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## COUNCIL OF EUROPE

### **Working Against Men's "Domestic Violence": Priority Policies and Practices for Men in Intervention, Prevention and Societal Change**

*Susan Edwards and Jeff Hearn*

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## COUNCIL OF EUROPE

### **Working Against Men's "Domestic Violence": Priority Policies and Practices for Men in Intervention, Prevention and Societal Change**

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#### **1. PREAMBLE**

This report has been commissioned by the Council of Europe as part of the Integrated Project 2 “Responses to violence in everyday life in a democratic society”. It addresses priority measures for policy and practice in relation to men in working against “domestic violence” perpetrated by men. Men’s violence to women and children is increasingly recognised as a global problem, by, for example, the UN, WHO, UNESCO, UNICEF, the EU, as well as the Council of Europe. This violence is mainly men’s violence to known women and children, though it also includes violence to other known men as partners or co-habitees. To act against men’s violence to women and children necessitates a broad view of the problem. This report highlights priority measures in working against “domestic violence” perpetrated by men.

The approach used here is informed by legal, historical, sociological, psychological, policy and practical research and knowledge. This interdisciplinary approach is important since no one discipline can define how or why violence is perpetrated or experienced. It is not self-evident what violence is or why violence occurs. Practices, ideas and explanations about the nature and definition of violence change over time. Though men’s violence to women is very widespread, men are not ‘naturally’ violent there violence is created, reproduced and sustained within and by the social fabric.

There is a long history of men ignoring or even implicitly condoning men’s violence to women and children. Domestic violence is unacceptable; it must be challenged at all times. The last thirty years have seen major advances in bringing the issue of men’s violence to women to attention within the public domain, primarily through many different forms of feminist theory and practice throughout the world. There has been substantial development of policies against such violence, internationally, nationally, and locally. While this report focuses on men and men’s perpetration of “domestic violence”, it is vital to place this in the context of the development of policies and services for women.

There have been two linked trajectories in recent policy development and debate: the provision of woman-centred services, and material support of women victims/survivors, including:

- provision of (more) women-centred services (such as women's refuges, rape crisis centres, incest survivors groups) in the state, community and voluntary sectors, and support of women victims/survivors;
- criminal justice system reforms, including enforcement of the law and protection of women victims/survivors;
- provision of safe housing and safer housing alternatives;
- income support for women and children;
- inter-agency policy development and co-ordination;
- education, training and publicity against the problem;
- recognition of differences in the experience of violence, and the need for particular services for black and ethnic minority women, and lesbians and women with disabilities which take account of those different needs;
- the attempt to create safer public spaces for all women.

Policy and practice development around women's refuges, rape crisis centres, incest survivors groups and women-centred projects has often been primarily in the community/voluntary sectors, with limited or variable state support. Funding of refuges and services for women victims/survivors remains as urgent as ever. Indeed the level of such provision remains very variable amongst the member countries. Provision of safe housing and safer housing alternatives for women and children remains a major problem, especially with public housing cuts, as does women's access to improved income support in their efforts to move away from violent men, and provision to women of adequate legal remedies. In addition, there has been increasing concern with devising of policies that specifically deal with men.

The discussion and recommendations in this report need to be considered in relation to the different conditions in member countries and different regions of Europe. However, this is not to be interpreted as meaning that men's violence can or should be tolerated more in one country or city than in any other or to suggest any legal or cultural relativism. The Council of Europe has emphatically stated that under no circumstances may a state invoke reasons of custom, religion, or tradition in order to ignore or excuse violence against women in particular communities. Rather it is that the varying social conditions in different parts of Europe may make for different local solutions in different places. For example, the conditions around migration, ethnicity, race and racism vary greatly in different parts of Europe. This may involve various complex and contradictory patterns: on the one hand, racist overstating of violence committed by ethnic minority men and racism in service provision, and, on the other, possible underreporting of violence from within ethnic minority communities and tendencies of anti-racists to minimise the extent of violence against women in such communities in furthering anti-racist agendas.<sup>1</sup> Reverse patterns might be likely for white and ethnic majority communities, for example, racist understating of violence from within white and ethnic dominant communities and tendencies of racists to maximise the extent of violence against women in ethnic minority communities in furthering racist agendas. Another example, as noted above, is that the extent of

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<sup>1</sup> See G. Sahgal (1990) 'Fundamentalism and the multi-culturalist fallacy', in SBS Collective (eds.) *Against the Grain*, Russell Press, Nottingham.

provision of women's refuges is highly variable in different parts of Europe. In some cases this involves building up refuges from a very low base; in others it means expanding and making more secure funding and provision.

## 2. DEFINITION

The Council of Europe includes within its definition of “violence against women” “any act of gender-based violence, which results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty ... .”<sup>2</sup> This includes within it, but is not limited to, the following: “violence ... in the family or domestic unit, including, *inter alia*, physical and mental aggression, emotional and psychological abuse, rape and sexual abuse, incest, rape between spouses, regular or occasional partners and cohabitants, crimes committed in the name of honour, female genital and sexual mutilation and other traditional practices harmful to women, such as forced marriages.”<sup>3</sup>

This report addresses violence perpetrated by men in the family or domestic unit. Following the definitions above, it can be broadly defined as: any act of gender-based violence in the family or domestic unit by men, which results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, children or other men, including threats of such acts, coercion, or arbitrary deprivation of liberty. It thus includes verbal, physical, sexual, psychological, economic and emotional violence,<sup>4</sup> abuse and neglect, violence to property and pets, along with other severe controls, of, for example, time, movement, friendships and money. It may also include latent violence, in which control is exerted by the possibility of physical or other violence.

Within a European and multicultural context it is important to realise the many ways in which men’s violence against women and children is manifest. There are also other forms of violence which have been hitherto ignored, or condoned as cultural practices, for example, forced marriage and honour abuse both of which Governments are now beginning to address.<sup>5</sup> There are also routinised practices such as the ‘reasonable’ chastisement of children, which the EU has ruled as unacceptable.<sup>6</sup>

The Committee of Ministers, the executive body of the Council of Europe, on 30 April 2002 adopted a wide definition of violence against women, including domestic abuse, sexual harassment, wartime acts of sexual slavery and hostage taking, mockery and public insult, invasive looks and exhibitionism. They further stated that under no circumstances may a state invoke reasons of custom, religion, or tradition in order to ignore violence against women in particular communities. All measures adopted by

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<sup>2</sup> *The Protection of Women against Violence*, Recommendation Rec/(2002)5 of the Committee of Ministers to member states on the protection of women against violence adopted on 30 April 2002 and Explanatory Memorandum. Council of Europe, Strasbourg, 2002, p. 6.

<sup>3</sup> *The Protection of Women against Violence*, Recommendation Rec/(2002)5, *ibid.* Other arenas of violence are violence in the community, violence perpetrated or condoned by the state or its officials, and violation of the human rights of women in situations of armed conflict. In addition, attention is drawn to *Ending Domestic Violence: Action and Measures. Proceedings of the Forum*, Bucharest 26-28 November 1998, EG/BUC (99) 1, Council of Europe, Strasbourg; and S.E. Henderson (2003) *Violence against Women: Response of the Council of Europe. Draft Text*, Council of Europe, Strasbourg.

<sup>4</sup> *The Protection of Women against Violence*, Recommendation Rec/(2002)5, p. 18.

<sup>5</sup> See, for example, in the UK The Interdepartmental Group on Forced Marriages, Home Office, London. [www.homeoffice.gov.uk/docs/forced.html](http://www.homeoffice.gov.uk/docs/forced.html) *A Choice by Right: the report of the working group on forced marriage.*

<sup>6</sup> *The Protection of Women against Violence*, Recommendation Rec/(2002)5, *op. cit.*

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the COE should also take into account the obligation to afford protection for all women and children.<sup>7</sup>

A question of special importance is the naming of the problem. The term “domestic violence” is in widespread use. However, as discussed with the experts at the Council of Europe seminar on ‘Measures dealing with men perpetrators of domestic violence within the family’,<sup>8</sup> the term remains problematic for several reasons. It is ungendered: it does not name ‘men’ as the main perpetrators. It implies that the relevant violence occurs in the home, while this is not always the case. The term may also suggest that there is a particular form of violence, which is separate from rape, sexual assault, pornography, child sexual abuse, sexual harassment, trafficking, when in fact “domestic violence” may include all of these forms of abusive conduct.<sup>9</sup> The interconnection of sexual violence with other forms of violence needs to be understood. Thus, it is necessary that discussion is not limited to any particular form or expression of abuse.

Instead, violence can occur in association and in combination with other forms of abuse. Physical violence, sexual violence, threats and other forms of violence cannot be isolated from each other; they are characterised by being part of a continuum of prevalence and experience,<sup>10</sup> and by fluidity of the boundaries between them.<sup>11</sup> In addition, it is important to appreciate that these terms are defined and are constantly being redefined in different ways across member states.<sup>12</sup>

Developing appropriate, accurate terminology is important for improving policy and practice. There are a wide range of other terms used in English and related languages. In referring to violence between intimate partners or ex-partners, the terms ‘family violence’, ‘spouse (or spousal) violence’, ‘conjugal violence’ ‘marital violence’, are often used all of which de-gender the problem; whilst the terms ‘wife battering’, ‘wife abuse’ identify gender but confine violence to the legal relationship of marriage.

While men, can and indeed are violent or abusive to other adult men, most obviously in the cases of adult sons to fathers or vice versa, or in gay relationships,<sup>13</sup> the most typical form of adult violence within families, households, co-habiting, intimate relationships, and their break-up, is men’s violence to women and children. Violence

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<sup>7</sup> *Safeguarding Adults and Children with Disabilities against Abuse* (2002), Council of Europe, Strasbourg.

<sup>8</sup> ‘Measures dealing with men perpetrators of domestic violence within the family,’ seminar held at the Council of Europe, June 25-26, 2003, Strasbourg.

<sup>9</sup> See L. Kelly (2000) *VIP Guide. Vision, Innovation and Professionalism in Policing Violence against Women and Children*, Council of Europe, Strasbourg.

<sup>10</sup> L. Kelly (1987) ‘The continuum of sexual violence’, in J. Hanmer and M. Maynard (eds.) *Women, Violence and Social Control*, Macmillan, London, 46-60.

<sup>11</sup> E. Lundgren, G. Heimer, J. Westerstrand, A.-M. Kalliokoski (2001) *Captured Queen: Men’s violence against women in “equal” Sweden – a prevalence study*, Fritzes Offentliga Publikationer, Stockholm, pp. 20-21.

<sup>12</sup> For example, the Sexual Offences Bill (UK) brought from the House of Lords, 18th June 2003, defines rape as the ‘penetration of the vagina, anus or mouth with the penis’ (cl.1 (1) (a)), and creates the new offence of ‘assault by penetration’ (cl.3 (1) (a)) where ‘he intentionally penetrates the vagina or anus of another person with a part of his body or anything else.’

<sup>13</sup> This point was cogently made by Dr Daniel Welzer-Lang in his presentation to the COE Seminar. Susan Edwards and Jeff Hearn *Working Against Men’s “Domestic Violence”: Priority Policies and Practices for Men in Intervention, Prevention and Societal Change*, Council of Europe, Strasbourg, 2004



within same-sex relationships or from women to men is neither the same as, nor symmetrically opposite to, men's violence to women.<sup>14</sup> Thus the term 'men's violence to known women' more accurately identifies and describes men's violence to wives, girlfriends, women partners, mothers, women family members, ex-partners and close women associates. Naming the violence as predominantly "men's violence" is crucial both analytically and for the development of policy and the implementation of effective practice measures.<sup>15</sup>

In addition, men's "domestic violence" includes both men's violence and abuse to children and the relationship between child abuse and woman (as wife, mother or other close associate). Men's violence and abuse to children is usually referred to as "child abuse". This term makes the point that it is physical, sexual and mental abuse, as well as child neglect, that are included. The term "significant harm" is used in a legal context to define child abuse in the UK context.<sup>16</sup> The connections with men's violence to known women are many. For example, abuse of children can be used to abuse women (including the homicide of children), or children can be used to gain access to women in order to abuse her further. These and other connections are taken up in more detail later in this report.

While the law may generally need to be neutral in its framing,<sup>17</sup> the gender power asymmetries that exist in all the member countries mean that women and men have very different experiences of violence and that those experiences occur in very different social and institutional contexts.<sup>18</sup>

Moreover, violence is not a pre-defined, fixed set of behaviours; it is not limited to intentional physical harm, as defined in some laws. Definitions are historical; the perception and construction of 'violence', changes over time. This is perhaps most clearly seen in changing attitudes and legal provisions in relation to violence to children and child abuse more generally. As Cretney and Masson<sup>19</sup> write: "Child maltreatment is a socially constructed phenomenon which reflects the values and opinions of a particular culture at a particular time."

There are also tensions between the focus on physical violence and the broadening of the definition to other forms of violence and abuse, to, for example, sexual and

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<sup>14</sup> Respect (2000) *Statement of Principles and Minimum Standards of Practice*, London, p. 2-3.

<sup>15</sup> M. Kimmel (2000) "Gender symmetry" in domestic violence: a substantive and methodological research review', Report to Irish Department of Education and Health, also in *Violence against Women* 8(1), (2002), 1332-1363.

<sup>16</sup> See The Children Act 1989 s 31. In the context of child protection it must be proved that the child 'is suffering or is likely to suffer significant harm' before a civil order for care or supervision is made. See also Department of Health (1989) *The Children Act 1989: guidance and regulations, Volumes 1-9*, HMSO, London; V. Smith (1994) 'Significant harm', *Family Law*, 197-199; M. Adcock and R. White (eds.) (1998) *Significant Harm*, Significant Publications, Croydon.

<sup>17</sup> This is a complicated socio-legal issue in that the law is generally *represented* as if it is gender-neutral, when it has historically not been so in its gendered formulation, its implementation and use by those with different resources. On the other hand, gender-neutrality is usually necessary for the sake of equality before the law, such as the right to fair trial.

<sup>18</sup> This point was explained in some detail by Daniel Welzer-Lang at the COE seminar.

<sup>19</sup> S. Cretney and J. Masson (1997) *Principles of Family Law*, 6th Ed, Sweet and Maxwell, London, p. 786.

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emotional violence. Such expansion is crucial to an understanding of both women's experience of violence and men's 'doing' of violence. Men and women frequently have very different understandings of what violence is, of what counts as violence, respectively narrower and broader. Many men have a very limited definition of violence. Violence is not only physical violence, nor is it only physical violence that is visibly damaging or leads to police intervention. It includes pushing, shoving, blocking, pinning down, holding and throwing the woman: all forms of physical violence excluded by some men.<sup>20</sup> As clearly recognised by women's accounts, it includes sexual violence and abuse. A judge in his summing up said:

"You came home violent and aggressive and you set about her. Not only did you treat her violently, you subjected her to the degradation of being buggered, and one only has to read her statement to see the distress she must have suffered ..."<sup>21</sup>

Violence perpetrated by men in the home includes: violence and abuse of children; violence to older people; emotional, verbal and psychological violence; threat; control of the body, food, money, time, media, friends, potentially the woman's whole social life. Consider part of Kiranjit Ahluwalia's evidence when charged with the murder of her husband Deepak, who beat and abused her. She had written this letter to him after he left her for three days in about April 1989.

"Deepak, if you come back I promise you - I won't touch black coffee again, I won't go town every week, I won't eat green chilli, I ready to leave Chandikah and all my friends, I won't go near Der Goodie Mohan's house again, Even I am not going to attend Bully's wedding, I eat too much or all the time so I can get fat, I won't laugh if you don't like, I won't dye my hair even, I don't go to my neighbour's house, I won't ask you for any help."<sup>22</sup>

It is that which the woman experiences as violence from the man: a sense of her life being under his total subjugation and control a state of humiliation and loss of self-esteem.<sup>23</sup> This is especially important in long-term relationships, where physical violence, once used, may not be necessary to re-use in order to keep a woman in a state of fear and terror, because the possibility of his using violence to control her is ever present. Indeed it is her knowledge and perception of the possibility of future violence that has resulted in several jurisdictions, including Australia, Canada, the UK and the US, accepting the woman's account of her perception of imminent danger as part of 'battered woman syndrome' expert evidence in cases where women have killed abusive partners.<sup>24</sup>

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<sup>20</sup> J. Hearn (1998) *The Violences of Men: How Men Talk About and How Agencies Respond to Men's Violence to Women*, Sage, London.

<sup>21</sup> *Krause* (1989) 11 Cr. App. R. (S) 360; see also S. Edwards (1996) *Sex and Gender in the Legal Process*, Blackstone Press, London, p. 188.

<sup>22</sup> *R v Ahluwalia*[1992]4 All ER 892h; see also S. Edwards (1996) *op. cit.*, Ch. 9.

<sup>23</sup> J. Hanmer and S. Saunders (1984) *Well-Founded Fear: A Community Study of Violence to Women*, Hutchinson, London.

