood support

Federatie Opvang in collaboration with DOVE, 2008

#### ***Federatie Opvang (Federation of Shelter Organisations)***

The Federatie Opvang is the national umbrella organisation of women's shelter organisations and homeless shelters in the Netherlands. It promotes the interests of its members by, among others:

- Influencing, in collaboration with members, the policy development and implementation of services in the area of women's shelters, domestic violence and honour related violence.
- Developing new projects at the national level, identifying funding opportunities for such projects and managing them in through planning, implementation and evaluation.
- Informing members of relevant trends and developments, signalling problems, initiating cooperation at national and local levels, stimulating strategic developments and encouraging innovation.

It recognises that the complexity of the situation of women and their children in shelters requires new products and services, that, while providing accommodation remains the core business of women's refuges, they have also developed a broad range of contributions in the areas of prevention, emergency help, support in

restoring broken relationships and empowerment of women. A categorisation of support for victims of domestic violence is specified in the table above.

In the Netherlands, there are approximately 35 women's shelter organisations, ranging from shelters for women and their children in crisis situations to shelters for women in need of long term support. Their total capacity is of approximately 2,900 places, and close to 13,000 women and children are taken into shelter protection every year (Federatie Opvang, 2006).

The national budget of women's shelter organisations was €68 million in 2006.

In the Netherlands, domestic violence is the most frequently reported crime, with 63,000 incidents reported to police in 2006. The Federatie Opvang estimates that only 12% of incidents are reported, and that, in reality, the total number of incidents was higher than 500.000 during that year. It advocates for a close collaboration within a chain of institutions to tackle the problem, including shelters, police, public prosecutors, probation services, child protection services and a range of other social care providers.

## References

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Austrian Autonomous Women's Shelters Network (ed.), *Quality standards for the work with children and youth in Austrian women's shelters*, Vienna 2005

Austrian Autonomous Women's Shelters Network, *Quality Survey*, Vienna 2000

Austrian Autonomous Women's Shelters Network, *Statistics* 2008

Austrian Federal Ministry of the Interior – Federal Criminal Police Office 2007, 2008

Batsleer, J., Burman, E. Chantler, K. McIntosh, S.H. Pantling, K. and Smailes, S., *Domestic Violence and minoritisation: Supporting women to independence*, The Manchester Metropolitan University, Women's Studies Research Centre, 2002

Bowker, L.H., Arbitell, M., & McFerron, J.R., *On the relationship between wife beating and child abuse*, In K. Yllo and M. Bogard (Eds.), *Feminist perspectives on wife abuse* (pp. 158–174), Newbury Park, CA: Sage, 1998

Burman, E., Chantler, K., & Smailes, S., *Culture as a Barrier to Service Provision and Delivery: Domestic Violence Services for Minoritised Women*, In *Critical Social Policy*, Vol. 24, No. 3, 332–357, 2004

British Crime Survey 2001

Council of Europe: *Combating violence against women. Stocktaking study on the measures and actions taken*, Strasbourg, 2006

Council of Europe: group of specialists combating violence against women. *Final report of activities*, Strasbourg, 1997.

Council of Europe Steering Committee for Equality between Women and Men's *Plan of Action to Combat Violence against Women*, 1998

Cunneen, C and Stubbs, J, *Migration, political economy and violence against women: the post immigration experiences of Filipino women in Australia*, in J D Freilich et al (eds), *Migration, culture conflict and crime*, Dartmouth, Ashgate, 2002

Department of Families, Housing, Community Services and Indigenous Affairs (Australia), *The Road Home*, 2008

DIAC - Department of Immigration and Citizenship (Australia) *Annual Report 2007–2008*

Ellsberg, Mary, Heise, Lori., *Researching Violence Against Women. A practical guide for researchers and activists*. Geneva. World Health Organisation, 2005

Eurobarometer - *Europeans and their views on domestic violence against women*, Brussels 1999

European Parliament Documents: *Resolution on Violence against Women*, 1986

Fagan, P., *Migrant Women and Domestic Violence in Ireland: The Experience of Domestic Violence Service Providers*, 2008

Federatie Opvange, *Presentation Paper*, 2006

Heiksanen, Piipso M., *Battering. A Survey of Men's Violence against Women in Finland*, Helsinki: Statistics Finland, 1998

Immigration Advice and Rights Centre Inc., *Domestic/family violence and Australian immigration law, A guide to the law*, 2008

Imkaam, *No recourse – no duty of care? Experiences of BAMER women and children affected by domestic violence and insecure immigration status in the UK*. London, 2008

Inter-Ministerial Group on Domestic Violence 2005

Jasinski, L. Jana, Williams, M. Linda, *Partner Violence. A Comprehensive Review of 20 Years of Research*, Thousand Oaks/London/New Delhi, 1998

Kelleher and Associates and O'Connor, Monica, *Making the Links*. Dublin, Women's Aid, 1995

McCloskey et al., *The psychological effects of political and domestic violence on Central American and Mexican immigrant mothers and children*, *Journal of Community Psychology*, 23, 1995

Römkens, Renée G., *Prevalence of wife abuse in the Netherlands. Combining quantitative and qualitative methods in survey research*, *Journal of Interpersonal Violence*, Vol.12 No.1, pp.99–126, 1997

Rai, K & Thiara, R.K., *Redefining Spaces: The needs of Black women and Children using refuge services in England: their feelings, needs and priority areas for development in refuges*. Bristol. Women's Aid Federation of England, 1997

Rai, K. & Thiara, R.K., *Strengthening Diversity: Good practice in delivering domestic violence service to Black women and children*. Bristol. Women's Aid Federation of England, 1999

Sen, P., *Searching for routes to safety*, London Borough of Camden, Equalities Unit, 1997

Southall Black Sisters, *From homebreakers to jailbreakers*. London. Zed Books Ltd., 2003

Southall Black Sisters, *Domestic Violence, Immigration and No Recourse to Public Funds*, [www.southallblacksisters.org.uk/research.html](http://www.southallblacksisters.org.uk/research.html), 2004

*Ten years of Austrian anti-violence legislation*. Publications of the International Conference in the context of the Council of Europe campaign to combat violence against women, including domestic violence, 2007

The Council of Europe Steering Committee for Equality between Women and Men's *Plan of Action to Combat Violence against Women*, 1998

Thiara, R., *Building good practice in responses to Black and Minority Ethnic women affected by domestic violence: issues from the United Kingdom*. International conference in the context of the Council of Europe campaign to combat violence against women, including domestic violence'. Austria, 2007

*Time for Action: The National Council's Plan for Australia to Reduce Violence against Women and their Children, 2009–2021*, Commonwealth of Australia 2009

United Nations Declaration on the Elimination of Violence against Women

*Victim's rights to support and protection from violence. Legislation for the protection from violence in Austria*, 2009

WARM, *Issues Paper*. Undated

WAVE: *Country Report 2008: Reality check on European services for women and children victims of violence. A right to protection and support*, Vienna 2008

WAVE: *More than a roof over your head: a survey of quality standards in European women's refuges*, Vienna 2002

Women's Aid Federation U.K., [www.womensaid.org.uk](http://www.womensaid.org.uk), 2001 and 2002