

Domestic Violence: women's problem?

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1. Introduction

During the past years, the traditional aloofness of governments to interfere in people's private lives seems to have diminished significantly when it comes to domestic violence. Many EU member states actively are engaged in shaping policies to prevent and fight domestic violence. Since 1997, domestic violence also is addressed in EU policy making. In this paper, we aim to study how domestic violence has been framed and re-framed by governments after it had been set on the political agenda under influence of feminist activists, NGOs and experts. Which elements of the agenda-setting frames resonate in contemporary policy now that governments at the national and the EU level have taken over the quasi monopoly of feminists in framing the topic as a public matter?

This paper juxtaposes (shifts in) prevailing frames concerning domestic violence in Hungary, the Netherlands, and the EU. The Netherlands has been selected as one of the first western-European welfare states in which feminist activists raised public and political attention to violence in the private realm. The first Dutch shelters for battered women already were established in the early 1970s. Hungary has been chosen as an eastern-European newcomer in the EU where, during the stage of agenda setting since the late 1990s, transnational feminist frames were adopted to the particularities of a post-socialist transition country. Prevailing frames in different stages of agenda setting and policymaking in these two countries will be juxtaposed to the way in which domestic violence is framed in politics and policymaking at EU level.

1.1 Research design

The findings presented in this paper have been gathered in the context of the comparative research project *MAGEEQ*¹. This project applies a method of frame analysis - derived from social movement theory² and policy theory³ and supplemented by insights obtained from gender theory - in studying how issues concerning gender equality are articulated and interpreted in policy making and political debates in six EU member states and the EU. The project defines a policy frame as "an organized principle that transforms fragmentary or incidental information into a structured and meaningful policy problem, in which a solution is implicitly or explicitly enclosed."⁴ In the project, frame analysis is defined as "the (re)construction and negotiation of reality by social/political actors through the use of symbolic tools"⁵. The research conducted in the project focuses on four issues that are hot topics in policy-making and that are relevant from a gender equality perspective, among which domestic violence.

The starting point of *MAGEEQ* is that not all relevant actors engaged in national and EU policy making tend to frame gender equality issues from a similar perspective, and that prevailing policy frames might shift over time. Our aim is to map differences and similarities in the frames of actors engaged in policy making and lobbying at the national and EU level. In our analysis, we make a distinction between the diagnosis (problem representation) and the prognosis (ways proposed to resolve the problem). Questions addressed in the diagnosis include: how is the problem demarcated, who has voice in defining it, to which issues and factors is it linked, in which policy area is it located, who is assigned responsibility in causing it? The diagnosis is analysed by questions like: which are pursued, which courses of action are proposed to resolve the problem, how are these actions legitimised, and who is assigned responsibility in resolving the problem?

The above mentioned questions are analysed from a gender perspective: we aim to screen how gender interferes with social categories, identities, behaviour, norms and symbols, mechanisms, and institutions addressed in policy documents. Though the prior interest of *MAGEEQ* concerns official government frames at national and EU level, in the absence of government frames or if thought relevant to comprehend agenda-setting and (re)framing processes, the analysis is extended to the frames of experts, NGOs and other actors active in affecting government policy. The mapping exercise

¹ 'MAGEEQ' is an acronym for Mainstreaming Gender Equality. The project, bearing the sub-title *Policy Frames and Implementation Problems: the Case of Gender Mainstreaming*, is a three-year research consortium funded within the European Commission's 5th Framework Programme that started in January 2003. MAGEEQ entails a comparative study on the framing of gender inequality as a policy problem in Austria, Greece, Hungary, the Netherlands, Slovenia, Spain and the EU. Currently, we are in the process of finalizing the country studies and starting the comparative analysis. The methodology presented in this paper has been developed within the MAGEEQ team. www.mageeq.net

² Especially Benford and Snow (2000). For more insight into the origins of the methodology used see Mieke Verloo "Mainstreaming Gender Equality in Europe. A Frame Analysis Approach" paper presented at the conference of Europeanists in Chicago, March 11-13, 2004.

³ Entman (1993), Tuchman (1978) from Verloo (2004: 9)

⁴ MAGEEQ *Policy frames and implementation problems: The case of gender mainstreaming. The Fine-Tune Framework and Methodology*. Project deliverable. March 2004. See also Verloo (2004: 9-11)

⁵ Triandafyllidou & Fotiou (1998) from Verloo (2004: 10)

includes policy documents, laws, parliamentary debates, reports, interviews, speeches, NGO papers, expert advices, and other written material representing the point of view of relevant actors. The research period starts in 1995, which year has been chosen given the momentum of the Fourth UN World Conference on Women in Beijing. The Beijing Platform of Action has been endorsed by the EU and signed by all countries studied in the *MAGEEQ* project.