<sup>24</sup> C. Dalton and E.M. Schneider (2001) *Battered Women and the Law*, Foundation Press, New York, 225-237. S. Edwards 'Battered Women in fear of Luc's Shadow' [1997] *Denning Law Journal* 75-105. Susan Edwards and Jeff Hearn *Working Against Men's "Domestic Violence": Priority Policies and Practices for Men in Intervention, Prevention and Societal Change*, Council of Europe, Strasbourg, 2004

### 3. THE EXTENT OF THE PROBLEM

“The safest place for men is the home; the home is, by contrast, the least safe place for women.”<sup>25</sup>

Notwithstanding the robust stance adopted by the Council of Ministers outlawing domestic violence, the problem of domestic violence remains endemic. There is now a vast international literature and policy development, in the form of official records, social surveys, national crime surveys, dedicated domestic violence surveys, victim/survivor report studies, policy initiatives, that chronicles the extent and pervasiveness of men’s violence to women and children worldwide.<sup>26</sup> There are also a number of national surveys of such violence in European countries, based on self reporting by women which indicates a much higher prevalence than official figures<sup>27</sup> which because they depend on women’s reporting to police and police recording of such violence tend to record a much lower prevalence.

A Council of Europe report<sup>28</sup> stated that for women between 15 and 44 years old, “domestic violence is thought to be the major cause of death and invalidity stating that 20 to 50 per cent of women in Europe are victims of conjugal violence.” The studies cited in the report found that 1.35 million women were victims of domestic violence in 2001 in France alone - roughly close to four per cent of the female population. In Russia, 14,000 women are killed each year, most by their husbands or partners.<sup>29</sup> Given the enormity of the problem, the report said the “assembly calls on the member states to recognise domestic violence in national legislation as a criminal offence and to take the necessary measures to prevent, investigate and punish these acts in order to protect the victims.”

Some estimates from recent British research suggest that between 10 and 25 per cent of British women have been a victim of violence from a male partner.<sup>30</sup> A survey in Islington, London, found 27 per cent of women reported physical abuse by a partner

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<sup>25</sup> S.S.M. Edwards (1989) *Policing ‘Domestic’ Violence*, Sage, London, p. 214.

<sup>26</sup> For example, [http://www.who.int/violence\\_injury\\_prevention/vaw/infopack.htm](http://www.who.int/violence_injury_prevention/vaw/infopack.htm); A. Mullender (1997). *Rethinking Domestic Violence: the Social Work and Probation Response* Routledge, London; *Domestic Violence against Women and Girls* (2000) Innocenti Digest No 6, UNICEF, Florence; M.A. Straus and R.J. Gelles (1990) *Physical Violence in American Families* Transaction, New Brunswick, NJ; R. Romkens (1997) ‘Prevalence of wife abuse in the Netherlands: combining quantitative and qualitative methods in survey research’ *Journal of Interpersonal Research*, 12(1): 99-125.

<sup>27</sup> These are reviewed by C. Hagmann-White (2002) ‘Violence against women in the European context: histories, prevalences, theories’, in G. Griffin and R. Braidotti (eds.) *Thinking Differently: A Reader in European Women’s Studies*, Zed, London.

<sup>28</sup> Agence France Presse, September 27, 2002 Friday Olga Keltosova (Slovakia).

<sup>29</sup> S.S.M. Edwards ‘Gender Based Violence in the UK’, Paper presented to Moscow Conference 2003 May 26-27, organised by AIDOS and FOCUS, financed by the European Commission Tacis Programme.

<sup>30</sup> L. Smith (1989) *Domestic Violence: an Overview of the Literature*. Home Office Research Study 107, HMSO, London; C. Mirrlees-Black (1994) *Estimating the Extent of Domestic Violence: Findings from the 1992 BCS*. Home Office Research Bulletin No. 37, Home Office Research and Statistics Department, London.

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and 23 per cent reported sexual abuse.<sup>31</sup> Even such estimates should be treated with caution, as they may not take full account of rape, sexual harassment, coercive sex and emotional, psychological and other abuses. Another survey of women in Hackney, London, reports:

- More than one in two women had been in psychologically abusive relationships during their lives;
- One in four women had been in psychologically abusive relationships in past year;
- One in three women had suffered physical and sexual abuse requiring medical attention in their lives; and
- One in nine women had suffered physical and sexual abuse requiring medical attention in past year.<sup>32</sup>

A 1998 representative national survey of 4,955 women in Finland has reported as follows:

- ‘22 per cent of all married and cohabiting women have been victims of physical or sexual violence or threats of violence by their present partner, 9 per cent in the course of the past year.’
- ‘violence or threats by their ex-partner had been experienced by 50 per cent of all women who had lived in a relationship which had already terminated.’<sup>33</sup>

A 2001 representative national survey of 6,926 women in Sweden found that 46 per cent of women had been subjected to violence (physical violence, sexual violence or threats) by a man since their fifteenth birthday. Twenty-two per cent of women between 18-24 years old had been subjected to violence in the last year.<sup>34</sup>

The World Organisation Against Torture (OMCT) expresses its concern regarding violence against women in Spain at the Twenty-Ninth Session of the United Nations Committee Against Torture.<sup>35</sup> On July 30 (AFP) the Spanish parliament on unanimously adopted a law to protect women from domestic violence amending Spain's criminal code and providing immediate protection and financial assistance to women lodging complaints within a maximum 72 hours of a reported attack. Less serious cases would be dealt with by exclusion orders banning violent men from contact with their partner and from the family home. In Portugal, on June 13, 2003 the Government approved a series of measures to deal with domestic violence perpetrators.

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<sup>31</sup> J. Mooney (1993) *The Hidden Figure: Domestic Violence in North London*, Islington Council, London; J. Mooney (1994) *The Prevalence and Social Distribution of Domestic Violence: An Analysis of Theory and Method*. Unpublished PhD, Middlesex University.

<sup>32</sup> E. Stanko, D. Crisp, C. Hale and H. Lucraft (1998) *Counting the Costs: Estimating the Impact of Domestic Violence in the London Borough of Hackney*, Crime Concern, Swindon.

<sup>33</sup> M. Heiskanen and Piispa, M. (1998) *Faith, Hope, Battering. A Survey of Men's Violence against Women in Finland*, Helsinki: Statistics Finland/Council for Equality between Women and Men, p. 3.

<sup>34</sup> E. Lundgren et al. (2001).

<sup>35</sup> OMCT's programme on Violence against Women, contact Lucinda O'Hanlon on loh@omct.org Susan Edwards and Jeff Hearn *Working Against Men's "Domestic Violence": Priority Policies and Practices for Men in Intervention, Prevention and Societal Change*, Council of Europe, Strasbourg, 2004

However few cases are reported and fewer still prosecuted. For England and Wales the British Crime Survey 2001<sup>36</sup> records that there are 4.5 times more crimes committed than those reported to police and estimates 499,000 cases of domestic violence.<sup>37</sup> There is no doubt of the disastrous effects of domestic violence and the risk to life. In the UK between a quarter and a third of victims of homicide are killed by a partner or former partner.<sup>38</sup> In Portugal, roughly 60 women were killed at the hands of their partners last year, according to government statistics.. Whilst in Spain approximately 40 female partners are said to be killed at the hands of male partners per year. These figures on domestic murder and the low level of reporting of domestic violence are evidence that across all member states we are failing women and children.

There are both quantitative and qualitative connections between child and woman abuse. These are both direct connections and connections through children witnessing violence to their mothers or other close women relatives or friends. For example, Christensen's study of 394 women in crisis centres for women in Denmark found that 85 per cent of the women reported that their children had been in the same room witnessing the violence to themselves.<sup>39</sup> Another group reported that the children had been close by, and only 2 per cent reported that their children had not seen the violence to them. It was reported by the women that 25 per cent of the children had been abused in connection with the abuse of their mother, and that between 53 and 68 per cent had been subject to physical violence or physical punishment that their mother considered was too harsh. In the more recent Swedish national survey of women's experiences of men's violence "Fiftyfour per cent of the women who have children and have been subjected to violence by a former husband/cohabitant partner state that their children have seen or heard the *former* husband/cohabitant partner employing violence toward them (the women)."<sup>40</sup>

This is a human rights issue as the UNIFEM report recently recognised. The state has failed women, police and prosecuting authorities have failed women and even where effective measures have been in place because women have been too afraid to seek protection the law has failed women. Such expressions of condoning domestic violence are no longer acceptable and several countries, such as Australia, Canada, the UK and the US, are implementing robust policing and prosecution measures. The

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<sup>36</sup> *British Crime Survey* (2001) Research Development and Statistics Directorate. Home Office Statistical Bulletin 18/01, Table 2.1, p. 8.

<sup>37</sup> *Ibid.* p. 28.

<sup>38</sup> *Justice for All*, White Paper, Cm. 5563, July, 2002, available online at [www.cjsonline.org](http://www.cjsonline.org), p. 131. See also Edwards (1996) *op. cit.*

<sup>39</sup> E. Christensen (1990) *Børnekår. En undersøgelse af omsorgssvigt i relation til børn og unge i familier med hustrumishandling*, Akademisk Forlag, Nordisk Psykologi's monografiserie, nr. 31, Copenhagen; see also M. Hester 'Child protection and domestic violence: findings from a Rowntree/NSPCC study', in J. Hanmer and C. Itzin (eds.) *Home Truths about Domestic Violence*, Routledge, London, 96-112; for reviews of research, see R. Morley and A. Mullender (1994) 'Domestic violence and children: what do we know from research?' in A. Mullender and R. Morley (eds.) *Children Living with Domestic Violence*, Whiting & Birch, London, 24-42; M. Hester, C. Pearson, N. Harwin (1998) *Making an Impact. Children and Domestic Violence: A Reader*, Barking: Barnardo's; 2nd ed. (2000) Jessica Kingsley, London.

<sup>40</sup> Lundgren et al., p. 37.

Council of Europe itself recommends that “(m)ember states should: classify all forms of violence within the family as criminal offence.”<sup>41</sup>

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<sup>41</sup> *The Protection of Women against Violence*, Recommendation Rec/(2002)5, p. 13.  
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## 4. THE LEGAL RESPONSE

### 4.1. The Law: Intervention and Prevention of Violence by Men

At both the international and domestic level the law plays an important role in intervening in an escalating spiral of violence, preventing repeat victimisation and deterring first time assaults by conveying a symbolic message that violence against women and children by male partners or ex-partners is not acceptable. In this section the legal mechanisms including international obligations binding on all member states and the criminal and civil law in respective member states are explored.

### 4.2. International Legal Obligations

There are international obligations binding on all governments as members of the Council of Europe which must be adhered to when men are violent including men's violence in domestic violence. The two Conventions of particular relevance are the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) (1950), and the Convention on the Rights of the Child (1989). The ECHR is a Treaty agreed by all 44 Council of Europe members. It embraces both freedom from government interference and promotes positive human rights. The Convention is intended to be interpreted purposively, that is, to give effect to the Convention's central purpose. It is a "living instrument which ... must be interpreted in the light of present-day conditions."<sup>42</sup>

When the Convention was first written it was conceived as an instrument to protect persons from abuses of power perpetrated by the state. Indeed, up until recently, there has been a failure to create a nexus between violence against women and international human rights for fear it might dilute the traditional notion of human rights.<sup>43</sup> Over the last two decades the patriarchal construction of rights has been challenged. In 1979, in an expression of affirmative action and recognition of women's oppression in the private context, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was introduced to provide for the elimination of discrimination in the public and private sphere, which by definition includes protection from men's violence in the private sphere of the home. This was followed by the Declaration on the Elimination of Violence against Women,<sup>44</sup> and a further ratification of these principles is found in the Beijing Document<sup>45</sup> which emphasises the importance of a plan of action calling on the international community to take strategic action to combat the effects of armed conflict on women. In 1993, a proposal that women's rights be 'mainstreamed' into all human rights conventions was accepted.<sup>46</sup>

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<sup>42</sup> *Tyrer v United Kingdom* (1978) 2 EHRR 1 at para. 31.

<sup>43</sup> H. Charlesworth (1999) 'International relations theory, international law, and the regime governing atrocities in internal conflicts', *AJIL*, 93(2): p. 382.

<sup>44</sup> Passed by the General Assembly in 1993.

<sup>45</sup> Beijing Delegation and Forum for Action, Ch IV, Section D, para 116.

<sup>46</sup> World Conference on Human Rights, Vienna Declaration and Programme of Action, adopted 25 June 1993, UN doc/A/Conf 157/24, rep (1993) 32 ILM 1661, Part 1, para 9. In October 2000 the UN Security Council held an 'opinion' meeting on women's security and peace.

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These several efforts have been further supported by UNIFEM and UNICEF which have focused attention on domestic violence in an attempt to raise awareness of the problem and the lack of adequate remedies across member states and the global community. These efforts have had positive results and the whole arena of human rights instruments has undergone transformation. For example, the Convention on the Prevention and Punishment of the Crime of Genocide (1948), following the case against *Akayesu*,<sup>47</sup> now recognises rape as a crime of violence and as a crime against humanity. The Convention relating to the Status of Refugees (1951), following the case of *Shah*,<sup>48</sup> now recognises that women suffering from domestic violence "... could themselves constitute a social group if they lived in a society, such as Pakistan, which discriminated against them on the grounds of sex, and it was immaterial that certain women might be able to avoid the impact of persecution. It followed, therefore, that in the instant case the appellants formed part of a social group for the purposes of the convention." These and other developments are part of a wider realisation of women's victimisation at the hands of men who are violent.

The ECHR as a 'living instrument' has now more than ever before a central role to play in the protection of women from violent men in the context of domestic violence. The Convention contains two important provisions of direct relevance to the protection of women and children from violence perpetrated by men. Member states that ignore their obligations to victims of domestic violence face the prospect of legal action for breach. First, Art. 2 of the ECHR establishes the right to protect life. This is an inalienable right from which no state can derogate. The Commission has established that it requires the state not only to refrain from taking life intentionally, but to take appropriate steps to safeguard life.<sup>49</sup> It is in this second aspect - the role of the state in taking appropriate steps to safeguard life- that the effectiveness of public authorities to safeguard the lives of women and children subject to or under threat of domestic violence perpetrated by men is directly relevant.

Any failure to safeguard life, on the part of the state which includes public authorities, for example, police, emergency services and prosecutors, may constitute a breach of Art. 2. The ambit of this duty for the police has been prescribed in *Osman v United Kingdom*.<sup>50</sup> This case involved a male schoolteacher who was obsessed with a boy pupil. He made persistent threats, committed criminal damage and harassment over a period of time that culminated in the murder of one person and serious injury of another. The Court found that none of the incidents leading to the murder of the victim in themselves presented a life-threatening situation, and thus in these particular circumstances there was no infringement of Art. 2. However, the Court did examine and consider the scope and meaning of the 'right to life' and established as a general rule that the police have a positive duty to protect the 'right to life' and also have a duty to prevent and suppress offences against the person. This duty was qualified by a

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<sup>47</sup> Akayesu Case No IT-9-4-t ICTR Sep 2 1998,  
<http://www.un.org/I.C.T.R/english/judgements/akayesu.html>

<sup>48</sup> *R v Immigration Appeal Tribunal and another, ex parte Shah* (United Nations High Commissioner for Refugees intervening); *Islam and others v Secretary of State for the Home Department* (United Nations High Commissioner for Refugees intervening) HOUSE OF LORDS [1999] 2 AC 629, [1999] 2 All ER 545.

<sup>49</sup> *X v United Kingdom* (1979) 14 DR 31.

<sup>50</sup> *Osman v United Kingdom* (2000) 29 EHRR 245.



requirement on the applicant to prove that the police authority under investigation for potential breach of Art. 2. ‘knew or ought to have known of a real and immediate risk to the life of the person from the criminal acts of another.’<sup>51</sup> This case has a direct implication for the role of public authorities, expressly the police, in safeguarding women’s lives from men who are violent.

The research literature on domestic violence has found that men who are violent continue to perpetrate violence against partners or former partners, through a variety of behaviour including stalking, harassment, physical, mental and sexual abuse, and that the level of violence either continues or escalates in severity resulting in the killing of the victim. Violence perpetrated by men, especially in the context of domestic violence, poses a real risk to life, as women are trapped in relationships through economic dependency, need for shelter, lack of adequate refuge facilities, fear and shame and lack of adequate criminal and civil remedies and/or their enforcement.<sup>52</sup> Cultural factors and pressures forcing women to remain in a violent relationship can be even more oppressive in particular communities. Thus, given the considerable body of evidence on the risk of domestic violence to life, public authorities who fail to act and whose failure is the subject of a legal challenge will not be able to rely on the argument that they did not perceive the risk to life, since where domestic violence is being considered the expectation placed upon them is that they ‘ought to have known’ of the risk.

Effective police intervention requires, taking domestic violence calls seriously, responding quickly and effectively and apprehending and detaining the perpetrator before trial. Effective safeguarding of life depends upon the speed and efficiency of the emergency services. Effective safeguarding of life also depends upon effective prosecutions and Art. 2 has also been tested in respect of the duty on prosecutors to prosecute.<sup>53</sup> Effective safeguarding of life requires prosecuting authorities to work closely together with police in evidence gathering. A commitment to effective prosecutions also depends upon the response of the courts in hearing cases quickly and reducing delay, the response of judges and magistrates, and the provision of appropriate sanctions for the perpetrator including educative anti-violence programmes at the sentencing stage. Men’s violence however may require containment through imprisonment, in order to contain violent behaviour and safeguard women’s lives and in response to the policy endeavour to reduce repeat victimisation.<sup>54</sup>

Second, in addition, Art.3 states that ‘no one should be subjected to torture or to inhuman or degrading treatment from a private individual’ is also of direct relevance to protecting women and children from domestic violence. Violence by men in the domestic context can be construed to be both ‘inhuman and degrading’. This Article then imposes a positive obligation on the state to ensure that women and children are

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<sup>51</sup> Archbold *Criminal Pleading Evidence and Practice* (2002), Sweet and Maxwell, London, para 16.38a.

