COUNCIL OF EUROPE
COMMITTEE OF MINISTERS

RECOMMENDATION No. R (90) 2

OF THE COMMITTEE OF MINISTERS TO MEMBER STATES

ON SOCIAL MEASURES CONCERNING VIOLENCE WITHIN THE FAMILY[1]

(Adopted by the Committee of Ministers on 15 January 1990 at the 432nd meeting of the Ministers' Deputies)

The Committee of Ministers, under the terms of Article 15.*b* of the Statute of the Council of Europe,

1. Considering that the aim of the Council of Europe is the achievement of greater unity among its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and of facilitating their economic and social progress;

2. Bearing in mind the right to respect for private and family life as defined in Article 8 of the European Convention on Human Rights;

3. Bearing in mind the right of the family to social, legal and economic protection, and the rights of mothers and children to appropriate social and economic protection, as defined in Articles 16 and 17 of the European Social Charter;

4. Bearing in mind the Declaration on equality between women and men, adopted by the Committee of Ministers at its 83rd Session (16 November 1988);

5. Bearing in mind Recommendation No. R (84) 4 of the Committee of Ministers on parental responsibilities;

6. Bearing in mind Recommendation 561 (1969) of the Assembly of the Council of Europe on the protection of minors against ill-treatment;

7. Bearing in mind Recommendation No. R (79) 17 of the Committee of Ministers concerning the protection of children against ill-treatment;

8. Bearing in mind the proceedings of the Council of Europe's 4th Criminological Colloquy, on the ill-treatment of children in the family (1979);

9. Bearing in mind Recommendation No. R (87) 21 of the Committee of Ministers on assistance to victims and the prevention of victimisation;

10. Having regard to Recommendation No. R (85) 4 of the Committee of Ministers on violence in the family;

11. Having regard to the conclusions of the Council of Europe's Colloquy on violence within the family: measures in the social field (Strasbourg, 25-27 November 1987);

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1. When this recommendation was adopted, the Representative of Denmark, in application of Article 10.2.*c* of the Rules of Procedure for the meetings of the Ministers' Deputies, reserved the right of her Government to comply or not with paragraphs 6 of Section A and 46 of Section B of the appendix to the recommendation.

12. Recognising that the problem of violence in the family calls for measures to be taken at national and international level;

13. Noting that violence within the family occurs at all levels of society and in all countries, rich or poor, with no regard, for instance, to family structures, ethnic origin, age, language, religion, political or other opinion, national or social origin, or property;

14. Acknowledging that social and economic pressures on families contribute to violent behaviour;

15. Noting the need to identify the other factors contributing to violence, to prevent violence in the family and to consider social measures to remedy violence in the family when it has already taken place;

16. Considering the need for a change in the consciousness of the whole of society, whereby everyone would recognise the unacceptability of the phenomenon of violence both in the family and in society as a whole;

17. Recognising the general importance of the non-violent settlement of conflicts and the discouragement of the misuse of power;

18. Believing that trends towards the democratisation of the family, implying respect for members of the family as individuals with equal rights and equal opportunities, can help to discourage violence;

19. Bearing in mind the importance of adequate financial resources for carrying out planned and proposed measures in the social field,

Recommends that the governments of member states take or, where appropriate, encourage the general preventive measures and the specific measures mentioned in the appendix to the present recommendation.

Appendix to Recommendation No. R (90) 2

Section A: General preventive measures

1. The family, a fundamental unit of society, should be supported by all possible means.

2. The rights of individuals should be recognised and respected, with particular attention being paid to those of the weaker members of the family.

3. Full equality should be implemented between the sexes; this involves equal education, equal opportunities for work and decision-making, and equal opportunities for economic independence and personal growth.

4. Social and economic pressures should be relieved in areas such as social welfare, health, housing and urban planning, the world of work, culture, education.

5. The extent, seriousness and negative consequences of violence within the family should be accurately established. The public should be extensively informed about them, and about the principles of non-violent settlement of conflicts, the non-acceptance by society of the misuse of power and the possibilities of treatment. To this end, education and the media should be properly used.

6. The justification of violence in the media should be limited by all the means possible in a democratic society. The media should be invited to collaborate (via professional codes of conduct for instance) in such a policy.

7. Adequate housing and urban policies which can prevent potentially explosive situations within the family as well as in the wider community should be undertaken. The specific needs of the elderly, of families (in particular those with many children), of young people and of certain underprivileged groups should be given high priority.

8. Social and economic protection on an independent basis should be assured for those caring full-time at home for young children, an elderly parent or a disabled relative, in order to support carers in what can be conditions of constraint and conflict.

9. Everything necessary should be done to reconcile family life with working life, with particular attention being paid to, on the one hand, the provision, quality and accessibility of child day-care facilities, family support services

and social security, and, on the other hand, on a voluntary basis, part-time work, flexible arrangements of working hours and parental leave.