1.2 Core question

The central question to be answered in this paper is: how has the topic of domestic violence been framed and re-framed in government policy and legislation after it had been set on the political agenda under influence of feminist activists, NGOs and experts? What happened to the initial feminist framing after government actors in Hungary, the Netherlands, and the EU have picked up domestic violence as an issue of policy making and legislation? In view of this question, we complemented the framing analysis as performed in the context of *MAGEEQ* in several ways. In the Netherlands, we conducted a light literature study with the aim of describing the way in which the women's movement set the issue on the agenda in the early 1970s and the main lines along which the issue has been (re)framed in government policy until the start of the *MAGEEQ* research period in 1995. In Hungary, we collected additional information on the roles of feminist NGOs and experts in the process of agenda setting and policy development concerning domestic violence, complementing our *MAGEEQ* work by a light frame analysis of their input into the policy process in strategically important moments. Despite many differences, public policy developments in Hungary, the Netherlands and the EU seem to have one thing in common: strengthening government engagement with the issue of domestic violence seems to coincide with new modes of strategic framing, in which gender inequalities become invisible, distorted, or overshadowed by other policy concerns.

2. Framing domestic violence in the Netherlands: from radical feminism to de-politicised technocracy

2.1 From anti-state movement to the state as contested facilitator: the 1970s and early 1980s

In the Netherlands, violence against women became an issue in the women's movement in the early 1970s. The forms of violence discussed and acted upon ranged from rape and sexual assault to pornography and prostitution. Given our concern with violence in the private realm, we will focus primarily on initiatives addressing partner violence, at the time conceived of as 'women's abuse'. In 1974, a Dutch group of feminist social workers opened the first shelter for battered women on the European continent. The group adopted the working method and paradigmatic frame of Chiswick Women's Aid, the first shelter for battered women in Europe that had been established in London in 1971. The Amsterdam initiative rapidly spread over the Netherlands; within a few years an extensive national network of women's shelters had been formed under the shared name *Blijf van mijn lijf*⁶ (Roggeband 2004).

The shelters explicitly placed violence against women in a broader feminist analysis. In line with the Chiswick model, they conceived of domestic violence as a sex-specific mechanism used by men to maintain and strengthen the unequal power relations between the sexes. Unlike regular care services, which mainly conceived of women's abuse as an individual-psychological problem, the shelters brought it to the fore as a structural societal problem. They linked it to other power relations such as women's economic dependence forming a barrier for women to escape from abusive husbands. The state was conceived of as a patriarchal institute engaged in maintaining and legitimizing violence, for instance by matrimonial legislation and social security arrangements based on the so-called cost winner model. The women's movement blamed it for de-politicising the private realm, refusing to intervene in matters that were thought to be 'private' and failing to penalise rape and battering within marriage (Roggeband 2002a, 2002b).

In line with this problem analysis, the shelters chose to establish state-independent, autonomous organisations organised according to feminist principles. Unlike traditional care services – which were criticised for their formalized, hierarchical structures – the shelters were run by volunteers and self-help groups. Offering independent shelter and assistance was seen as a political act in itself. Throughout the 1970s, the shelters opposed to state funding out of fear to become captured by the state and existing care services. Though the shelter's problem analysis practically remained the same

⁶ This means as much as: 'Don't touch my body'.

in the first decades of their existence, the directions in which the movement sought to resolve the problem of violence against women gradually began to shift in the early 1980s (Roggeband 2004).

In the late 1970s, the shelters were faced with an increasing demand that could hardly be met. Heated debates arose within the shelters concerning the question whether or not to accept government subsidies. Opponents feared to lose their critical position by conforming to similar subsidy conditions as regular care services. However, more and more feminists were convinced that government policy was needed, not only in the form of subsidies to shelters, but also to promote victim support and prevention by the police, justice, and regular care facilities. After a period of distrust between the state and the women's movement and tensions within the movement itself, the state gradually came into the picture as a possible part of the solution⁷ (Roggeband 2002b).