<sup>52</sup> This includes the interrelations and integration between criminal and civil remedies, which themselves vary between member states.

<sup>53</sup> See *R v DPP, Ex.P.Manning* [2001] Q.B.330 DC.

<sup>54</sup> See, for example, the work of Men’s Center Vienna, Co ordinator, Dr Heinrich Kraus.

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adequately protected from such treatment from any private individual including men who are violent in the domestic context. The relevance of Art. 3 has been tested in the case of *Z and others v United Kingdom*,<sup>55</sup> where the children of a family were seriously neglected and subject to abuse by their natural parents despite the fact that a care order had been made which placed them under the responsibility of the local authority social services. Four siblings, Z born in 1982, A born in 1984, B born in 1986 and C born in 1988, lodged a complaint with the ECHR invoking Arts. 3, 6, 8, and 13, *inter alia* that the local authority had failed to protect them from inhuman and degrading treatment. During their lives with their natural parents they were subjected to appalling treatment and neglect. The Court held that there was a contravention of Art. 3 in that the system (the local authority) had failed to protect the applicants from serious long-term neglect and abuse. Further, Art. 3 has been interpreted to require the criminal law to be effectively enforced and this interpretation has direct implications where men are violent physically and sexually including within the domestic context. In *Aydin v Turkey*,<sup>56</sup> where the victim was raped and assaulted, the court held that Art. 3 imposed a positive obligation on the state to effective investigation and prosecution of rape allegations.

Article 6 upholds the right to a fair trial. This has two immediate implications for domestic violence. First, it provides that applicants in civil proceedings, say for example in cases where local authorities have been negligent and failed to protect, are able to avail themselves of the full judicial process without having claims struck out. Second, with regard to perpetrators it safeguards their right to a fair trial. Art. 6(3)(d), states:

“Everyone charged with a criminal offence has the following minimum rights:(d)to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him.”

Police and prosecutors mindful of their duty to safeguard life are developing ways of prosecuting domestic violence cases in the absence of the victim where the interests of justice demand it. Their efforts are meeting a great deal of resistance from defence lawyers on the grounds that such measures might prejudice a defendant’s right to a fair trial in accordance with this Article. Clearly there are difficulties in balancing the competing rights under the Convention. But the competing arguments must not be used as a halting place for the development of protective measures or the justification for not proceeding with a prosecution.

The Convention on the Rights of the Child (1989) also imposes obligations on member states in respect of protecting children from domestic violence from violent men. The Convention contains several articles of importance. Art. 2 (2) provides protection from discrimination or punishment. Art. 3 (2) provides protection by placing on the member state the obligation to establish adequate legal and administrative measures. Art. 6 (1) provides measures to safeguard the survival and the development of the child. Survival and development means that a child should be protected from harm. Art. 19 specifically provides protection from domestic violence in all its forms including

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<sup>55</sup> [2001] 2 FCR 246.

<sup>56</sup> *Aydin* 25 EHRR 25.

sexual, physical, mental and emotional abuse and neglect at the hands of parents or any other person in care of the child. This Article applies to parents and also to those who care for children in both a private and a public capacity. This then places an obligation on parents, foster parents and any private individual or public figure including schools, healthcare and provision of any services to children.

### **4.3. Implementing International Law in Member States**

The overriding objective is to ensure an adherence across all member states to both of these Conventions in respect of men who are violent to women and children. It is widely recognised that there are variations between countries in their response to international obligations. Such variations arise from differences in the definition of precisely what kinds of men's behaviour constitute domestic violence and from differences in the development of legal remedies and in the willingness of state authorities to enforce these remedies. Differences in defining what constitutes domestic violence were amply demonstrated, for example, at a series of meetings held at the UN in New York in March and June 2000. Here, a small group of states proposed that all the crimes of sexual violence enumerated in the International Criminal Court treaty be exempted if they were committed by a family member or pursuant to religious or cultural practices. There are also wide variations between countries with regard to the criminal/penal and civil code provisions, including divorce. Attempts to establish a basic minimum standard of legal remedies is hampered by religious, cultural and patriarchal attitudes that continue to inhibit the proper protection of women and children. Across Europe a survey of experts<sup>57</sup> published earlier this year revealed wide discrepancies in the way in which European countries define and deal with men who are violent in the domestic context. Some countries do not regard physical abuse as domestic crime (Portugal). Austria is the only country that regards parent abuse as domestic violence. There are also other difficulties hindering intervention, for example, in September 2002 the Spanish episcopate said that spousal abuse was not a sufficient ground for granting a divorce.<sup>58</sup> For some women, family law prevents their escape from domestic violence.

Additionally, despite the fact that the UN Committee on the Rights of the Child has outlawed retaining a defence of 'reasonable chastisement', in cases where children are hit as a form of punishment, some countries have refused to follow the UN report. The UK is one of several countries retaining the defence of 'reasonable chastisement'.

Member states failing to respond robustly to domestic violence in providing criminal and civil remedies and effective prosecution and sentencing are in breach of the ECHR and/or the Convention on the Rights of the Child, and likely to face legal action for their failure.

### **4.4. Obligations under Domestic Law for Dealing with Men who are Violent**

Breaches of the Convention can result in legal action being taken by an individual against the member state. In order to meet with the requirements of the Convention the

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<sup>57</sup> Deutsche Presse Agentur, May 23, 2002.

<sup>58</sup> Agence France Presse, September 18, 2002.

government of each member state should draw up a minimum set of legal measures in order to ensure compliance. This would require:

- Incorporation of the Council of Europe's definition on domestic violence.

#### **4.4.1. Criminal Measures to Deal with Men who are Violent**

Good Practice requires effective policing and prosecution of domestic violence in a context of a multi-agency/partnership<sup>59</sup> approach to intervention which includes:

- Rapid police response to domestic violence.
- Adequate attendance at the scene.
- Appropriate follow up of domestic violence.
- Adequate methods of recording domestic violence to allow for identification and assessment of risk and repeat victimisation.
- Arrest of suspect.
- Detention of subject pending trial.
- A commitment to prosecution that includes enhanced evidence gathering by police at the scene, to include neighbour statements photographic evidence of assault and criminal damage at the scene.
- A commitment to prosecution in all cases including those cases where the victim refuses or is unwilling, because of fear, to give evidence.<sup>60</sup>
- Effective sentencing measures, including imprisonment and provision of perpetrator programmes.
- Effective measures to criminalise the so called 'reasonable chastisement' of children where children continue to be abused by any adult who justifies their behaviour by arguing that the hitting is reasonable punishment.

#### **4.4.2. Civil Law Measures to Deal with Men who are Violent**

- Effective measures in civil law to remove men who are violent from the family home, since in the past it is women and children who have been forced out of their homes in order to escape from men's violence.<sup>61</sup>
- Effective measures in civil law to prevent men who are violent from approaching the victim's workplace, home and places where the victim frequents, as for example the child's school.
- Effective measures in civil law to prohibit child contact with the violent man where domestic violence is in issue.<sup>62</sup>

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<sup>59</sup> *Standing Together Against Domestic Violence*, Hammersmith London, Director Beryl Foster. See also Domestic Abuse Intervention Project Vienna Director Rosa Logar, and Cyprus legislation which requires an integrated approach, as detailed at the COE seminar by Senior Counsel of the Republic, Ms Eleni Loizidou and in her paper 'Proposals for legal measures dealing with violent men: measures in the field of criminal law – intervention and prevention'.

<sup>60</sup> In Norway the prosecution services have the right to pursue prosecution even when the woman who has experienced violence does not want this.

<sup>61</sup> In the UK such measures have been in place since 1976 (Domestic Violence Act) and now these remedies are consolidated within the Family Law Act 1996. Such measures are also found within Cyprus law and Austrian law.

- Effective remedies in civil law to allow women to escape from violent men through separation and divorce.
- Effective measures to protect women and children from harassment.
- Effective measures to protect women and children from stalking and related behaviours.
- Effective measures to provide women with adequate shelter.

## **4.5 Good Practice in Dealing with Men who are Violent across Member States**

### **4.5.1. General Comments**

The most pressing legal issues on member states in the intervention and prevention of violence by men are threefold: first, to create a climate of awareness and a commitment to prosecution; second, to create an awareness that child contact is dangerous where there has been a history of domestic violence; and third, to ensure that all member states refrain from legitimating physical chastisement of children through the justification that it is ‘reasonable chastisement’.

Improving policing and prosecution of perpetrators, thereby enhancing justice for victims, can best be achieved by developing ways of reducing attrition,<sup>63</sup> tackling repeat victimisation<sup>64</sup> and “closing ‘the justice gap, the gap between the number of offences recorded by the police and the number of offences where an offender is brought to justice.’”<sup>65</sup> There are several examples of good practice across the member states that reflect attempts to define more precisely the harms that flow from domestic violence, develop more effective policing and prosecution and develop better protection through use of the civil law in limiting child contact.

### **4.5.2. Good Practice: Criminal intervention and prevention**

#### **4.5.2.1. Legal Frameworks**

A crucial issue is what to do with men who have been violent within the frameworks of the criminal justice interventions. Criminal justice options include: arrest, caution, bail, trial, fines, community service, reparations, probation, education, lifestyle classes (such as on drink and drugs), men’s programmes, imprisonment.

Some arrest and court-based interventions appear to have some beneficial effects at least on some men, compared with other criminal justice interventions.<sup>66</sup>

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<sup>62</sup> In the UK where domestic violence is overwhelming and serious, contact may be refused but the courts still make a presumption in favour of contact.

<sup>63</sup> *Justice for All*, op. cit., p. 144. See also *Safety and Justice: The Government’s Proposals on Domestic Violence*, June 2003, Cmnd. 5847, which sets out the UK Government’s strategy for ensuring an effective police response, improving prosecution, ensuring that sentences reflect the crime and ensuring that victims are not deterred by the way they are treated (p. 25).

<sup>64</sup> *Justice For All*, op cit, para 2.19., 2.20. See also *Safety and Justice*, para 45, p. 23.

<sup>65</sup> *Justice For All*, op cit, para 9.37.

<sup>66</sup> L.W. Sherman (1992) *Policing Domestic Violence*, Free Press, New York; R. Emerson Dobash and R.P. Dobash (2000) ‘Evaluating criminal justice interventions for domestic violence’, *Crime & Delinquency*, 46(2): 252-270. Recent US research reporting on the overall positive effects of arrest Susan Edwards and Jeff Hearn *Working Against Men’s “Domestic Violence”: Priority Policies and Practices for Men in Intervention, Prevention and Societal Change*, Council of Europe, Strasbourg, 2004

Another very important aspect of criminal justice policy and practice concerns the operation of the court system, and the development of trained and knowledgeable magistrates, judges and lawyers.

A new conceptual framework for understanding violence against women from the victim's perspective has recently been introduced in Swedish legislation. The new offence of 'gross violation of integrity' is an attempt to redefine and capture the complexity and multiplicity of harm experienced by women. Chapter 4, article 4a of the Penal Code states:

“A person who commits criminal act as defined in Chapters 3, 4 or 6 against another person having, or have had, a close relationship to the perpetrator shall, if the acts form a part of an element in a repeated violation of that person's integrity and intended to severely damage that person's self confidence, be sentenced for gross violation of integrity to imprisonment for at least six months and at most six years.”<sup>67</sup>

#### 4.5.2.2. Policing

Since the late 1980s there has been considerable concern within some police forces for the need for reform in order to provide more consistent interventions against men's violence. In West Yorkshire, UK, since 1987-88 police force orders have been in operation that advise all officers to use their existing powers of arrest in relation to assaults in the home; similar UK national guidelines were issued in 1990. In London, the Metropolitan police's new policy on Domestic Violence *Enough is Enough* launched on December 17 2001 emphasises the following objectives:

- To reduce repeat victimisation;
- To target and reduce the amount of crime;
- To tackle and reduce serious crime.<sup>68</sup>

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includes J.H. Garner and C.D. Maxwell (2000) 'What are the lessons of the police arrests studies?', *Journal of Aggression, Maltreatment & Trauma* 4(1): 83-114; C.D. Maxwell, J.H. Garner and J.A. Fagan (2001) *The Effects of Arrest on Intimate Partner Violence: New Evidence From the Spouse Assault Replication Program*, National Institute of Justice, Washington DC, Available at: See <http://www.ojp.usdoj.gov/nij/pubs-sum/188199.htm>; C.D. Maxwell, J.H. Garner, and J.A. Fagan (2002) 'The effect of arrest at reducing recidivism and victimization against women by their intimate partners', *Criminology and Public Policy*. 3(1): 51-80.

<sup>67</sup> Ds 1999:36, Swedish Penal Code, Ministry of Justice, Stockholm. The use of the words 'suited to' in the official English translation suggests 'have the quality'. The relevant section of the Swedish text reads: '... om gärningarna varit ett led i en upprepad kränkning av personens integritet och varit *ägnade* att allvarligt skada personens självkänsla ...' (our emphasis). For further discussion, see G. Nordberg and J. Niemi-Kiesiläinen (2001) 'Women's peace: a criminal law reform in Sweden' in K. Nousianen, J. Niemi-Kiesiläinen, Å. Gunnarsson and Karin Lundström (eds.) *Responsible Selves: Women in the Nordic Legal Culture*, Ashgate, Aldershot. Thanks also to Monica Burman, Department of Law, Umea University, Sweden, for discussions on these points.

<sup>68</sup> *Enough is Enough*, Metropolitan Police, London, December 2001.

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In Merseyside<sup>69</sup> and West Yorkshire<sup>70</sup> there has been focused projects and evaluations for dealing with repeat domestic violence offenders. The latter model involved four operational elements:

- equal focus on the victim and the offender;
- involvement of all officers;
- low additional resource implications;
- inter-agency involvement.

A three level stepped series of interventions was instituted, with progressively greater sanctions and involvement of more specialist officers. Novel features included progressively fuller police watch and patrols in the vicinity, and ‘cocoon watch’, in which, with the victim’s informed consent, the help and support of neighbours, family and relevant agencies was engaged in protecting the victim. The model had significant positive effects in reducing repeat victimisation.

Other priorities in policing include:

- Establishment of Domestic Violence, Child Protection and Rape Special Units in police forces.
- Production of greater publicity to women by the police about these services, including printing in non-majority national or non-officially recognised national languages.
- Emergency priority telephone services for women in specific danger from particular men.
- Higher profile to police policy and publicity against men’s violence to women and children.
- Greater awareness of the continuity over time of many men’s violence to women and children, and the interconnections between different kinds of violence.
- Expert training of all police on ‘domestic violence’, and work against violence,<sup>71</sup> including how to talk to perpetrators without collusion.
- Need for police officers to understand how men use, excuse, justify and explain violence, for example, explanations simply in terms of ‘drink’.
- Provision of clear and concise information in the form of factsheets and/or handbook or similar to all officers.
- Strict enforcement of force policy.
- The convening a Europe-wide conference on policing and associated interventions on men’s perpetration of domestic violence and the measures used to deal with repeat offenders.

#### **4.5.2.3. Prosecution**

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<sup>69</sup> S. Lloyd, G. Farrell and K. Pease (1994) *Preventing Domestic Violence: a Demonstration Project on Merseyside*, Police Research Group, Crime Prevention Unit, 49, Home Office, London.

<sup>70</sup> J. Hanmer, S. Griffiths and D. Jerwood (1999) *Arresting Evidence: Domestic Violence and Repeat Victimisation*, Police Research Series, Paper 104, Policing and Preventing Crime Unit, Home Office, London.

<sup>71</sup> An invaluable resource in this respect is Kelly (2000).

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The UK government is currently developing good practice by making a commitment to prosecution and reducing case attrition.<sup>72</sup> There are several good models in the UK where enhanced evidence gathering at the scene is having an impact on prosecution.<sup>73</sup> The prosecuting authorities are also currently considering a report which details how expert evidence for the prosecution can be used to support domestic violence prosecutions where the victim is reluctant to give evidence and is hostile to the proceedings.<sup>74</sup> For example, developing enhanced evidence gathering in criminal prosecutions includes the use of photographs at the scene, the taking of further witness statements and the use of medical records. In addition, there are the complexities of children acting as witnesses without subjecting them to further unnecessary damage.

Policy responses in recent years by Prosecution Services include developing specialist workers and producing clearer guidelines for all staff on the problem. In this regard Cyprus and Austria provide two good practice examples where prosecutors are doing all they can to prevent case attrition. Even with such attempted improvements to policy and practice, cases are still routinely delayed, dropped, and charges reduced to a lesser offence during the prosecution process. Swift processing of cases is vital, as is maintaining support for the women throughout proceedings. Reasons for not proceeding to prosecution with a case are clearly varied. Reasons given by individual prosecution lawyers elaborate on the formal reasons for not proceeding, as recorded in formal Codes. In practice, although the prosecution services work within a given legal framework, there is room for discretion in particular cases, particularly in respect to 'public interest' or other general criteria, but not at the expense of the 'public' interest in protecting the woman.