10. Research should be undertaken to identify those family situations which lead to an increased number of dangerous conflicts, in order to prevent or resolve potentially violent situations.

11. In the absence of adequate research on the special situation of disabled members of the family, governments should promote and/or subsidise studies on this subject, as well as considering in depth to what extent the present recommendation can be applied to this particularly vulnerable group.

Section B: Specific measures

I. *Information*

1. Non-sensationalist information campaigns should be encouraged on the part of the media, schools and other agencies that influence the public at large. Such campaigns could include information on work in women's shelters, on crisis intervention centres, on parental responsibilities and on agencies to which children can turn.

2. Information concerning the causes, identification and prevention of family violence must be adapted to those to whom it is addressed: professional people, children, young adults, parents, etc.

3. Adequate means should be found for providing victims, particularly first-time victims, with information concerning crisis intervention methods, such as crisis telephone numbers and the addresses of shelters and self-help groups.

II. *Detection of violence*

4. The public in general and professionals dealing with families in particular should be made aware of the need to detect and make an early diagnosis of cases of violence within the family. This can be achieved by information campaigns for the general public and by special information campaigns aimed at specific categories of professionals.

III. *Reporting violence*

5. The community as a whole should be encouraged to act responsibly and report cases of violence in the family to authorities empowered to help or change the situation. This applies particularly to neighbours, friends, workers in day-care and other institutions and teachers, who have to overcome an understandable reticence in the matter.

6. All cases of violence reported at hospitals, social services, or by the police should be directed to the social services or to relevant courts (for instance, family courts, where they exist), with the informed consent of the adult victim of violence or in accordance with other guarantees laid down by domestic law, in order that the necessary steps to safeguard the person in danger can be taken. Guidelines for reporting should be developed.

7. Whenever the social services are not informed, for example because of professional secrecy, this should not suppress the need to assist individuals in danger.

8. The conditions in which victims of violence within their family disclose their painful experiences, whether to social, medical, or judicial authorities, should be improved. Facilities should exist for victims to be given support by a social worker or a confidant in addition to any legal representation that might be appropriate.

IV. *Help and therapy for the whole family*

9. Practical services that should be available for all members of the family include, apart from social welfare services in general:

— telephone lines (for emergency calls and for counselling),

— crisis services, where possible with a twenty-four-hour service,

— counselling centres.

Steps should be taken to co-ordinate these various services.

10. The therapy adopted for the treatment of victims of violence, especially sexual abuse, whether individual therapy or therapy for the family as a whole, should be adapted to each case.

11. The creation of self-help groups for victims and self-help groups for perpetrators should be widely encouraged and supported.

12. A combination of professional individual therapy and self-help groups should be used wherever possible, since experience shows such a combination to be effective.

V. *Measures for children*

13. The good care and upbringing of children should be promoted. This includes the training of young parents both before and after the birth of their children, and the provision of advisory services.

14. The importance should be emphasised of the general condemnation of corporal punishment and other forms of degrading treatment as a means of education, and of the need for violence-free education.

15. Particular attention should be paid by the social and health services to individuals and families known to be particularly at risk as far as violence against children is concerned.

16. The specific problems that may be encountered in families where there are stepchildren, or foster children or disabled children should be taken into consideration.

17. In order to achieve continuity in the treatment of the family, which is one of the great challenges when working with child abuse, ways of working should be developed that integrate the authority of the members of the various professions concerned.

18. When the interests of an abused child are in conflict with those expressed by its parents, the child's interests should in principle have priority. When there is a need to protect the child by removing it from its family, for a short or long term, that should not be considered as an end in itself but as a provisional part of an overall family treatment approach for the interests of both parties. Work with the family should continue, regardless of the child's removal.

19. A wide spectrum of treatment offers should be developed:

— emotional support for the child as well as the parents,

— help with socio-economic stress factors,

— treatment of parent/child interaction and marital relationships,

— work towards improving the family's social network.

VI. *Measures for women*

20. Women who are victims of violence within the family should be given co-ordinated and comprehensive assistance, including, if necessary, financial assistance in accordance with national legislation. Specific responsibility for particular tasks in dealing with violence against women should be assigned to public authorities in association, where necessary, with non-governmental organisations.

21. If legal possibilities for removing an abusive spouse exist, they should be used to allow the abused woman and her children to remain at home.

22. Where a victim of violence was previously financially dependent on the violent person, financial assistance should be made available, if needed, to enable the victim and children to become independent. This measure should not discharge the perpetrator from his financial responsibilities.

23. There should be general and sufficient provision of possibilities of finding accommodation in a hostel for battered women (shelter). The aim of shelters for battered women is to provide rapid help for women and children in danger. Before being provided with accommodation in a hostel for battered women, the persons concerned should, where possible, be given counselling.