In 1981, a motion was adopted by the Second Chamber of Parliament urging the government to assign policy priority to the issue of violence against women. In response, the Secretary of State of Social Affairs and Employment – whose department since recently was in charge of the government's emancipation policy⁸ – invited women's movement and shelter representatives to a conference in Kijkduin in 1982, with the aim of formulating possible goals and principles for government policy. (Boerefijn 2000). In 1984, Dutch government adopted its first *Policy Note on Fighting Sexual Violence Against Women and Girls*.⁹

2.2 The gradual marginalizing of women's abuse: the late 1980s & early 1990s

The 1984 plan testifies of successful advocacy by women's movement representatives. In line with the feminist frame, violence against women is pictured as a problem rooted in the unequal power relations between the sexes that also plays a role in maintaining the unequal power relations between the sexes (Boerefijn 2000). The plan recognises that violence against women is not a private issue. Public policy is legitimised by appealing to women's independence in relations and behaviour (which in turn is linked to the pursuit of women's economic independence) and emphasising women's constitutional rights to the protection of individual privacy and physical integrity. Though the plan's title specifically refers to sexual violence, in fact it addresses many forms of violence, including partner violence. This type of violence is conceptualised as "the repeated abuse of women by their male partners (either married or not)".¹⁰ The term 'abuse' is not defined any further (Römkes 2000).

In the 1984 plan, three goals are distinguished: awareness raising among professionals engaged in fighting sexual violence, enhancing women's possibilities to resist sexual violence, and improving care and shelter facilities for victims of sexual violence (Boerefijn 2000). Concerning women's abuse, it emphasizes the importance of more active involvement of the police and justice (Römkes 2000). The policy at the time specifically gives an impetus to sex-specific care facilities for women, and preventive initiatives targeted at breaking stereotypical thinking (primary prevention) and enhancing women's defensibility (secondary prevention). As part of the policy goals, be it organized in a separate juridical trajectory, an amendment of the morality legislation is prepared in the late 1980s. Apart from penalising marital rape, the aim is to define rape in terms of all possible forms of forced penetration rather than only as genital penetration¹¹. After years of political struggle, the amendment is adopted in 1991. The amendment's scope has been extended towards offering legal public protection to 'the societal vulnerable', especially minors¹². The punishable acts, including marital rape, are formulated in sex-neutral terms. In the late 1980s, several guidelines are adopted setting out a policy concerning victims of indecency acts within the police and justice. The goals are two-fold: promoting

⁷ This shift in the movement's attitude might be partly related to the improving political opportunities at the time: in 1981, a new cabinet of Christian democrats, social democrats and progressive liberal democrats had been assigned, that replaced the temporary Emancipation Commission set up in 1974 by a permanent advisory body called the Emancipation Council. A new Secretary of State for Emancipation Matters was installed who pleaded effectively for shifting the policy focus from the realm of changing attitudes towards resolving structural power inequalities between women and men. See for instance: Benschop 1993, Outshoorn 1997).

⁸ The Dutch term 'emancipation' – still in use today – refers to what other might call 'equal opportunities'. Right since the start of the Dutch emancipation policy in 1974, the government chose to follow a two-track approach in promoting equal opportunities between women and men. Apart from specific measures to improve women's position and participation in different policy sectors – commonly known as 'sector policy' (among which violence against women) – a so-called 'facet policy' was developed in which an equal opportunity perspective was meant to be integrated in different policy areas as a sector-crossing issue. This facet policy might be seen as a gender mainstreaming approach 'avant la lettre'.

⁹ Kamerstukken II, 1983-1984, 18 542, nr. 1-2.

¹⁰ Kamerstukken II, 1983-1984, 18 542, nr. 1-2.

¹¹ "Force" is to be conceived of not only as (threat with) physical violence, but also as including other forms of pressure, for instance psychological.

¹² The act specifically prohibits sexual contacts in professional care relations.

an attitude of consideration and aloofness towards victims during the penal process, and improving the cooperation with care services.

In 1990, the government adopts a follow-up plan to the 1984 policy note, entitled *Progress Note on Policy to Fight Sexual Violence Against Women and Girls* (voortgangsnota 1997). In line with a study published in 1989, the plan defines women's abuse as "the one-sided use of physical and/or sexual force against the will of the woman by her male (ex) partner, violating the woman's physical integrity".¹³ The early 1990s mark a shift in policy accents, coinciding with a shift in policy responsibility from the department of Social Affairs and Employment to the department of Welfare, Public Health and Culture. Rather than as a juridical matter emphasising women's right to protection of integrity and privacy, violence against women increasingly is framed as a social matter. More than before, the problem is related to cultural and social stereotypes about masculinity and femininity. The focus is targeted more specifically at men's roles in maintaining the problem: they are held responsible for causing the problem by holding on to traditional role patterns. Accordingly, the policy goals at the time reveal an emphasis on the treatment of perpetrators, focusing specifically on preventing repeated offences (Boerefijn 2000). At the same time, the policy scope is limited more and more to sexual violence, especially sexual child abuse and sexual intimidation at the work place¹⁴. In the realm of victim care, the government starts a policy of integrating care in existing services: the subsidies for sex-specific care facilities, set up in the context of the 1984 policy note, gradually are withdrawn. Together, these developments imply that the policy concerning women's abuse practically is reduced to facilitating sheltering (Römkes 2000).