There is a need for greater consistency in prosecution between prosecution lawyers and indeed between regional and local offices. This may involve a combination of the development of specialist expertise in cases of men's violence to known women and across the board training for all prosecution lawyers. Prosecution work is defined in terms of the prosecution of particular cases. While a great deal of information is collected together on each case, this may not include the full context of the situation, such as continuity of violence over time. Thus can the mass of information that is collected be put to any further use? Can the context of violence be more fully included? Can the woman's perspective be more fully acknowledged beyond just being a witness to the alleged offence, for example, in terms of information on the continuity of violence over time, or the possibility of options for her to change the situation?

The CPS, in their *Policy for Prosecuting Cases of Domestic Violence*,<sup>75</sup> pledge to address some of these needed changes including:

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<sup>72</sup> See *Safety and Justice*, Part 3.

<sup>73</sup> See S. S.M. Edwards (2001) 'New directions in prosecution' in J. Taylor-Browne (ed.) *What Works in Reducing Domestic Violence?*, Whiting and Birch, London, 211-239.

<sup>74</sup> See S. S.M. Edwards (f.c.) *Prosecuting Domestic Violence – Using Expert Evidence and Expert Witnesses* The Crown Prosecution Service London and 'Standing Together Against Domestic Violence', Hammersmith, London.

<sup>75</sup> *Crown Prosecution Service Policy for Prosecuting Cases of Domestic Violence*, Crown Prosecution Service, November 2001.

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- “consider[ation of] all options available to us to help victims give their best evidence in court” (para 4.3, p. 7).
- “If the victim’s statement after withdrawing the complaint is not the same as the earlier statement, the police will ask the victim to explain why it has changed (para 4.9, p. 9). If we suspect that the victim has been pressurised or frightened into withdrawing the complaint, we will ask the police to investigate further. If necessary, we will ask the court to delay any hearing so that a thorough investigation can take place before we decide about the future of the case” (para 4.8, p.9).
- “[to consider] whether we could use the victim statement as evidence (under s. 23 of the Criminal Justice Act 1988) without the victim having to give evidence in court” (para. 4.13, p. 10).
- “The victim does not have to give evidence to prove that he or she is afraid. The proof can come from someone else, for example a police officer or doctor or sometimes it can be seen from the victim’s behaviour in court (para 4.18, p.11).
- ”We welcome national and local initiatives that support vulnerable or intimidated witnesses throughout the whole process of reporting crime to giving evidence in court. Whenever possible, we will ensure that victims of domestic violence benefit from these measures” (para 1.12, p. 4).

Given that victims are often reluctant to support prosecutions because of fear, misguided loyalty, cultural pressures or economic factors, in such cases the use of the expert witness to explain why a victim of domestic violence might contradict, recant or minimise her statement is important to ensure the protection of women and children and the application of the Convention to safeguard life. In the UK several further statutory measures have been introduced to assist vulnerable witnesses<sup>76</sup> and the Government has pledged in *Safety and Justice* to implement these special measures in domestic violence cases<sup>77</sup> (see also Art. 23, the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters).<sup>78</sup> The Court of Appeal has recognised the need for tougher sentences for domestic violence and in May 2002 increased the sentence imposed on a University Professor for assaulting his wife to 6 months’ imprisonment and on another man, who had beaten and attempted to rape his partner which resulted in her sustaining fractured ribs and a collapsed lung, the court substituted a sentence of three years’ imprisonment.<sup>79</sup> The UK government have published a Consultation paper, *Safety and Justice: the Government’s Proposals on Domestic Violence*.<sup>80</sup>

#### 4.5.3. Good Practice: Civil Protection and Intervention

<sup>76</sup> Youth Crime and Criminal Justice Act (1999) introduced a series of measures to assist vulnerable witnesses giving evidence in court. The Criminal Justice and Public Order Act (1994) s. 51 made it an offence to intimidate or harm a witness. The Criminal Justice and Police Act (2001) s. 39 and s. 40 extend sentencing for intimidating or harming a victim/witness to 5 years’ imprisonment.

<sup>77</sup> *Safety and Justice*, 2003, para 36 p. 31.

<sup>78</sup> Miscellaneous No 17 (2002) Strasbourg, 8 November 2001.

<sup>79</sup> *The Times*, May 17, 2002. However, in December 2002 an appeal by the Attorney General in *Suratan, Humes and Wilkinson* [2002] EWCA Crim 2982, on the grounds that the sentences were unduly lenient was rejected by the Court of Appeal. So too the AG argument that domestic homicide should be regarded as an “aggravating” factor.

<sup>80</sup> *Safety and Justice* Cmnd. 5847, 2003.

In Germany, under the civil law the victim of violence or serious threats of violence can seek a court order to ban the perpetrator from entering the home or to come within a prescribed distance of the home, to loiter near the victim's place of work or to make contact with the victim via emails.<sup>81</sup> Similar measures are also part of the provisions under civil law in the UK<sup>82</sup> and in other countries.

In recent years some countries, the UK<sup>83</sup> amongst others, have implemented a harassment law which prohibits violent men from following women to their place of work, including behaviour such as standing outside the home, making telephone calls, sending text messages, email messages, and so on, in a manner which is repeated and causes fear.

Child contact is a very dangerous time for both women and children. A child contact order permitting a violent man to access to his child provides an occasion for violence to continue against that child and/or against the female partner. Child contact prevents women from escaping from domestic violence. In the past it has been practice to grant child contact even in cases where there has been the most appalling evidence of violence against the female partner. A study of 79 abused mothers in England and Denmark,<sup>84</sup> found that:

- Most mothers initially wanted children to see their fathers, but contact arrangements broke down because of violence.
- 74 of the women interviewed had been assaulted by their ex-partners when taking or collecting children from contact visits.
- Half of the 53 women from England said that their children had been physically or sexually abused by their former partners. However, contact went ahead for all but six of the families with inadequate provisions being made to ensure the safety of the children.

Consider, for example, that women and children are also victims of homicide as a result of the court granting an ordering for child contact. Imtiaz Begum fled to a refuge with her youngest son and applied for residence for her three daughters. On 20<sup>th</sup> January 1996 she was collecting her son after a contact visit when she was stabbed to death in a busy railway station. Her son was found strangled in her husband's car and later her three daughters were found dead in their beds with their throats cut. Her husband was convicted in October 1996, and is serving life for their murder.<sup>85</sup>

In UK,<sup>86</sup> Denmark, Sweden and Finland, for example, concerted efforts to raise awareness of the attendant dangers of child contact has finally resulted in the courts

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<sup>81</sup> For further details contact Nicole Zundorf-Hinte, Bundesministerium fur Familie, Senioren, Frauen und Jugend – Referat 403.

<sup>82</sup> Family Law Act (1996) Part 1V.

<sup>83</sup> Protection from Harassment Act (1997).

<sup>84</sup> M. Hester and L. Radford (1996) *Domestic Violence and Child Contact Arrangements in England and Denmark*, The Polity Press, Bristol.

<sup>85</sup> H. Saunders (1999) 'Domestic violence and child abuse', Briefing for LGA Task Group, Bristol: Women's Aid Federation of England.

<sup>86</sup> See Edwards (2001) 'Domestic violence and harassment: an assessment of the civil remedies', in Taylor-Browne, op. cit., 187-210; see also L. Harné (f.c.) 'Childcare, violence and fathering – Are Susan Edwards and Jeff Hearn *Working Against Men's "Domestic Violence": Priority Policies and Practices for Men in Intervention, Prevention and Societal Change*, Council of Europe, Strasbourg, 2004

who make these orders realising that child contact can pose real dangers for children and spouses. This is an area of policy and practice where there is a clear need for great vigilance and urgent action.

There have been some important legal developments in UK law in recognising the harm of granting order for child contact in situations of domestic violence. In *Re L, Re V and Re M* [2000] 4 All ER 609, it was held whilst domestic violence was a factor in refusing contact, “As a matter of principle, domestic violence could not of itself constitute a bar to contact.” In addition, the recognition that witnessing domestic violence between spouses can lead to ‘significant harm’ to children has now been included in the Adoption and Children Act (2002) s. 120 as an amendment to the Children Act 1989, s. 31.

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violent fathers who look after their children, likely to be less abusive?’ in R. Klein and B. Waller (eds.) *Conflict, Gender and Violence*, Studien Verlag Wien, Vienna; L. Harné (2002) ‘Nouveaux pères, violence et garde des enfants’, *Nouvelles Questions Feministes*, 21(2): 8-30.  
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## 5. FURTHER AGENCY INTERVENTIONS

### 5.1. Agency Interventions with Men

Focusing on men raises many questions and priority measures in general policy development in state agencies, third sector agencies and indeed private sector agencies and organisations. Research has catalogued the uneven way that state agencies respond to the problem, and may contribute to its continuation through inaction or supporting the man.<sup>87</sup> Men who have been violent to known women and children generally have far less contact with state, community and third sector agencies than do women who have experienced such violence. Indeed many men who are violent to known women have no or negligible contact with such agencies. For some men it is quite unlikely that they will have much sustained contact with agencies, unless they commit murder.

However, despite this there is a large amount of agency contact that does take place with men who have been violent to known women. Unfortunately this is usually not directly focused on stopping the violence. The problem may be mentioned in passing, other problems may be attended to instead or the violence may be dealt with periodically but not necessarily in a way that is likely to reduce or eliminate it. Thus while there is a large amount of agency time and resources devoted to the problem both with women victims/survivors and with men perpetrators, much of that time and resources is not directed in countering and stopping men's violence. Indeed there is a general need for stable, permanent specialised professional workers with specific expertise in and knowledge of work against violence for dealing with this issue in the policing and other agencies.

Agencies and inter-agency groups that work with men are often 'men's agencies', predominately controlled, managed and staffed by men, and offering kinds of 'men's services'. Most state organisations, especially criminal justice organisations that deal with men, are predominantly men's organisations. Indeed mainstream organisations provide homes for the real 'men's groups', and thus indeed may function as 'men's houses'. This is no more clearly demonstrated than in men's prisons.

Agencies that deal with men have to explicitly address the question of men and the problem of men's violence. This involves managers and staff meeting, within and between agencies, to consider these issues. There is a need to change their own agency cultures so that men's violence to women and children is not acceptable. Throughout all state and third sectors there is a need to provide policies, practices and services that are as responsive as possible to women and children facing the problem of men's violence. This involves developing policy and expertise in all forms of violence, including sexual violence and abuse. This is necessary in both intervention and prevention.

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<sup>87</sup> For example, A. Mama (1989) *The Hidden Struggle: Statutory and Voluntary Sector Responses to Violence against Black Women in the Home*, The London Race and Housing Unit, London; Republished, Whiting & Birch, London, 1996.

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## 5.2. Probation Services

Probation Services are part of the Criminal Justice System, but are considered in this section, as their work links with and overlaps with other social services and welfare agencies. Both Social Services and Probation agencies have not, at least until recently, made the problem of men's violence to women, and especially men's violence to known women, a high priority, even though many of the other problems that they may deal with may be connected and even derive from that violence. Initial research on this issue was based on investigations of the work and files of social workers and probation officers.<sup>88</sup> This demonstrated the relative lack of attention to the problem of violence in the interventions and indeed the recording of many social workers. There are indications of growing interest in the development of policy and practice in both Social Services and Probation agencies that work directly on this problem.<sup>89</sup>

Probation services can become involved with men who have been violent to known women in a wide range of ways, including Pre-Sentence Reports to Court, Community Supervision, the management and staffing of Hostels, the work of the Probation teams in Prisons, supervision of men of life sentence, through care, the management and staffing of sex offenders programmes, family court welfare work, liaison with other agencies, men's programmes, and so on. Having said this, ongoing direct work by probation officers on the problem of men's violence to known women is often minimal. There are a number of areas of concern that have become apparent in the work of Probation agencies with men who are violent to known women. Attending to these constitute priority measures:

- Probation officers need to have clear involvement in addressing the problem of men's violence to known women, whether the original offence was or was not violence to women. Some probation officers have much information in this respect but are sometimes unsure of how this relates to their formal probation task. Probation officers are often concerned to get the man to recognise his problem but may be unsuccessful or largely so. Rarely do probation intervention work specifically on the problem.
- The difficulties found in Probation Service work are of three main kinds:
  - a) avoidance of the problem by the probation officer;
  - b) avoidance of the problem by the man;
  - c) lack of success in specific intervention, for example, use of inappropriate approaches, other priorities, lack of time, etc.
- There is a need for probation officers to understand the complexity of men's violence to known women. For example, it is necessary to go beyond explanations

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<sup>88</sup> P. Leonard and E. McLeod (1980) *Marital Violence: Social Construction and Social Service Response*, Coventry: University of Warwick; M. Maynard (1985) 'The response of social workers to domestic violence' in J. Pahl (ed.) *Private Violence and Public policy*, Routledge & Kegan Paul, London, 125-141; K. Swain (1986) 'Probation Attitudes to battered women: apathy, error and avoidance?', *Probation Journal*, 33(4), 132-141.

<sup>89</sup> For example, D. Burn, J. Boyle, M. Copsey, L. Dominelli, J. Lambert, M. Smallridge, V. Whitehead and S. Willis (1990) 'Offending and masculinity: working with males', *Probation Journal*, 37(3), 106-111; T. Gillespie and C. Lupton (eds.) (1995) *Working with Violence*, Basingstoke: Macmillan, 1995; A. Mullender (1997) op. cit.

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that rely solely on ‘drink’. There are also dangers of explaining the man’s violence in terms of ‘the (marital) relationship’.

- There is a need for more attention to links between men’s violence to known women and child protection work.
- There is a need to ensure that developing focused work on men’s violence to known women is done in a way that maintains and develops support for women and women’s projects. This may include court-mandated men’s programmes specifically designed to counter men’s violence.<sup>90</sup>

### 5.3. Social Services, Services for Children, and Social Work

While Social Services Departments and similar social and personal welfare agencies often have a statutory duty in relation to children in danger of violence, abuse and neglect, this does often not apply to women who are in similar danger from violence by men. Children also have a right to be protected from violence by adults to adults. For example, an amendment to the Children Act 1989 s 31 has recognised ‘that where children witness domestic violence’ this is capable of constituting ‘significant harm.’ An important conclusion from research on men is the relatively low level of contact with Social Services in relation to their violence to women. Low level of contact does not necessarily increase with greater violence.<sup>91</sup> In the light of this, there is a need to:

- relate child protection work and work on men’s violence to known women;
- consider men’s violence to known women in sectors of Social Services work other than child protection work, such as adult services, work with older people, medical social work, work with people with disabilities, impairments and learning difficulties, community care, residential care, day care, group care, work on addiction, welfare rights, advocacy, representation and counselling.
- consider men’s violence to known women as a priority for social work intervention in its own right;
- develop focused work with men who have been violent to known women while maintaining and developing support for women.
- maintain accurate recording on men’s violence to known women;
- develop inter-agency work.<sup>92</sup>

More specifically, there are many connections between men’s violence to women and child abuse, and this must be recognised in the development of child protection policies and the delivery of services. These include:

- the tendency for men who use violence to women to also use violence to children, and the general interconnectedness of the two forms of violence.<sup>93</sup>

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<sup>90</sup> J. Hearn (2001) ‘Men, social work and men’s violence to women’ in A. Christie (ed.) *Men and Social Work*, Macmillan, London, 63-86.

<sup>91</sup> Hearn (1998) *The Violences of Men*, op. cit.

<sup>92</sup> Hearn (2001) op. cit.

<sup>93</sup> L. Kelly (1994) *Evaluation of Child Work in a London Refuge*, Report to Hammersmith and Fulham Safer Cities, London; L. Kelly (1996) ‘When does the speaking profit us?: reflections on the challenges of developing feminist perspectives on abuse and violence by women’, in M. Hester, L. Kelly and J. Radford (eds.) *Women, Violence and Male Power: Feminist Activism, Research and Practices*, Open Susan Edwards and Jeff Hearn *Working Against Men’s “Domestic Violence”: Priority Policies and Practices for Men in Intervention, Prevention and Societal Change*, Council of Europe, Strasbourg, 2004

- where violence to women or child abuse is known about, the co-presence of the other should always be investigated.<sup>94</sup>
- child abuse is also usually violence to women, and violence to women is also child abuse, when children are present in the home or in the relationship; men's violence to women damages women, often as mothers, and so damages children.<sup>95</sup>
- children often witness violence to their mothers, and this constitutes child abuse.<sup>96</sup>
- although child abuse is usually distinguished from violence to women, child protection intervention can often be intervention against violence to women, and intervention against violence to women can often be child protection intervention.<sup>97</sup>
- there is now considerable evidence to suggest that men's violence, usually father's violence, in the families of origin of men increases the probabilities of men's subsequent violence to women, as adults.<sup>98</sup> This is not to be interpreted as any kind of excuse or even direct cause, but reducing fathers' and husbands' violence is likely to reduce men's violence in the next generation.
- the growing recognition of links between child abuse, animal abuse and domestic violence, along with their implications for professionals.<sup>99</sup>

#### 5.4. Housing and Related Issues

Housing is clearly a vital issue for women facing violence from known men. Safety and freedom from torture, inhuman or degrading treatment, is a human right, as expressed in the UN and the European Convention of Human Rights.