24. Victims of violence should not themselves be expected to meet the capital and recurrent costs of shelters. Public authorities should, in appropriate circumstances and according to national legislation, subsidise these shelters.

25. Each crisis centre and shelter for abused women should have its own policy concerning the disclosure of its address and the acceptance or non-acceptance of visitors. If the reuniting of the family is considered possible, supervised meetings between the family members in the shelter can be of help. In some countries, however, experience shows that shelters function more effectively if outside people have no access to them. Abused women must be entirely free to decide whether or not they want to return to their partners.

26. Once a battered woman has been admitted to a shelter, she should, if she so wishes, be adequately helped by social workers, psychologists, lawyers and other qualified persons, including experienced voluntary workers who can help in particular with practical and administrative questions concerning the woman and, as appropriate, her children. An important element can also be mutual assistance and the exchange of experiences with other battered women in the shelter.

27. When a battered woman leaves a shelter, proper after-care should be provided, preferably by a social worker who can visit the woman, on request, in her home and take care of her problems.

28. Self-help groups should be established, whereby women who have left a shelter meet each other regularly and help each other in order to avoid isolation. Informal networks should be set up for the exchange of information and ideas between shelters and self-help groups.

VII. *Measures for old people*

29. There is a particular lack of knowledge of the extent of violence against old people. As a first step, research should be undertaken or promoted and information programmes should be carried out.

30. An effective family policy for old people (including day-centres, community services, home care services, respite care) should be set up in order to relieve pressure on families and thus contribute to the reduction of factors leading to violence.

31. The situation of frail old people (in particular as to the respect of their rights) who have been placed in an institution or host family in return for payment should be the subject of special attention in order to avoid possible abuse by members of their family who have remained in contact with them.

32. In order to avoid old people being "excluded" from their community, appropriate housing and living conditions should be promoted by governments and local authorities.

33. Close members of the family should have access to information and counselling about specific problems that can arise when caring for old people.

34. The strengthening of awareness and competence among health and social workers who are called on to assist elderly victims of abuse should be seen as crucial. When designing adequate services for abused old people, existing health and social services should be considered responsible for dealing with the problem.

35. Measures envisaged should include the removal of the abused old person from the scene of violence as well as family counselling, preferably with the agreement of the person concerned but, failing that, by taking coercive action against the perpetrator.

VIII. *Measures for the perpetrators*

36. Help-oriented measures for perpetrators should be encouraged after a court appearance and when the due process of law has taken its course. These might include self-help groups of offenders and psychotherapy in or out of prison.

37. The social services should maintain contact with perpetrators whose families have left them, to find out their needs, discuss their problems and give them counselling and help.

38. Research on therapeutic methods and other measures which could have a positive influence on perpetrators should be promoted.

IX. *Education*

39. The establishment of programmes for the prevention of physical, emotional and sexual abuse should be encouraged in schools. This should be done by setting up committees in competent education authorities, with membership drawn from the field of education and those who work in the area of child abuse, as well as from among the parents and, where appropriate, from voluntary organisations. Special training should be provided for the members of such committees.

40. Educational programmes starting at the pre-school level should take into account changes in society, including increased attention to childhood, positive perceptions of old age and the changing roles of women and men. Positive aspects of human relationships and moral values, and of human love, affection and sexuality should be outlined and discussed before issues of violence and sexual abuse are raised. Specific courses on partnership and parental responsibilities should include the learning of non-violent conflict resolution.

X. *Social workers*

41. When confronted by problems of violence, social workers should preferably work in multidisciplinary teams together with all the professions concerned ; this is particularly important when there is a question of reporting family violence to the authorities.

42. In the course of their everyday work, social workers should be provided with help in the form of supervision and further training to enable them to clarify their own values and to distinguish within different examples of family violence, what concerns the victims and what concerns the perpetrators of the violence.

43. Initial and in-service training of social workers, workers in day-care and other institutions, medical personnel, magistrates, police and teachers should include the learning of multidisciplinary and inter-institutional work.

XI. *Role of voluntary associations*

44. Competent voluntary organisations can make an important contribution to the prevention and remedying of violence in the family. They should be recognised, encouraged and financially supported in their work by the public

authorities, in accordance with the provisions set out in Recommendation No. R (85) 9 of the Committee of Ministers on voluntary work in social welfare activities. The best possible co-operation between the various public services and the voluntary organisations and workers should be ensured.

45. In order to satisfy the particular demands made by the prevention and treatment of violence in the family, it is highly desirable that voluntary workers be properly selected, trained and supervised.

XII. *Financial implications*

46. National, regional, and local authorities should take the appropriate steps for the provision of proper financing of the programmes and measures implemented in the framework of this recommendation.