Some progress is made, however, in strengthening the juridical position of victims: in 1993, an act is adopted extending the possibilities for victims to join in as a party in the penal process¹⁵. This gain in the realm of Justice is muffled by the adoption of the *Police Act 1993*, which largely undermines the police's victim policy by abolishing specialized police departments¹⁶ (Römkes 2000). In the mid 1990s, sexual violence becomes a spearhead of justice policy, especially child pornography and sexual exploitation of children¹⁷. During the same period, the Ministry of Social Affairs and Employment begins to push for a formalisation in the distribution of departmental tasks. It aims to spread responsibilities for emancipation, including matters of violence against women, over all ministerial departments. This formalisation largely affects future policies. The Ministry of Justice is assigned responsibility for juridical victim care and perpetrator treatment, and the Ministry of Public Health, Welfare and Sports for facilitating shelter and care. The Ministry of Social Affairs and Employment aims to limit its role more and more to coordination.

2.3 Renewed attention to violence in the private realm: the late 1990s

Partly in response to international developments like the Fourth UN World Conference on Women (1995) and the ratification of the UN Women's Treaty (in force in the Netherlands since 1991), in the second half of the 1990s violence against women starts to get articulated more strongly as an issue of policymaking and legislation. The approaching 50th anniversary of the Universal Declaration of Human Rights (1998) forms a reason for the cabinet to give a new impetus to preventing and fighting violence against women¹⁸. In 1997, a round table conference on preventing and fighting violence against women is organised, resulting in a *Preliminary Action Plan on Preventing and Fighting Violence against Women*.¹⁹

¹³ Voortgangsnota 1990.

¹⁴ These accents might be partly related to the government's emphasis on promoting women's labour market participation in the overall emancipation policy at the time (Van Lamoen & Verloo 2003), as well as to several international guidelines as mentioned in note 9.

¹⁵ Along with this act, and several succeeding provisions, the possibilities for victims to proceed for a declaration also are extended.

¹⁶ This abolishment is regulated in the context of the Act's pursuit to enhance the 'general applicability' of the entire police staff. Though in 1998 some measures are proposed to promote a minimal level of specialist knowledge on morality cases, the specialised departments have not been installed so far. Due to the decentralisation regulated by the Police Act 1993, the government provides over limited steering possibilities in this direction (Römkes 2000).

¹⁷ This spearhead was fuelled by the publication of research results in the late 1980s stressing the seriousness of the problem, as well as by international legal pressure in the form of EU resolutions (79/N, 85/11), UN resolutions (40/34) and the UN Treaty concerning the Rights of the Child (1989).

¹⁸ Interdepartementale werkgroep ter voorkoming en bestrijding van geweld tegen vrouwen (1997).

¹⁹ The conference participants include policy makers, experts, and executive parties in the realm of prevention, care, police, and justice participate. A concept version of the action plan had been prepared by the Interdepartmental Workgroup Preventing and Fighting Violence against Women, uniting representatives from six ministries: the Ministry of Domestic Affairs, the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Education, Culture and Science, the Ministry of Public Health, Welfare, and Sports, and the Ministry of Social Affairs and Employment (Direction Labour Circumstances and Direction Coordination Emancipation Policy).

In 1999, the Ministry of Justice presents an action plan – as part of the *Action Plan on Emancipation Tasks of Departments 1999-2002*²⁰ – that takes over many of the recommendations as presented in the preliminary action plan (KSII 26206, 11-12). One major difference, however, concerns the demarcation of the violence addressed: while the preliminary plan focuses on violence against women in general, the Ministry of Justice specifically concentrates on ‘domestic violence’. Though the plan forms a springboard for renewed attention to the issue of violence in the private realm²¹, at the same time it reveals a schism in paradigmatic framing that might be seen as illustrative for the way in which violence in the private realm would be framed predominantly in the years to come.