There is a clear and pressing need for effective measures to provide women with adequate shelter and income support.<sup>100</sup> This necessitates the provision of full housing and income rights to women who have experienced violence from known men. This includes those women fleeing domestic violence or choosing to live away from men who have been violent, as a necessary part of national and local policy and practice commitment. In some cases this involves forced homelessness of women and children.

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University Press, Buckingham, 34-49; A. Appel and G.W. Holden (1998) 'The co-occurrence of spouse and physical child abuse: a review and an appraisal', *Journal of Family Psychology*, 12(4): 578-599.

<sup>94</sup> L. Kelly (1994) 'The interconnectedness of domestic violence and child abuse: challenges for research, policy and practice', in A. Mullender and R. Morley (eds.) *Children Living with Domestic Violence*, Whiting & Birch, London, p. 54.

<sup>95</sup> E. Stark and A. Flitcraft (1996) *Women at Risk: Domestic Violence and Women's Health*, Sage, Thousand Oaks, Ca.; Mullender (1997) op. cit.

<sup>96</sup> Christensen, op.cit.

<sup>97</sup> L.H. Bowker, M. Arbitell and J.R. McFerron (1988) 'On the relationship between wife beating and child abuse' in K. Yllö and M. Bograd (eds.) *Feminist Perspectives on Wife Abuse*, Sage, Newbury Park, Ca., 158-174; Mullender and Morley, op. cit.; G.T. Hotaling and D.B. Sugarman (1986) 'An analysis of risk markers in husband to wife violence: the current state of knowledge', *Violence and Victims*, 1(2): 101-124.

<sup>98</sup> A. Campbell (1993) *Out of Control: Men, Women and Aggression*, Pandora. London.

<sup>99</sup> *Understanding the links: child abuse, animal abuse and domestic violence: information for professionals*, NSPCC, London. Available at:

<http://www.nspcc.org.uk/inform/downloads/UnderstandingTheLinks.pdf>

<sup>100</sup> The question of income support merges with more general issues of gender wage inequalities, gender wage gap, and the distribution of wealth.

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The impact of women's homelessness is a major and still often hidden policy issue,<sup>101</sup> which may be compounded by issues of racism and other oppressions, in agencies, housing markets and the community.<sup>102</sup> Temporary housing is also needed, as in women's refuges. In some member countries this involves funding and expanding this form of provision; in some it involves beginning from a very low base of such refuges.

While women's housing is a major problem, this is much less the case for men who themselves move following their own violence. Where men use violence to women and children co-residents, men's rights of housing occupation need to be forfeited, so that it is they, not the women, who are obliged to leave the house. This is likely to be difficult to enforce where this is a first criminal offence, until the matter has been dealt with legally. Where this is not the first offence, injunction-type orders may be invoked as emergency interventions. Either way, men's housing rights should be undermined by their use of violence to women and children. The struggle against men's violence would be more effective, if there were measures to evict the man from the 'family home', along with the man's provision of income to his ex-partner and children.<sup>103</sup>

This kind of housing policy is being explicitly brought into law in several member states. For example, in Austria the 1997 Domestic Violence Act obliges the authorities to evict the violent person (the law is gender-neutral on this point), rather than the person experiencing the violence: "(a) violent person who constitutes a threat to the safety of other persons must immediately be removed from the family home and prevented from returning for ten days. During this ten-day period the victim can apply to a court of civil law for barring orders."<sup>104</sup> This is done by the police rather than the prosecution services. It is then the responsibility of the perpetrator to find new housing. In Germany the post-1998 government passed a law to protect partners subject to violence by making the perpetrators leave their homes.<sup>105</sup> In the Netherlands the use of eviction orders, through both the criminal and civil law, represents a change from the earlier assumption that it would be women who flee the violent man and the existing home.<sup>106</sup> Men's housing rights can also be limited by injunctions that forbid being within a certain distance of the woman in question and having any or certain

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<sup>101</sup> E. Malos and G. Hague (1993) *Domestic Violence and Housing: Local Authority Responses to Women and Children Escaping from Violence in the Home*, Women's Aid Federation England and University of Bristol, School of Applied Social Studies, Bristol.

<sup>102</sup> Mama, op.cit.

<sup>103</sup> Personal communication, Lyudmyla Gorova, 17.10.2002.

<sup>104</sup> R. Logar (n.d.) 'Preventing domestic violence – the Domestic Violence Bill and the work of the Vienna Domestic Abuse Intervention Center', Vienna. The operation and implementation of this law is also described in R. Logar (2003) 'Stopping the perpetrator – the Domestic Violence Bill and the work of the Vienna Domestic Abuse Intervention Center', Vienna Domestic Abuse Intervention Project, Vienna. A key practical issue in this model is swiftness in intervention. On the other hand, this law has been used by Austrian husbands to evict non-Austrian wives alleged to have used violence. See also the Family Law Act 1996 (UK) and the occupation order and the provisions for exclusion.

<sup>105</sup> U. Müller (2003) 'Masculinities: structures and discourses. A closer look at German developments', in I. Novikova and D. Kamborou (eds.) *Men in a Globalizing World: Men and Masculinities in the Former Soviet Countries*, Kikumora Publishers, Helsinki.

<sup>106</sup> This approach, which is authorised by a judge rather than a police officer, was explained at the COE seminar by Hans Janssen and Jeanette Kok of the Ministry of Justice, the Netherlands. Further details of the Dutch system are given in *Private Violence Public Issue*, Ministry of Justice, the Hague. Susan Edwards and Jeff Hearn *Working Against Men's "Domestic Violence": Priority Policies and Practices for Men in Intervention, Prevention and Societal Change*, Council of Europe, Strasbourg, 2004



forms of contact, such as telephone, email or text message, with her. This kind of intervention links closely with intervention against stalking.

Tenancy agreements and other housing contracts can include terms of occupation, specifying non-use of violence, both within and around the house, for example, to neighbours. Many do on such activities as playing of excessively loud music, ownership of pets, external painting colours, drying washing on certain days, so it should not be difficult to develop similar provisions on this far more vital issue. In a relatively small number of cases men losing housing for their violence need emergency housing.

## 5.5. Health and Mental Health Agencies

Violence is bad for your health. Health agencies are often a major point of contact for both women and men. The very limited contact with social services contrasts with the much greater level of contacts reported with, for example, doctors and GPs. In my own research, of 55 men who had had agency contact in relation to violence, 29 reported contact with their local community doctor (GP), in relation to their violence.<sup>107</sup> There is a very urgent need to make policy and practice reform in the everyday work of health and mental health workers and professionals, so that men's violence is asked about, recognised, recorded, and acted against in a consistent way. Health agencies can become a major force in action and focused work against men's violence. This involves staff being suitably trained, being willing to ask difficult questions about violence, and being able to provide the necessary material and emotional support to women that will assist the change in their situation.<sup>108</sup>

Similar imperatives apply to more specialist agencies and programmes, such as counselling agencies, alcohol and drug programmes. Health, and especially mental health agencies, are likely to come into contact with men who have severe or multiple psychological problems, who have experienced sexual and other violence as children, and who are experiencing depression.<sup>109</sup> There is strong interest in increasing understanding of men repeat offenders of violence against women and children. One aspect of this research is the identification of abusive personalities and 'anti-social personality disorder/trait' among violent men.<sup>110</sup>

It is commonly assumed that the propensity of some men to drink alcohol or drink alcohol excessively, may then be assumed to 'explain' the violence. This is again

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<sup>107</sup> J. Hearn (1998) *The Violences of Men*, op. cit.

<sup>108</sup> L. Davidson, V. King, J. Garcia and S. Marchant (2001) 'What role can the health services play?', in Taylor-Browne, op. cit., 95-122.

<sup>109</sup> R.D. Maiuro, T.S. Cahn, P.P. Vitaliano, B.C. Wagner and J.B. Zegree (1988) 'Anger, hostility and depression in domestically violent versus generally assaultive men and non-violent control subjects', *Journal of Consulting and Clinical Psychology*, 56: 17-23.

<sup>110</sup> D.G. Dutton, A. Starzomski and L. Ryan (1996) 'Antecedents of abuse personality and abusive behavior in wife assaulters', *Journal of Family Violence*, 11(2): 113-132; W.R. Downs, N.J. Smyth and B.A. Miller (1996) 'The relationship between childhood violence and alcohol problems among men who batter: an empirical review and synthesis', *Aggression and Violent Behavior*, 1(4): 327-44; R.L. Simons, C. Wu, C. Johnson and R.D. Conger (1995) 'A test of various perspectives on the intergenerational transmission of domestic violence', *Criminology*, 33(1): 141-172.

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likely to be a major concern of some health agencies. However, while some small scale studies have noted the use of large amounts of alcohol by many men before physical violence to known women,<sup>111</sup> great caution needs to be exercised in seeing alcohol, or indeed drug use, as a direct and independent cause or explanation of men's violence to known women.<sup>112</sup> Whilst acknowledging there is an association between the two, Horsfall notes some of the difficulties in seeing alcohol as a direct cause of violence.<sup>113</sup> These include the possibility that both may have a similar etiology through other personal, social or structural conditions. A US national random survey did show more heavy drinkers were being violent to their partners, but most violence took place with the abuser sober.<sup>114</sup> A survey by Gondolf found nearly a third of abusers seldom or never used alcohol.<sup>115</sup> Alcohol and drug misuse does not assist non-violence; it is an important topic for health and other professionals to know about and act on, but not sufficient to explain men's violence.

## 5.6. Men's Programmes: Specific Interventions against Violence

There is increasing interest in policies seeking to stop men's violence through group-based programmes for men who have been violent to women. During the 1980s there has been a growth of group-based men's programmes specifically designed for men who have been violent to women. In North America, the initial forms included shelter adjunct programmes, mental health programmes and self-help programmes.<sup>116</sup> There have also been related initiatives from anti-sexist men and feminist women, and from within the criminal justice system itself, in particular the Probation Service. Perhaps most importantly, there are major variations in the philosophy, theoretical orientations, and practical methods of different men's programmes, including psychoanalytic, cognitive-behavioural, systemic, and pro-feminist.<sup>117</sup> In profeminist models, the task is to educate men, sometimes didactically, on the inaccuracy and oppressiveness of their beliefs and actions — what has been called 'pro-feminist resocialisation'.<sup>118</sup> There have been growing critiques of approaches that are narrowly psychological or focused on anger management,<sup>119</sup> and instead a movement towards those based on 'power and control'. There are increasing arguments for court-mandated programmes, in which the man completes attendance at the programme as part of his court sentencing

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<sup>111</sup> For example, B. Bergman and B. Brismar (1992) 'Family violence is a learned behaviour', *Journal of Public Health*, 106: 45-52.

<sup>112</sup> See H. McGregor and A. Hopkins (1991) *Working for Change. The Movement Against Domestic Violence*, Allen and Unwin, Sydney; G. Kaufman Kantor and M.A. Straus (1987) 'The 'drunken bum' theory of wife beating', *Social Problems*, 34(3): 213-230.

<sup>113</sup> J. Horsfall (1999) *The Presence of the Past: Male Violence in the Family*, Allen & Unwin, North Sydney, 85-6.

<sup>114</sup> Kaufman and Straus, op. cit.

<sup>115</sup> E.W. Gondolf (1996) *Characteristics of batterers in a multi-site evaluation of batterer intervention systems: a preliminary report*. Cited in Mullender and Burton (2001) op cit.

<sup>116</sup> E.W. Gondolf (1985) *Men who Batter: an Integrated Approach for Stopping Wife Abuse*, Learning Publications, Holmes Beach, FL.

<sup>117</sup> J. Dankwort (1992-93) 'Violence against women: varying perceptions and intervention practices with woman abusers', *Intervention* (Quebec), 92: 34-49.

<sup>118</sup> E.W. Gondolf (1993) 'Male batterers' in R.L. Hampton (ed.) *Family Violence: Prevention and Treatment*, Sage, Newbury Park, Ca., 230-257.

<sup>119</sup> E.W. Gondolf and D. Russell (1986) 'The case against anger control treatment programs for batterers', *Response* 9(3): 2-5.

following conviction of a violent offence.<sup>120</sup> Innovative policy for men has to supplement broad policy change, including consistent prosecution practice.

Typical methods involve the men describing and analysing their actual violence, abuse and controlling behaviour, and moving away from that power and control and towards more equal relationships. More specific techniques include cost-benefit analysis (of the gains and consequences of violent and abusive behaviour), safety plans (strategies for avoiding violence and abuse), and control logs (diary records of attempts to control partners). Some programmes are fixed length, say 25 weeks; others are more open-ended. A major example of the feminist/pro-feminist approach is the Duluth 'Power and Control' model.<sup>121</sup> In this all aspects of men's power and control over women — physical, sexual, economic, emotional and so on — are confronted and, if possible, changed. The programme's aim is to educate, challenge and change the full range of men's behaviours, not only physical violence, and promote positive equal relationships.

The Council of Europe has recommended that "(m)ember states organise intervention programmes designed to encourage perpetrators of violence to adopt a violence-free pattern of behaviour by helping them to become aware of their acts and recognise their responsibility."<sup>122</sup> These are not intended as an alternative to sentencing, and it should be ensured that such intervention programmes be developed in co-operation and co-ordination with programmes dealing with the protection of women.

In commenting on these recommendations, it is important to consider the international interest in the evaluation of the effectiveness of men's programmes.<sup>123</sup> Evaluations of different curricula and approaches amongst programmes have shown uneven results. The longest evaluative research, planned over 4 years, by Gondolf<sup>124</sup> found mixed results. Nearly half (47 per cent) of the men (both completers and non-completers) used violence during the first 30 months. Only 21 per cent of men were reported by their partner to have been neither verbally or physically abusive in the period. Tolman and Bennett<sup>125</sup> found that 60 per cent of men who complete programmes were not

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<sup>120</sup> Rosa Logar reported at the COE seminar that court-mandated attendees tend to stay longer with the men's programme than voluntary attendees. Per Isdal of Alternatives to Violence, Oslo, noted that only 10% of the men attending that programme had had contact with the police. Daniel Welzer-Lang emphasised the importance of motivation, and that attendance based prompted by the attempt to stop the woman leaving or ending the relationship was unlikely to be effective.

<sup>121</sup> E. Pence and M. Paymar (1990) *Power and Control Tactics of Men who Batter*, Duluth: Minnesota Program Development; (1993) *Power and Control: Tactics of Men Who Batter: An Educational Curriculum*. Duluth, Mn.: Minnesota Program Development; M.F. Shephard and E.L. Pence (eds.) (1999) *Coordinating Community Responses to Domestic Violence: Lessons from Duluth and Beyond*, Sage, Thousand Oaks, Ca.

<sup>122</sup> *The Protection of Women against Violence*, Recommendation Rec/(2002)5, p. 12; also see p. 36.

<sup>123</sup> M.A. Pirog-Good and J. Stets-Kealey (1985) 'Male batterers and battering prevention programs: a national survey', *Response* 8: 8-12; J.L. Edleson (1990) 'Judging the success of interventions with men who batter', in D. Besharov (ed.) *Family Violence: Research and Public Policy Issues*. American Enterprise Institute, Washington, DC, 130-145; J.L. Edleson and M. Syers (1990) 'The relative effectiveness of group treatment with men who batter', *Social Work Research and Abstracts*, 26: 10-17.

<sup>124</sup> E.W. Gondolf (1998) 'Multi-site evaluation of batterer intervention systems', Paper at Program Evaluation and Family Violence Research Conference, Durham, NH, cited in Mullender and Burton.

<sup>125</sup> R. M. Tolman and L.W. Bennett (1990) 'A review of quantitative research on men who batter', *Journal of Interpersonal Violence*, 5: 87-118.

physically assaultive of women after six months. However, with the wide variation in methods and approaches used, the international evidence on their effectiveness is such that *programmes cannot be evaluated or recommended in general*.

A recent National Institute of Justice set of studies from the US published in June 2003 have summarised the international evaluation research, as well as completing new evaluations of their own. The lead author, Shelly Jackson, writes:

“Early evaluations ... consistently found small [men’s] program effects; when more methodologically rigorous evaluations were undertaken, the results were inconsistent and disappointing.<sup>126</sup> Most of the later studies found that treatment effects were limited to a small reduction in reoffending,<sup>127</sup> although evidence indicates that for most participants (perhaps those already motivated to change), BIPs [batterer intervention programmes] may end the most violent and threatening behaviors.<sup>128,129</sup>

In their own research they found no significant differences between men who battered in the men’s programme and the control in one case. In the other case more complex findings indicated that men completing the 8-week programme showed no differences from the control group, but men completing the 26-week programme had significantly fewer official complaints lodged against them than the control group, but no significant change in attitudes towards domestic violence.<sup>130</sup>

Assessments of effectiveness *in general* thus need to be treated with great caution. Some evaluations have been methodologically limited, in being made on men’s self-assessments of change, rather than assessments by the woman or women or children concerned.<sup>131</sup> Some men enter programmes to rescue failing or failed relationships

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<sup>126</sup> Citing J.C. Babcock, C.E. Green and C. Robie (2003, under review) ‘Does batterer’s treatment work? A meta-analytic review of domestic violence’, *Journal of Family Psychology*; R.C. Davis and B.G. Taylor (1999) ‘Does batterer treatment reduce violence? A synthesis of the literature’, *Women and Criminal Justice*, 10: 69-93; R.M. Tolman and J.L. Edelson (1995) ‘Intervention for men who batter’, in S.R. Stith and M.A. Straus (eds.) *Understanding Partner Violence: Prevalence, causes, Consequences, and Solutions*, National Council on Family Relations, Minneapolis, Mn.

