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From: German Women Lawyers Association (djb) Commission on violence against women and children, c/o Commission chairwoman Dagmar Freudenberg (designated prosecuting attorney for intimate partner violence and sexualized violence in Göttingen/Germany), geschaeftsstelle@djb.de

Ref: Study on violence against women

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In the 1990s, the German Women Lawyers Association (www.djb.de) installed a work group and subsequently a Commission on violence against women and children. A primary goal has been to contribute to legal reform. Of equal importance is the role of facilitator to help develop a multi-sectoral co-operation culture at every level of society, from the local to the regional, national and international spheres.

Based on the opportunities to contribute to law drafting and monitoring of legal instruments and policy outcomes which the djb Commission on violence against women and children has pursued, of which this input can describe only a small portion, the djb Commission respectfully submits that the UN study on violence against women should take professional associations' contributions to and monitoring of violence protection schemes into consideration. Professional associations have the capacity to draw on a wide wage of practical expertise and research skills, thus opening avenues for analysis of the realities behind legal mechanisms and policy documents. Data collected and analysed by the legal, health, education, human services, law enforcement sciences – this list is by no means exhaustive – will help obtain a lucid picture of what works and what would appear to work less well, pointing the way to improved, effective protections and prevention measures in diverse settings.

The multi-disciplinary make-up of the djb Commission on violence against women and children and examples of our published work can illustrate this point:

1. German Women Lawyers Association (djb), Commission on violence against women and children

The djb Commission on violence against women and children is rich in expertise in research, forensic application of the law, and policy development. Its members include two designated prosecuting attorneys for crimes of violence against women and children, spanning intimate partner violence, sexualized violence and child abuse; a family court judge whose publications include Germany's first law commentary on the German Violence Protection Act of 2001 (Heinke, Sabine in Dauner-Lieb, Heidel, Ring (Gesamthrg.) *Anwalt-Kommentar BGB*; Kaiser, Schnitzler, Friederici (Hrsg.), Band 4: Familienrecht, Deutscher AnwaltVerlag Bonn 2005 - ISBN 3-8240-0605-7); an attorney-at-law with specializations in family and labour law; a mediator with a growing consulting practice in continuing education focussing on violence protection and conflict escalation resolution; and a lawyer in a governmental position with

primary responsibility for law-writing, policy-development and evaluation as well as international co-operation.

To reinforce the Commission's multi-sectoral approach, each Commission member is involved in community, regional and international networks targeting violence against women. International associations to which the Commission is linked and which the UN study could tap into for resources that reach down to the community level are the European Women Lawyers Association (www.ewla.org), the International Association of Prosecutors (www.iap.nl.com) and the WHO global, multi-sectoral initiative Violence Prevention Alliance (www.who.int/violenceprevention/en/).

2. Contribution of the djb Commission on violence against women and children to monitoring the implementation of the German Violence Protection Act (2001) and Action plan of the German federal government to combat violence against women (1999)

Soon after the German Violence Protection Act came into force in January of 2002, the German Department of Justice funded a study to investigate the implementation of the law by the courts. The results of this study were published in the summer of 2005 (www.bmj.de). The djb Commission on violence against women and children contributed to this study in a consultant capacity.

From day one, the djb Commission on violence against women and children has participated in on-going monitoring by Germany's national task force on domestic violence of which it is a member, analysing the effectiveness of the civil court and criminal law remedies this new piece of federal legislation provides. It has also contributed to research analysis by conducting two nation-wide surveys in the first half of 2002 and in 2004 (published on the djb website www.djb.de – cf. the Commission on violence against women and children).

The goal of the first survey distributed just a few weeks after the Violence Protection Act came into force was to determine the degree to which the state governments (Bundesländer) had prepared for the new legal remedies by introducing measures that would expedite the new law's implementation.. The first survey therefore addressed questions exclusively to state governments. Addressees were the departments of justice, of the interior, of social welfare, and of equal rights. The survey sought to elicit answers revealing the quality and degree to which state legislative bodies and policy-writing agencies had been brought on board to develop systematic and stringent responses in state law and policy, and whether task forces involving civil society had been installed to provide guidance to the government. A number of questions examined to what extent intervention and advocacy tools had been developed by or for ngos.

Responses to this early survey were revealing of the transitional phase in which Germany found itself at the time. On the positive side, a growing multi-sectoral co-operation culture had been given a model framework by a concerted effort on the part of the federal government to coordinate policies. This was delineated in its Action plan to combat violence against women published, after consultation of the 16 states, in late 1999. Unsurprisingly, in the spring of 2002, states which had previously shown broad political commitment to protecting women from violence, for example by formulating their own action plans and investing in violence protection schemes that applied a multi-sectoral approach, provided answers to the djb survey questions exhibiting substantial awareness of the need to reinforce access to the justice system and other, low threshold interventions. Several states described new training programmes in particular for the police force; some had immediately begun drafting police law reform and introduced binding guidelines for the police. On the other hand, access to the new law's protection remedies was severely undermined in the months covered by the 2002 djb survey because the law itself had not been immediately published in traditional law compilations. Consequently, most court justices, prosecutors and legal counsel literally did not have it at their disposal.

The djb survey in 2004 investigated at more depth the judicial system's progress in implementation of the Violence Protection Act, hurdles to the law's application, and whether in the meantime justice administration had become motors for multi-sectoral co-operation. This survey was therefore directed to the state departments of justice. The survey revealed both procedural dilemmas which should be corrected through law reform and a remarked lack of awareness on the part of some justice administrations of the need to install infrastructures and provide working conditions in the courts, prosecution services and the community conducive to effective application of the law.

The 2004 survey however also showed that a multi-sectoral approach would appear to be becoming standard in Germany. Much had been done to establish task forces in which civil society and the public sector have a mandate to develop cohesive, co-ordinated protections and interventions both at the state and community levels. The state justice administration and law practitioners (primarily prosecutors) are an integral part of most networks. By 2004, marked progress in continuing education for multiple professions, including for court justices, prosecutors and to some extent legal counsel, had also been made. Wherever co-ordinated action is backed by strong political commitment, access to the improved legal remedies and other protective measures is undoubtedly improving.

The general societal question remains: who can be held accountable? Neither the federal government's Action plan to combat violence against women nor the Violence Protection Act requires the state governments to guarantee easy and quick access to the new legal protections. With the exemption of funding for solitary model projects, federal funds are not provided to states or communities; scarce funding resources are an issue everywhere. Constitutional guarantees to fair treatment by and access to the judiciary could theoretically be the basis for an individual's claim for effective court and state protection, or failing that, for compensation for refused protection. However, constitutional guarantees are too abstract and, procedurally, too cumbersome to be of any use to an individual seeking injunctive relief, literally protection from imminent danger.

The purpose of law reform is to obtain lasting societal change. Like all professional associations with an ethical dedication to increasing accountability, the German Women Lawyers Association is determined to provide analysis that will benefit qualitative political dialogue, the prerequisite for acquiring genuine societal commitment to protect women from violence.

- Dagmar Freudenberg/Göttingen and Nancy Gage-Lindner/Wiesbaden, Germany, for the German Women Lawyers Association (djb) Commission on violence against women and children (www.djb.de)

Attachments: djb surveys 2002 and 2004 and a focus issue on violence against women and children in the djb journal, aktuelle informationen Vol. 2, 2005: 1-12 (all available as downloads at (www.djb.de))