<sup>127</sup> Citing J.C. Babcock and J.J. La Taillade (2000) ‘Evaluating interventions for men who batter’, in J.P. Vincent and E.N. Jouriles (eds.) *Domestic Violence: Guidelines for Research-Informed Practice*, Jessica Kingsley, Philadelphia.

<sup>128</sup> Citing J.L. Edelson (1996) ‘Controversy and change in batterer’s programs’, in J.L. Edelson and Z.C. Eisikovitz (eds.) *Future Interventions with Battered Women and their Families*, Sage, Thousand Oaks, Ca., 154-169; E.W. Gondolf (1997) ‘Batterer programs: what we know and what we need to know’, *Journal of Interpersonal Violence*, 12: 83-98.

<sup>129</sup> S. Jackson (2003) ‘Batterer intervention programs’, in S. Jackson, L. Feder, D.R. Forde, R.C. Davis, C.D. Maxwell and B.G. Taylor *Batterer Intervention Programs: Where do we go from here?*, National Institute of Justice, Washington DC, p. 3. Available at: <http://www.ncjrs.org/txtfiles1/nij/195079.txt>

<sup>130</sup> S. Jackson, L. Feder, D.R. Forde, R.C. Davis, C.D. Maxwell and B.G. Taylor *Batterer Intervention Programs: Where do we go from here?*, National Institute of Justice, Washington DC. Available at: <http://www.ncjrs.org/txtfiles1/nij/195079.txt>

<sup>131</sup> Men’s underreporting of violence is well-established. D.A. Heckert and E.W. Gondolf (2000) ‘Predictors of male violence by batterer program participants’, *Journal of Family Violence*, 15: 423-443. It should also be noted that some women victims underreport violence, appearing to do so primarily to preserve the relationship. See D.A. Heckert and E.W. Gondolf (2000) ‘Assessing assault self-reports by batterer program participants and their partners’, *Journal of Family Violence*, 15: 181-197.

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with a woman; stopping or reducing their violence, perhaps temporarily, seems to be the means to that end. For a substantial proportion, there appears to be a reduction or stopping of *physical* violence whilst in the group. For some men, programmes can be dangerous by increasing their knowledge of the particular violences and abuses experienced as most harmful or hurtful to particular women. Programmes need to screen out men with no interest in change or capability of change in the short term at least, as well as recognising the personal and social differences between men more generally in developing interventions.<sup>132</sup>

Another key issue concerns cost effectiveness. Men's programmes may have relatively high per capita costs for the relatively low numbers of men who complete them, with the associated opportunity costs involved. The number of men involved in men's programmes is much smaller than the number of men in contact with Criminal Justice agencies, and relatively smaller still compared with the number of men in contact with the range of other agencies, such as health and welfare agencies. Beyond these larger numbers there is a greater number not in contact with any specific agency in relation to their violence. Thus it is important to carefully evaluate the possible different uses of funds in relation to these different smaller or larger populations of men.

Priority measures that need to be addressed in developing programmes thus include:

- Ensuring, as the highest priority, the safety of women and children victims, through contact between the programme staff and the women and staff working with them; such professional contact with the women is especially important where the man is living with or in contact with the women
- Not avoiding or diluting the legal consequences of criminal behaviour, so needing to link programmes to court-mandating, as groups do not replace legal sanctions;<sup>133</sup>
- Working in co-operation and co-ordination with programmes dealing with the protection of women; this includes the central involvement of both women's programmes and women victims' assessments in evaluations of men's programmes;
- Need for clear principles in programmes, including the recognition in programmes that men's violence to women is largely about power and control, in contexts of men's dominance;<sup>134</sup>
- Recognition that men are responsible for their violence within a gender power analysis;<sup>135</sup>

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<sup>132</sup> For example, Rosa Logar and Heinrich Kraus in their paper to the COE seminar 'Cooperation between the Domestic Abuse Intervention Centre and the Men Counselling Centre in Vienna' note from cluster analysis of 82 men attending the latter that 69% were 'family only batterers' and 31% were 'dysphoric/borderline batterers' (citing *inter alia* D.G. Dutton and S. Golant (1995) *The Batterer: a Psychological Profile*, Basic Books, New York). This latter category had, for example, higher levels of anger, committed more severe physical and psychological violence, more severe substance abuse problems and experienced more violence from their father.

<sup>133</sup> B. Guelpa (2001) "'Je veux cesser de frapper ma femme'", *L'Hedbo*, 26 Avril: 69-72.

<sup>134</sup> Respect (2000) *Statement of Principles and Minimum Standards of Practice*, provides a useful statement of this and other key principles.

<sup>135</sup> This was emphasised at the COE seminar by several participants, including those from Alternatives to Violence, Oslo, and the Men's Center, Vienna.

- Examination of the effectiveness of programmes, and whether the degree of effectiveness justifies the cost; there is need to recognise problems in conducting comprehensive, long-term evaluations of new programmes;
- Resourcing of programmes must not divert funding from women's projects and services;
- Increase clarity on how to improve programmes, including co-leadership by women and men, full training of leaders, and use of gender power analysis;
- Give great attention to and caution in the risk assessment and selection process, as such group programmes are unlikely to be effective for the most dangerous men;<sup>136</sup>
- Recognition of dangers in overstating effectiveness claims, especially in offering false hopes to partners, ex-partners and other interested and affected parties who may make plans on that basis.<sup>137</sup>

### 5.7. Inter-agency Work

A crucial aspect of general agency intervention is developing inter-agency, multi-agency and partnership work with men. Inter-agency work with women who have experienced violence from known men may lead to the recognition of the problem of what is appropriate work with men. Though inter-agency work with men is currently at an early stage of development, it is through such processes networks and nexuses that interventions can be enhanced. It involves identifying who has the key responsibility, both agencies and workers, for this work. In this inter-agency work, it is necessary to make men, men's power and men's violence explicit. Inter-agency work includes the development of local and regional domestic violence forums that include representatives from all relevant agencies and users.<sup>138</sup> Commitment and resources for such inter-agency initiatives is necessary from the highest levels.

Inter-agency forums can be key initiatives in:

- making agencies more aware of each other's practice, sharing good practice;
- drawing up good practice guidelines;
- offering joint training and policy development;
- creating channels for referrals to men's programmes and other responses, and increasing accountability of men's programmes;
- working together to a comprehensive policy approach, developing new services.<sup>139</sup>

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<sup>136</sup> Heinrich Kraus informed the COE seminar that men who have a very serious alcohol problem or who are in an acute crisis situation are not admitted to the programme.

<sup>137</sup> A. Mullender and S. Burton (2001) 'Dealing with perpetrators' in Taylor-Browne, op. cit., p. 60. The point on other interested and affected parties is my addition. Also see Z.C. Eisikovits and J.L. Edelson (1989) 'Intervening with men who batter: a critical review of the literature', *Social Services Review*, 63(3): 384-414.

<sup>138</sup> For example, the Finnish National Programme for the Prevention of Prostitution and Violence Against Women (1998-2002) established 12 multi-professional working groups and 7 regional forums.

<sup>139</sup> Mullender and Burton, op. cit.; G. Hague (2001) 'Multi-agency initiatives' in Taylor-Browne, op. cit., 275-306.

Inter-agency work affects all relevant agencies, including legal and criminal justice agencies. For example, in police work, greater attention is needed to the interconnections between men's violence to women and child protection work, and greater liaison with other agencies more generally. Similarly, the interconnections between men's violence to known women and child protection work need to be considered in prosecution work. These are important in understanding the full damage of men's violence, and the need to prosecute cases with maximum urgency.

Depending on the particular form of the national system, the liaison of prosecution services with other agencies is often extensive, but primarily for compilation of evidence to inform prosecution or not. This is not, however, liaison designed to assist the women or alleviate the situation. In particular national situations, such liaison, including between agencies of criminal justice and civil law, could be extended with this aim in mind, as prosecutors have considerable knowledge of the problem, including men's attempts to minimise negative effects on them. Prosecution services work would be eased by being able to obtain statements and other evidential information more speedily. This often relies on police who have their own work demands and priorities. It may be possible in some systems to have specific police concerned with prosecution-identified follow-up work.<sup>140</sup>

## 5.8. Policy and Practice Development across Agencies

There is a need for ongoing policy development around all agencies that deal with men's violence. These take different forms in Criminal Justice System, health, social work, housing, and other agencies. There are, however, issues that span across particular agency responses to the problem of men's violence to known women. These are crucial in both intervention and prevention.

1. *Educating men on what violence is.* A basic educational task is for men to understand more fully what men's violence to known women is. Some previous researches have noted how women tend to speak about violence in terms of their inability to control the initiation of violent, harassing and threatening behaviours and the subsequent interactions.<sup>141</sup> In contrast, men perpetrators tend to focus overwhelmingly on physical violence. Many men have a very limited definition of violence. Although in men interviewed in Hearn's research<sup>142</sup> referred to emotional, verbal and psychological violence, even these references were often constructed in relation to the threat of physical violence or as if they were physical violence in being reduced to 'incidents'. For men, violence to women was generally constructed as:

- **Physical violence that is more than a push** – holding, restraint, use of weight/bulk, blocking, throwing (both things and the woman) are often excluded.
- Actual **criminal convictions** for physical violence.

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<sup>140</sup> There are in the UK some examples of good practice in developing a co-ordinated approach to domestic violence prosecutions under the Crime and Disorder Act (1998) where the Crime Reduction Unit and the Violence Against Women Initiative of the Home Office have funded several projects involving police, prosecutors and other agencies.

<sup>141</sup> Hanmer and Saunders, op. cit.

<sup>142</sup> Hearn (1998), *The Violences of Men*, op. cit.

- Physical violence that **causes or is likely to cause damage** that is **visible** or considered to the man to be physically lasting.
- Physical violence that is **not seen** (by the man) **as specifically sexual**; sexual violence seen as separate. The exclusion and separation of sexual violence is a crucial area for agency policy and practice.

In contrast, women survivors' views on violence describe violence as sporadic or constant, separate or merged. Violence includes:

- **Physical** – of all kinds. **Threats** of physical, sexual and emotional forms of violence.
- **Sexual**: sexual assault; coercive sex; pressurised sex; 'forced sexual intercourse following physical violence'; required to engage in unwanted sexual practices.
- **Emotional/Verbal/Psychological/Cognitive**: psychological degradation; demanding complete obedience; undermining women's sense of worth; humiliation; transformation of women's self.
- **Economic**: control of access to money; not being allowed to work outside the home.
- **Nutrition**: 'Food can be restricted so that women may fear starvation and death for themselves or their children, or a woman may be forced to find others to feed her or their children. This can be family, friends or public agencies. Lack of control over money need for the survival of the household is widespread among women ... being abused in other ways.'
- **Reproductive/Medical/Welfare**: forced abortion; attacking whilst pregnant; forced having of children; control of use of health, welfare or other services.
- **Social**: control of friendships, social contacts, visiting, telephoning. Even ending women's relationships with family and children.
- **Spatial and Temporal**: control of movement within or outside the house; control of when the women does certain things, for example, shopping.
- **Representational**: control of media; use of violent/degrading media; control of dress and appearance.

'The way that violence and abuse suffuse every aspect of women's lives makes it difficult for women to emerge from ... abusive systems of social relations'.<sup>143</sup> Boys and men, including those working in agencies, have to understand broad definitions of violence in order to work against violence. This is important in schools and agency work generally.

2. *Dealing with the problem as the responsibility of the statutory sector.* There has been considerable interest in recent years in voluntary sector responses against men's violence, for example, through men's programmes. While this has developed innovative work, it is not appropriate that the responsibility for intervention remains there. The statutory sector, including health services and the criminal justice system has to have the responsibility of dealing with the problem of men's violence to women and children. Leaving the problem to the voluntary sector would be leaving the responsibility for the enforcement of the law there.

3. *Producing clear, general policy statements.* Agencies and inter-agency groups need to have clear general policy statements against men's violence to known women and children. This and other violence is not to be tolerated.

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<sup>143</sup> J. Hanmer (1996) 'Women and violence: commonalities and diversities' in B. Fawcett et al. (eds.) *Violence and Gender: Theories and Interventions*, Sage, London, 7-21.



4. *Provision of financial resources for implementation of law and policy.* Good law and policy are not effective without the necessary financial, personnel and other resources to implement them. This is important in all sectors, but especially so in the Criminal Justice System, as the primary enforcer of the violence as a crime. Effective resourcing also reduces other costs of violence to both victims and agencies, including victim support agencies.

5. *Addressing other oppressions.* The connections between men's violence to women and children and racism, sexism, ageism, disablism, heterosexism and homophobia need to be addressed, in understanding that violence and the development of (inter)agency responses.

6. *Developing appropriate and detailed policy and practice.* Each agency and inter-agency group needs to develop its own appropriate and detailed policies and practices in working against men's violence to women and children. The questions that need to be asked in each context include: what is good policy here? What is good practice here?

7. *Monitoring, maintaining and improving policy and practice.* Agency and inter-agency policies and practices need to be monitored and maintained. Commitment needs to be reasserted and developed. Successes need to be welcomed and celebrated.

8. *Developing record keeping and information systems.* The maintenance of clear information systems and record keeping, need to be addressed. Information systems are especially important when men are released from prison and re-offend.<sup>144</sup>

9. *Developing training of all staff.* Training needs to include questions of gender power relations, violence, sexuality and gender identity, and moving beyond an individualistic framework to a more collective understanding of these issues.

10. *Working against violence with men in contact in a focused way.* The contact that agencies have with men who have been or who are likely to be violent to known women needs to be much more focused. It needs to directly address the problem of violence and work to stop the violence.

11. *Placing power, control and responsibility centrally in focused work with men.* Focused work with men needs to place issues of men's power, control and responsibility as central. Focused work with men has to take care to not provide further excuses and justification for men's violence.

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<sup>144</sup> The question of information-sharing between agencies was discussed extensively at the COE seminar. Several noted that the right for persons to be protected from torture was more important than the right to protect data. André Goepf, Commissaire de police, adjoint au chef du service de police de proximité, Strasbourg, noted that data collection should be according to very stringent protocols and conditions of access, that undue dissemination of confidential data is a criminal offence, and that much of the technical complexities of information-sharing can be resolved by double or triple password systems.

12. *Dealing with ambiguous issues of men's support for men.* Changing men's practice in agencies in working with men who have been violent to known women raises some complex and ambiguous questions about men giving support to men. On one hand, male workers may need to work closely with male users; on the other, it is essential to avoid collusion between men.

13. *Reaching out to men not in contact with agencies.* There are many men who are not in contact with agencies in relation to their violence to women. There is a need for outreach work, and educational and campaign work with men, young men and boys. This is especially important for marginalised and excluded groups, for example, ethnic minority and migrant men, young men and boys. Schools and youth organisations can be key points of contact in this respect.

14. *Changing men's behaviour in agencies.* It is also necessary to emphasise the importance of attending to and changing men's behaviour in organisations, as workers, professionals, managers. It is not possible to, on the one hand, work with men against *their* violence and, on the other, behave in violent and abusive ways as men. Abusive workers, professionals and managers should not be tolerated any more than men using violence and abuse in the community. This necessitates agencies developing organisational policies against such abuse, including disciplining managers, professionals and workers, and instituting violence-free workplaces and policies and practices of dignity and respect at work.<sup>145</sup>

15. *Developing non-oppressive management.* Developing ways of managing that are non-oppressive, non-violent and non-abusive is a high priority.<sup>146</sup>

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<sup>145</sup> J. Hearn and W. Parkin (2001) *Gender, Sexuality and Violence in Organizations*, Sage, London.

<sup>146</sup> See, for example, J. Hearn (1994) 'Changing men and changing managements: social change, social research and social action', in M.J. Davidson and R. Burke (eds.) *Women in Management: Current Research Issues*, Paul Chapman, London, 192-209.

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## 6. PREVENTION AND SOCIETAL CHANGE

### 6.1. Assessment of Risks

It is clear that intervention and prevention overlap very closely indeed. Much of what has already been discussed can be considered as primarily intervention (that is, actions and activities after the occurrence of violence), but also as prevention (that is, actions and activities designed to prevent likely future violence). This is no more clear than in the assessment of risks that individual men will use violence. There is a great deal of research assessing risks of men to use violence.<sup>147</sup> As already noted, there is an increasing focus on men repeat offenders of violence against women and children. This can be seen as recognising how some men specialise in repeated use of violence and repeat offending.

Walby and Myhill,<sup>148</sup> drawing on the British Crime Survey and international research have summarised risk factors of 'domestic violence' as:

- previous domestic assault;
- minor violence predicting escalation to major violence;
- separation (women separating from their partner are at much greater risk than other marital statuses);
- gender inequality in relationships, including men's patriarchal attitudes and marital inequalities;
- poverty and social exclusion;
- women's employment status;
- women's pregnancy;
- ill health and disability;
- violence in family of origin/witnessing of violence/criminal career.<sup>149</sup>
- co-occurrence of child abuse;
- age, i.e. youth.

Some of these 'risk factors' have already been discussed; others are discussed below.

Interestingly, in the UK no significant differences were found by ethnicity, though "... women from ethnic minorities may have greater difficulties in accessing support services because of racism among service providers, language difficulties and cultural

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<sup>147</sup> Much of this has been conducted in North America, and is strongly psychological in orientation; for a useful summary of relevant fifteen 'empirically based violence prediction systems' see: <http://www.violenceprediction.com/methods.html>

<sup>148</sup> S. Walby and A. Myhill (2001) 'Assessing and managing risk' in Taylor-Browne, op. cit., 307-334.

<sup>149</sup> This kind of research has a long history. See Campbell (1993). One aspect of this concerns the psychological effects of such experiences, and the identification of abusive personalities and 'anti-social personality disorder/trait' among violent men. See Dutton et al. (1996); Downs et al. (1996); Simons et al. (1995).

differences.”<sup>150</sup> Research in the Netherlands has also found ethnic minority groups having lower figures on violence to women than the Dutch national average.<sup>151</sup>

Of special interest is the recent finding from US research that women’s predictions of risk of violence from their partners substantially improved prediction of violence with risk factors, and that they were by themselves better predictors than several established psychological risk measures.<sup>152</sup>

There is no one explanation of men’s violence; different explanations do not necessarily compete with each other. Insights from two or more approaches can be combined, for example, structural processes operate through particular individuals with their own biographies. Multi-level, multi-layered explanations include combinations of individual, family, structural explanations. It is clear that some forms of men’s violence are common, in that sense, routine. In the Finnish survey, violence or threats by their ex-partner had been experienced by half of all women who had lived in a relationship which had already terminated.<sup>153</sup> For these reasons there are dangers in using narrowly psychological explanations in isolation; this can divert policy away from social and political concerns.

## 6.2. Changing the Male Self

Men’s violence to women and children, though a structural phenomenon, is enacted by individual men; the responsibility for violence lies with individual men. Changing men against violence is a personal and political matter. Whatever the social arena, changing men against violence to women and children involves changing of the male self. This is not to say that the individual man is necessarily or naturally violent; however, the dominant social constructions of the male psyche or subjectivity are themselves often intimately bound up with violence and associations of violence. Violence is at least a reference point for the social construction of dominant male subjectivities. These connections are important in the difficult general question of how to motivate men to give serious and sustained attention to stopping their violence.

The male self, has a double significance in the changing of men against violence to women and children: men can educate themselves, in self-education; and the self can be educated by others. This is relevant for men within agencies as workers, professionals and managers, and both outside agencies in the community. For example, the relative unwillingness of many men to seek and obtain help for their problems from health and welfare agencies has important implications for developing outreach work by agencies and reducing men’s violence.

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<sup>150</sup> S. Walby and A. Myhill (2000) ‘Reducing domestic violence ... what works? Assessing and managing the risk of domestic violence’, Policing & Reducing Crime, Crime Reduction Research Series, Briefing Note, p. 2.

<sup>151</sup> This was noted by Hans Janssen and Jeanette Kok at the COE seminar.

<sup>152</sup> E.W. Gondolf and D.A. Heckert (2003) ‘Determinants of women’s perceptions of risk in battering relationships’, *Violence and Victims*, 18(4); D.A. Heckert and E.W. Gondolf (f.c.) ‘Battered women’s perceptions of risk versus risk factors and instruments’, *Journal of Intrapersonal Violence*.

<sup>153</sup> Heiskanen and Piispa, op. cit.

It is important to consider the links between men, forms of masculinities and men's various and dominant practices, and forms of men's violence. Men's definitions and understandings of violence are part of the problem. These matters of definitions and understanding have key implications for agency policies and practices.

### **6.3. Family Relations: Changing Patriarchal Attitudes and Practices within Families**

Another very important arena is the bringing up and indeed education of boys and young men in families. Families can be places where violence is either encouraged or discouraged, or sometimes treated inconsistently or unpredictably. Though there are dangers in understanding violence as simply a matter of socialisation, there is, not surprisingly, evidence that families provide one place for education towards or against violence. Men's patriarchal attitudes go hand in hand with men's use of violence; to change one may change the other. Furthermore, when talking about patriarchal attitudes, values and practices in families, we are talking primarily of men's attitudes, values and practices as fathers and husbands. It is thus necessary to be and act clearly against authoritarian and patriarchal attitudes, values and practices in families. There are strong links between the patriarchal bringing up of boys, violence and dominant forms of masculinity, even though the exact processes of transmission are difficult to specify.

Both patriarchal attitudes and marital inequalities have been found to link with men's violence to women, at both a general cultural and a more individual level. Attitudes approving of the use of domestic violence have correlated with the use of such violence.<sup>154</sup> Similarly, less egalitarian, asymmetrical households have been found to have higher rates of domestic violence.<sup>155</sup> Greater dependency of the woman on the man – in terms of the woman not being employed, having children under 5, and husband earning 75 per cent or more of couple's income – has been found to be associated with more violence, especially severe violence by the man.<sup>156</sup> Dependence on a man, especially in early child care, was a major additional risk in Hanmer and Saunders' research.<sup>157</sup> When women are mothers of young children this may be a time of particular vulnerability to violence from men partners.

Similar vulnerability to men's violence has been studied in relation to pregnancy and the period after birth. Though the research evidence on this is complicated, protection and support of women and provision of independent means to women at these times is especially important, and a clear challenge for antenatal, natal and postnatal care. Some estimates suggest as many as 30 percent of cases of domestic violence to women

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<sup>154</sup> D.B. Sugarman and S.L. Frankel (1996) 'Patriarchal ideology and wife assault: a meta-analytic review', *Journal of Family Violence*, 11(1): 13-40.

<sup>155</sup> D.H. Coleman and M.A. Straus (1986) 'Marital power, conflict, and violence in a nationally representative sample of American couples', *Violence and Victims*, 1(2): 141-157.

<sup>156</sup> D.S. Kalmuss and M.A. Straus (1982) 'Wife's marital dependency and wife abuse', *Journal of Marriage and the Family*, 44(2): 277-286.

<sup>157</sup> Hanmer and Saunders, op. cit.

begin during pregnancy.<sup>158</sup> This also clearly points to the obvious importance of fathers and men being non-violent at these times, as at other times.

Policies and actions should promote women's economic independence from men, and egalitarian relationships more generally between women and men in all realms, as part of a strategy to reduce men's violence.

Most obviously, changing men against violence to women begins with men's relationship to women, and the woman in question herself. This involves the man recognizing the women's experience, listening to her, stopping the violence completely, and if necessary stopping the relationship and moving away from her. The most direct form of education may be in his relationship with the woman herself. Indeed many women may be engaged in a shorter or longer term process of trying to educate men on how not to be violent, even though it is quite probable that this will not be defined in this way by either party. In many instances this entails change in the private and the domestic sphere, the form of arrangements and relationships for living with and relating to others. This is in many ways the most difficult area of personal practice for men to face and change. This is not least because the domestic is itself constituted as 'private', and beyond the concerns, interest and 'interference' of others, in the first place. The social acceptance of the 'privacy' of the family is one major obstacle to intervention in this arena.

Furthermore, fatherhood is generally presented as neutral and non-violent. There is growing public debate about the appropriate ways of being a father. This includes elements of nostalgia, tradition, more caring orientations, and uncertainties on the future of fathering. Recent years have seen greater emphasis on fathers' 'rights', and the assumption that such power and authority are 'natural' and 'normal'. The positive benefits of heterosexual fatherhood and its positive models are stressed. Sometimes uncritically positive state propaganda on fathers is produced,<sup>159</sup> arguing that 'children need fathers, fathers need children'. Fatherhood is a recurring, synthesising theme throughout policy debates on the family, a supposedly fixed reference point within rapid change. The clear message from a broad political spectrum is 'families do need (heterosexual) fathers'. Fatherhood is taken-for-granted as a 'good thing'; but rarely is the connection with men's violence made. This is despite the fact that most of men's violence to women is by fathers.

Men's violence and fatherhood have both been taken-for-granted because of their significance as sources of power for men, both individually and more generally. The problem of men's violence is intimately connected to men's social power and status as husbands and fathers: "Men gain many advantages as males, sons,

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<sup>158</sup> Department of Health (1998) *Why Mothers Die: Report on Confidential Enquiries into Maternal Deaths in the United Kingdom 1994-1996*, The Stationary Office, London. Also see S. Bewley, J. Friend and G. Mezey (eds.) (1997) *Violence against Women*, The Royal College of Obstetricians and Gynaecologists, London; Walby and Myhill, op. cit., p. 320; K. Stenson (2002) *Men's Violence against Women – a Challenge to Antenatal Care*, Department of Women's and Children's Health, Uppsala Universitet, Uppsala; A. Warriner (2003) 'Domestic abuse: should this be a concern in the neonatal unit?', *Journal of Neonatal Nursing*, 9(1): 27-29.

<sup>159</sup> The Swedish Institute (2001) *Dear Child - on Men, Children and Gender Equality in Sweden*, Stockholm.

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husbands/cohabitees and fathers, and these advantages are interrelated. A man's status as son is an aspect of his behaviour as husband and father. His status as husband is an aspect of his behaviour as father, and all three statuses are predicated on being male."<sup>160</sup> There is no pre-given reason why a man should have automatic rights in law 'as fathers' over children and indeed women, regardless of what he does later.<sup>161</sup> This is especially important in questions of access to children, after separation or divorce, when children can be used as metaphorical 'weapons'.

It is absurd to develop policy strategy or practical intervention to promote or change fathers and fatherhood without attending to the problem of men's violence. Indeed worse than that, to do so would be positively dangerous as providing material and ideological support for fathers who have been violent, are violent or will be violent in the future. Many men who are violent to women are also fathers; many also are violent to children directly or indirectly, as in witnessing violence. Violence to women is often also child abuse; child abuse is also often violence to women.<sup>162</sup> Changing fathers and fathers' violence involves embracing general interventions and campaigns against men's violence. Men's social status as fathers and husbands facilitates the reproduction of their violence.<sup>163</sup>

#### 6.4. Men in Groups, Men's Support for Men

Much of men's information about how to be a man comes from being with other men in groups. Previous studies of men who have been violent to known women have emphasised the importance of men's support for each other in perpetuating this violence. A number of researchers have stressed the way 'male peer support' reproduces men's violence, through providing attachments and resources in the form of social integration, information support and esteem support, for example in sporting groups, where especially high figures of violence to women have sometimes been reported. Several studies that have found a strong relationship between the frequency of abusers' contacts with friends and female victimisation. All-male patriarchal cultures and subcultures are among the most important socialisation agents, often towards violence.<sup>164</sup>

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<sup>160</sup> J. Hanmer (1998) 'Out of control: men's violence and family life' in J. Popay, J. Hearn and J. Edwards (eds.) *Men, Gender Divisions and Welfare*, Routledge, London, p. 131.

<sup>161</sup> J. Hearn (2001) 'Men, fatherhood and the state: national and transnational perspectives', in B. Hobson (ed.) *Making Men into Fathers: Men, Masculinities and the Social Politics of Fatherhood*, Cambridge University Press, Cambridge, 245-272; J. Hearn (2002) 'Nation, state and welfare: the cases of Finland and the UK' in R. Pease and K. Pringle (eds.) *A Man's World: Changing Men's Practices in a Globalized World*, Zed, London, 85-102.

<sup>162</sup> In my own research 4/5ths of the men using violence interviewed were also fathers; of these 5/6ths were living with children (Hearn 1998, *The Violences of Men*).

<sup>163</sup> See M. Eriksson and M. Hester (2001) 'Violent men as good-enough fathers? A look at England and Sweden', *Violence Against Women*, 7: 779-799; M. Eriksson (2002) 'Men's violence, men's parenting and gender politics in Sweden', *NORA: Nordic Journal of Women's Studies*, 10 (1): 6-15.

<sup>164</sup> W. DeKeseredy (1990) 'Male peer support and woman abuse: the current state of knowledge', *Sociological Focus*, 23: 129-139; W.S. DeKeseredy and M.D. Schwartz (2002) 'Theorizing public housing woman abuse as a function of economic exclusion and male peer support', *Women's Health and Urban Life*, 1: 26-45.

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My research found that it is not the quantity but quality of social contacts that is important.<sup>165</sup> Social support from friends that is anti-violence is likely to have very different effects from that which is pro-violence. Many men seem to prefer to keep a strict separation between public and private life, so that what happens within men's relationships with women is seen as the man's private business; accordingly, men are often unwilling to challenge each other men's violence to women. Men's support for men needs to be viewed with great caution, as there are very pervasive tendencies and pressures for men to shift from more progressive stances and towards those that are ambiguous or anti-feminist.

## 6.5. Education, Schools and Educational Institutions

Education of men needs to be part of general policy development in state agencies, third sector agencies and indeed private sector organisations. This applies both to the education of men who work in those agencies and organisations, and the education of men in the community by those agencies and organisations. Education can take place within agencies and by agencies. All these and other similar developments have important implications for the devising of policies and practices that deal with men, and in particular education about and against violence.<sup>166</sup> Educating and changing men against violence to women and children is one necessary element in reducing that violence that needs to be developed alongside political, policy and practical initiatives for women. To focus on education is not to suggest that education alone can solve the problem. Rather education is an aspect, albeit an important one, of reducing men's violence to women and children. Education is also a way of developing a policy perspective that cuts across several significant divisions: family/state; prevention/intervention; men who are violent/men who are not violent; criminal justice system/non-criminal justice system; schooling/non-schooling; boys/men; perpetrators/professionals.

Education is about the production of changing and changed consciousness amongst boys and men in relation to violence, whereby non-violence and anti-violence are valued and valuable, rather than demeaned and non-valued. It is about developing understandings of what violence is; understandings of why violence occurs; understandings of the severely gendered nature of violence; and ways of working against violence. These apply in both particular agency contexts and in all social situations. Schools and other educational institutions are a very obvious arena in which education of boys and thus men against violence to girls and women may be

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<sup>165</sup> Hearn (1998) *The Violences of Men*, op. cit; J. Hearn (1998) 'Men will be men: the ambiguity of men's support for men who have been violent to known women', in Popay et al., 147-180.

<sup>166</sup> J. Hearn (1999) 'Educating men against violence to women', *Women's Studies Quarterly*, 27(1-2): 140-151; J. Hearn and H. Wessels (2003) 'Men's violence to women: an urgent issue for education', in K. Davison and B. Frank (eds.) *Masculinities and Schooling: International Practices and Perspectives*, Althouse Press, Western Ontario, Canada. For more general discussions and recommendations, see I. Ramberg (2001) *Violence against Young Women in Europe: Seminar Report*, Human Rights Education Programme/Council of Europe Publishing, Strasbourg; and (2001) *Seminar. "A new social contract between women and men: the role of education"*. *Proceedings*, 7-8 December 2000, EG/ED (2000) 13, Council of Europe, Strasbourg.

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developed.<sup>167</sup> There are a number of interrelated ways in which such educational intervention can be framed.

First, there are those attempts to produce non-violent educational environments. This includes action against abuse of educational authority. Highlighting the importance of the place of non-violence and anti-violence of schools and other educational institutions is both material (it may have some immediate effects) and symbolic (it demonstrates commitment). It acknowledges the possibility of change, and testifies to a long-term commitment to change. It requires expertise and resources, not just increasing the workload and responsibilities of teachers, regardless of expertise.

Second, there have been increasing concerns with the operation of gender and sexual power relations in schools, and how these may include violence, abuse and harassment. This perspective often emphasises how the social production and reproduction of boys and young men in and around schools is a major part of the production and reproduction of adult men and masculinities, including men's violence to women. In order to reduce that violence it is necessary to challenge and change the ways that boys are brought up and educated in schools and elsewhere.<sup>168</sup> In broad approaches to the challenging of boys' sexist behaviour there is a huge range of possible interventions, exercises and practices that may be relevant to reducing boys' violence in the present and men's violence in the future: the school as a gendered institution, boys' sexualities, media education, language, the body, sport, learning to provide care for others, life stories, fathers and sons.<sup>169</sup> In each case practical exercises can be used for raising awareness and challenging sexism, usually drawing on boys' own experiences. Though these may not be directly focused on violence, they are designed to produce a general change in boys', and thus men's, behaviours, so contributing to a reduction in violence.

Third, there is the problem of bullying in schools. This has attracted a great deal of attention in recent years. Clear connections may be made between bullying and sexual harassment. Bullying between boys can be understood as particular versions of boyhood that are enacted by some boys on other boys,<sup>170</sup> and in turn these different forms of boyhood go on to encourage or discourage violence in adulthood. Norwegian research has found men's experience of being bullied, as boys, correlating with men's use of violence to women, as adults.<sup>171</sup> This is an avenue that deserves much more attention in both research and policy development.

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<sup>167</sup> As J.L. Edleson and R. Tolman (1992) *Intervention for Men who Batter*, Sage, Newbury Park, Ca. observe: 'One of the most logical avenues to influencing future behaviour is through contact with children and adolescents in the educational system.' (p. 109). Also see A. Mullender (2001) 'Meeting the needs of children', in Taylor-Browne, op. cit., pp. 40-42.

<sup>168</sup> S. Askew and C. Ross (1988) *Boys Don't Cry: Boys and Sexism in Education*, Open University Press, Milton Keynes; R.W. Connell (1996) 'Teaching the boys: new research on masculinity, and gender strategies for schools', *Teachers College Record* (USA), 98(2): 206-235.

<sup>169</sup> An excellent review of theory and practice for working with boys around these issues is provided by J. Salisbury and D. Jackson (1995) in their book, *Challenging Macho Values*, Falmer, London.

<sup>170</sup> Op. cit., p. 90.

<sup>171</sup> Ø.G. Holter (1989) *Menn*, Aschehoug, Oslo. M. Råkil (ed.) *Menns vold mot kvinner* notes that 83 per cent of the men using Alternatives to Violence Centre, Oslo have been targets of or witnesses to violence.

Anti-bullying policies and practices can be a central part of an educational environment in which men's violence to women, sexism and racism are not tolerated. They can re-examine the school's educational ethos, management style, relationship of bullying and learning. Individual localities have guidelines for dealing with bullying in the context of the local conditions. In some schools there has been major interest in peer mediation for conflict resolution. Such mediation methods, however, need to be used with caution as they can obscure social divisions, such as by gender or race, in the guise of equality.

Fourth, there are some specific attempts to introduce education on men's violence against women and children into the curriculum. This may be done as part of general education on peace and conflict resolution, personal and social development classes, or specific teaching on violence, gender equality or equal opportunities.<sup>172</sup> The curriculum, *Skills for Violence-Free Relationships*<sup>173</sup> was developed for 13-18 year olds jointly with the Southern California Coalition on Battered Women and the Junior League of Los Angeles. Major areas covered are: defining abuse; understanding the myths and facts of domestic violence; comprehending social and psychological contributors to abuse; developing skills that provide alternatives to abuse, such as stress management, conflict resolution, assertion.

These areas are covered through a variety of brainstorming, discussion, role-play, and experiential activities. There is no fixed length or number of sessions in the curriculum. Rather, educators may tailor the materials and activities to the particular needs of the audience.<sup>174</sup> Curricular innovation can range from the attempt to introduce this kind of material on men's violence across an entire state to individual talks and discussion from representatives of women's refuge organisations and criminal justice agencies. All of these educational possibilities in schools are equally relevant for the training and retraining of teachers and other educational personnel. Training for men teachers on gender awareness should include attention to issues of sexuality, violence and their interrelations.

Special attention needs to be given in curricular and related development in schools to the interconnections of sexuality and violence, including the persistence of homophobia, in developing sex education and elsewhere. There is increasing understanding that much sexual abuse of children and young people is enacted by young male adults. Sex education needs to address these issues for students in schools and other educational institutions. The educational arena is one where those who have

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<sup>172</sup> Edleson and Tolman, op. cit., 109-110, have reported on several such initiatives.

<sup>173</sup> B. Levy (1984) *Skills for Violence-Free Relationships*, Southern California Coalition for Battered Women, Santa Monica, Ca.

<sup>174</sup> 'An evaluation comparing students in classes where the curriculum was delivered with those in classes where it was not delivered reveals that knowledge about woman abuse and community resources increased significantly. Student attitudes about male and female roles in intimate relationships did not, however, change significantly ... .' (L.E. Jones [1991] 'The Minnesota School Curriculum Project: a state-wide domestic violence prevention project in secondary schools', in B. Levy (ed.) *Dating Violence: Young Women in Danger*, Seal, Seattle, cited in Edleson and Tolman, 1992, op. cit., p. 110). Another initiative is that the White Ribbon Campaign in their *Education & Action Kit* (n.d.) *Men Working To End Men's Violence Against Women. The Education & Action Kit*. Toronto: White Ribbon Campaign. Available at: <http://www.whiteribbon.ca/students.html>. This is a helpful package for teachers and others educating boys on violence against women.

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abused or are abusing and have been or are being abused may become apparent. Thus, teachers and other educational personnel need their own education, training and support.

There is also the question of responses to violence to staff within education. This perspective can be placed within the broader framework of increasing personal safety at work and the training necessary to achieve that.<sup>175</sup>

## 6.6. Campaigns and Public Politics

Another arena for changing men against violence to women and children is campaigning and public politics, using the power of advertising and the media. Campaigns can be prompted by state, third sector and private sector organisations. They may be the outgrowth of men's anti-sexist activity, such as various Men Against Pornography campaigns; can accompany men's programmes, such as the 'Männer Gegen Männer Gewalt' public poster campaign in Hamburg in the 1980s; can be sponsored by local government, such as Edinburgh City Council's 'Zero Tolerance' campaign against men's violence using posters, stickers, T-shirts, exhibition and other materials, that circulated widely in the UK and elsewhere.<sup>176</sup> The tradition of special days or weeks or years against men's violence to women has been established in various towns, cities and countries.

In Canada two national campaigns have been promoted by men as part of anti-sexist politics. First, the White Ribbon Campaign organized in 1991 urging men to wear or display a white ribbon on the anniversary of the 1989 Montreal massacre. Second, following two deeply shocking murders of women in Toronto, a small group of men walked from Windsor to Toronto in Spring 1992, and then to Ottawa in Autumn 1992, as a way of speaking out against men's violence, making contacts and meeting with communities on the way.

There remains a need for large-scale state-funded advertising and postal campaigns (of the car safety-belt type) that say simply and directly 'Don't do it, don't think it'. Such campaigns can be created and can be effective when governments and other powerful lobbies want them to be. All agencies can begin by making it part of their public statements of policy that they oppose men's violence to women and children, in all its forms. Men's violence to women and children is a clear challenge to the development of agency policy and practice by men and in relation to men. There is a need for comprehensive national commitments against violence; this might be presented as the 'mainstreaming' of non-violence and anti-violence policies and practices.<sup>177</sup>

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<sup>175</sup> See, for example, C. Cardy (1992) *Training for Personal Safety at Work*, Gower, Aldershot, for extensive guidelines on training; Hearn and Parkin op. cit. for a critical discussion.

<sup>176</sup> E. Gillan and E. Samson (2000) 'The Zero Tolerance campaigns' in J. Hanmer and C. Itzin (eds.) *Home Truths about Domestic Violence*, Routledge, London, 340-355.

<sup>177</sup> The Gulbenkian Commission Report (1995) *Children and Violence*, Calouste Gulbenkian Foundation, London, stressed as its priority recommendation: 'Individuals, communities and government all levels should adopt a 'Commitment to non-violence', of similar standing to existing commitments to 'equal opportunities'. It continued: 'The aims of the commitment are to work towards a society in which individuals, communities and government share non-violent values and resolve  
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Governmental policies should take a clear position that opposes violence, tell boys and men to be non-violent, and encourage men to behave in ways that facilitate women's equality. The realisation of such changes depends partly on men in politics and policy-making, and their gendered actions. Men's violence to women and children demands men's responsible action against it at all levels. Beyond lies the need for global peacemaking. Men's violence to women is linked to men's violence to each other, to the self,<sup>178</sup> to children, as well as to militarism and global violence. Such connections are increasingly recognised globally.

### **6.7. Societal Change: Gender Power, Masculinities and Inequalities**

The number of men in contact with different agencies in relation to their violence varies considerably: with men's programmes, Criminal Justice agencies, and other agencies, such as health and welfare. Beyond these, there is a larger number of men not in contact with any specific agency in relation to their violence. And beyond this, there is the whole population of men, and indeed boys. As these populations progressively broaden, the relevance of broad societal conditions for the reproduction and the stopping of men's violence becomes clearer.

The societal conditions that produce and sustain men's violence to women and children need to be challenged and changed at all levels and in all arenas. Thus societal change is a fundamental part of prevention of men's violence. Societal conditions include broad questions of gender power relations, men's social power, privileges and domination, and societal constructions of masculinity, as well as the impact of poverty, economic inequalities and other inequalities upon men's violence. Despite social and economic changes of many kinds, these have continued to be maintained through gendered processes across generations.

There is now a considerable amount of research that chronicle impact of lower household income, financial difficulties of households, women's, and thus also children's, poverty, and women's lower employment status upon men's domestic violence.<sup>179</sup> To chart these greater risks very clearly does not mean that such violence is only by men with less financial resources; that is spread across all sectors and classes of society. Nor does it suggest excuses or justifications, or simple causes and effects. However, it does point to the interlinking of men's violence with economic and material circumstances. These connections need to be addressed in policies and strategies against men's violence.

At the more immediate organisational level, agencies and inter-agency groups and networks are also engaged in maintaining and/or changing power, economic inequalities and other inequalities between men and women. This applies in the internal operation of agencies and the delivery or non-delivery of services to people.

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conflict by non-violent means. Building such a society involves ... consistent disavowal of all forms of inter-personal violence - in particular by opinion-leaders.'

<sup>178</sup> M. Kaufman (1987) 'The triad of men's violence' in M. Kaufman (ed.), *Beyond Patriarchy: Essays by Men on Pleasure, Power and Change*, Oxford University Press, Toronto, 1-29.

<sup>179</sup> Walby and Myhill, op. cit.

As such all workers, professionals and managers need to work against violence within and beyond agencies. This includes institutions such as prisons that are not easily open to public view. Policies against violence need to be part of equal opportunities and other policies.

More generally, there is the question of how violence, men's violence and knowledge thereof, is formed and organised in different societies. This necessitates a more holistic, societal approach to the problem. Gender equality is needed, with new models of equal social relations between women, children and men, new ways of being men, and without exemption in any social arenas.<sup>180</sup> The very large amount of research on men, masculinities and men's practices highlights the damaging aspects of men's power. Men have to decide to stop violence, not to regroup and maintain power; and to change the interrelations of sexuality, violence and power that persist for many men. Gender equality means the end of male dominance and of war, moving from cultures of violence to cultures of care. These changes are necessary across societies and throughout all levels of societies.<sup>181</sup>

In the book, *Societies at Peace*, the authors posed the question: what can we learn from peaceful societies?<sup>182</sup> They found that the definition of masculinity had a significant impact on the propensity towards violence. In those societies in which men were permitted to acknowledge fear, levels of violence were low. In those societies, however, where masculine bravado, the repression and denial of fear, was a defining feature of masculinity, violence was likely to be high. Those societies in which such bravado is prescribed for men are those in which the definitions of masculinity and femininity are very highly differentiated.

Some of the themes that anthropologists have identified as leading towards both interpersonal violence and inter-societal violence are:

1. the ideal for manhood is the fierce and handsome warrior;
2. public leadership associated with male dominance, both of men over other men and of men over women;
3. women prohibited from public and political participation;
4. most public interaction between men, not between men and women or among women;

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<sup>180</sup> Among the relevant COE publications from Strasbourg on gender equality are: *Information Forum on National Policies in the Field of Equality between Women and Men. Proceedings Budapest 6-8 November 1995*, 1996; *Promoting Equality: a Common Issue for Men and Women. Proceedings Strasbourg 17-18 June 1997*, 1998; '4<sup>th</sup> European Ministerial Conference on equality between women and men (Istanbul, 13-14 November 1997). Declaration on equality between women and men as a fundamental criterion of democracy'; *Equality between Women and Men: Priorities for the Future. Final Report of the Activities of the Group of Specialists on Future Priorities, Strategies and Working Methods in the Field of Equality between Women and Men(EG-S-FP)*, 1999; (2001) Seminar. "A new social contract between women and men: the role of education", op.cit.; *Promoting Gender Equality: a Common Issue for Women and Men. Compilation of Council of Europe Texts dealing with the Question of Men and Gender Equality 1995-2000*, 2002.

<sup>181</sup> This perspective was elaborated by, *inter alia*, Daniel Welzer-Lang at the COE seminar, and in his paper 'Les violences masculines faites aux femmes: analyses sociologiques et réponses sociales', presented at the seminar.

<sup>182</sup> D. Howell and R. Willis (eds.) (1990) *Societies at Peace*, Routledge, New York.

5. boys and girls systematically separated from an early age;
6. initiation of boys focused on lengthy constraint of boys, during which time the boys are separated from women, taught male solidarity, bellicosity, and endurance, and trained to accept the dominance of older groups of men;
7. emotional displays of male virility, ferocity, and sexuality highly elaborated;
8. the ritual celebration of fertility focuses on male generative ability, not female.
9. male economic activities and products of male labour prized over female ones.<sup>183</sup>

Taken together, these items suggest a series of policy orientations that we might look towards in seeking to reduce men's violence. The less gender differentiation between women and men, the less likely will be men's violence. The more men are nurturing and caring, or can express fear - and the more women are seen as capable, rational, and competent in the public sphere - the more likely that aggression will take other routes besides gender-based violence. To diminish men's violence against women and children, involves reducing the violent confrontations that occur in the name of such mythic entities as nation, people, religion or blood.

There are thus clear needs to reorganise paid work, domestic work, and men's situation in the home. Women's involvement in public life is equally important as men's involvement in domestic life.

While patterns of gender differentiation and homosociality may support men's violence at a general societal level, within that framework particular men's or groups of men's economic exclusion, peer support and violence to women and children have been interconnected.<sup>184</sup>

Definitions of masculinity must change, as part of a large-scale process of change of boys and men. This involves change in many different arenas and respects of boys' and men's lives.

One especially urgent change that is necessary is the strict control of men's use of guns and other weapons,<sup>185</sup> and men's militarism and other organised and institutionalised violence more generally.

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<sup>183</sup> We are grateful for Michael Kimmel for this summary. Also see M. Kimmel 'Global masculinities: restoration and resistance', in R. Pease and K. Pringle (eds.) *A Man's World: Changing Men's Practices in a Globalized World*, Zed, London, 21-37.

<sup>184</sup> DeKeseredy and Schwartz (2002), op. cit.

<sup>185</sup> J. Campbell (1995) 'Prediction of homicide of and by battered women', in J. Campbell (ed.) *Assessing Dangerousness: Violence by Sexual Offenders, Batterers and Child Abusers*, Sage, Thousand Oaks, Ca., 96-113, notes possession of guns as increasing risks of men's lethal violence eight times. Susan Edwards and Jeff Hearn *Working Against Men's "Domestic Violence": Priority Policies and Practices for Men in Intervention, Prevention and Societal Change*, Council of Europe, Strasbourg, 2004

## 7. CONCLUSION

This report has demonstrated the extent of violence perpetrated by men against women and children. All the member states are parties to the obligation established in the ECHR and the Convention on the Rights of the Child. Some member states are currently ignoring their obligations to protect women and children by failing to recognise domestic violence in all its forms, failing to respond quickly and effectively and failing to prosecute men who are violent. All pressure possible should be brought to bear, politically, internationally and by individual actions against member states for breaches of the Conventions, so that violence perpetrated by men on women and children in domestic contexts, whether physical, sexual, mental or neglect, might be prevented.

The initiatives and priority measures discussed interconnect with each other in spirals. Changing the self connects with changing men in relationships and in groups; that in turn connects with policy and practice in agencies, men's programmes, schools and educational institutions; and this connects with campaigns, public politics and societal change, which themselves require and suggest change of the male self. Just as spirals of thought and action can become vicious circles of more and more violence, so too can they become virtuous circles condemning violence.

Men's violence to known women and children needs to be understood in the context of men's broader position in society. Changing men's behaviour depends upon challenging men's violence not only in the contexts in which it is discussed in this report but more generally in society as a whole. Parallel issues around the problem of men persist within agencies that deal with men. To address these issues necessitates focused attention on and by men, development of understanding and analysis of men both in and beyond agencies, and the formulation of new policies and practices. There remain intransigent tendencies to:

- continue to avoid and eschew naming 'men' as perpetrators, doing the violence, as men (as, for example, in the term 'family violence');
- deny and minimise men's violence;
- define violence in narrow ways that limit it to physical violence of certain kinds;
- see men's violence as primarily an individual problem;
- explain violence in ways that 'excuse' men;
- separate violence off from the rest of social life; and
- see the current social relations between men and women as 'natural'.

In contrast, there are urgent priorities to:

- gender the men, name men, doing the violence, as men;
- recognise, not deny and not minimise, men's violence;
- define violence broadly and not only limit it to physical violence of certain kinds;
- see men's violence as a social problem rather than primarily as an individual problem;
- not explain violence in ways that 'excuse' men, but give responsibility to men;
- see the relations of violence with the rest of social life; and

- not see the current social relations between men and women as ‘natural’.

It is the priorities we should build upon and the intransigent tendencies we should contest and challenge in our common goal of working against “domestic violence” perpetrated by men.

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