The first paragraphs of the plan focus specifically on violence against women: references are made to findings of the UN Special Reporter on Violence against Women, and the definition of violence against women is quoted as formulated in the Beijing Platform for Action²². Typically enough, though, the definition of domestic violence as presented a few lines later does not relate to violence against women in any direct way. Domestic violence is defined as “violence committed by someone in the victim’s domestic circle”, in line with a study published one year before in charge of the same Ministry (Van Dijk 1997). The Ministry of Justice seems to emphasise the ‘gender neutrality’ of the problem by (selectively) presenting research outcomes like: “Boys and men become victims of domestic violence as often as women²³”. In the years to come, the term ‘domestic violence’ rapidly substitutes the old notion of ‘women’s abuse’ in practically the entire Dutch policy circuit. Along with this new terminology, violence in the private realm seems to be framed in a new way, silently pushing out of the picture the initial feminist analysis and demands.

2.4 Shifts in the problem analysis of violence in the private realm since the millennium break

The 1999 action plan sets the trend for a more ‘technocratic’ framing of the government policy concerning domestic violence: rather than being framed as a political problem, the focus is targeted primarily at bottlenecks in the professional execution of policy goals. With this focus, the government seems to respond to repeated demands of professionals and experts for improving the coordination between the police, justice, and care services, going back as far as the 1980s (KSII 19209, 1-2, Verwey-Jonker Instituut 1994). Along with the new technocratic discourse, a kind of pragmatism seems to enter the arena for which the following quote might be seen as illustrative: “The Dutch policy on preventing and fighting violence against women (among which domestic violence) mostly is a problem of direction, communication, and attuning in execution (where, who, how), rather than a question of content (what).”²⁴

In 2002, the government adopts the interdepartmental action plan *Private Violence – A Public Matter*, in which the main lines of policy for the years to come are set out.²⁵ Just like most documents to follow, it adopts the same definition of ‘domestic violence’ as the 1999 action plan. Though the plan provides a more substantial problem analysis than the 1999 action plan, it breathes a similar pragmatism when it comes to defining the problem. Even if the issue is framed predominantly in gender-neutral categories – such as ‘victims’, ‘perpetrators’, and ‘people concerned’ - at times the plan testifies of a prevailing notion of female victims (speaking of ‘women’ instead of ‘victims’). At the same time, the plan stresses that “boys and men often are victims of domestic violence as well”. Despite numerous references to international treaties and guidelines specifically addressing violence against women, women are not identified as a specific target group of policy making. Only allochthonous

²⁰ This document forms an attempt at materialising the spreading of responsibilities for promoting gender equality over all ministerial departments, referring to the notion of gender mainstreaming.

²¹ In 2000, the Ministry of Justice launches a national project *Preventing and Fighting Domestic Violence*. One year later, it emphatically argues that violence in the private realm needs to get absolute priority (Ministry of Justice, *Emancipation Note 2000+*). In the *Justice Budget 2001*, the promise is expressed to come with an integral plan of action to prevent and fight domestic violence. In 2002, an interdepartmental action plan is published under the title *Public Violence – A Private Matter*, which also is the end report of the national project Preventing and Fighting Domestic Violence.

²² “Each act of gender based violence resulting in or possibly resulting in physical, sexual, or psychological damage to or suffering of women, including the threat of such violent acts, enforcement, or arbitrary deprivation of freedom, either committed in the public or the private realm.”

²³ This finding is moderated slightly by the remark that the forms of violence women and men are confronted with does differ: “men are predominantly abused physically, women predominantly sexually.” Still, the way in which the plan equalizes men and women in terms of victim percentages has been criticized fiercely for its failure to distinguish between physical, sexual, and psychological violence and segregate data by age, and for withholding sex-specific percentages of perpetrators. In later policy documents, such as the 2002 note *Public Violence- A Public Matter*, the phrasing is altered into: “Boys and men often are victims of violence as well”.

²⁴ SZW 1999.

²⁵ This plan is carried by six ministerial departments: the Ministry of Justice, the Ministry of Domestic Affairs and Kingdom Relations, the Ministry of Public Health, Welfare, and Sports, the Ministry of Education, Culture, and Science, and the Ministry of Social Affairs and Employment. See: Ministerie van Justitie 2003b.

women are mentioned as a group deserving specific policy attention, next to elderly people and children.²⁶ A separate problem analysis for these groups is not provided, which also holds for the different types of violence identified: a distinction is made between physical, sexual, and psychological violence²⁷, without defining or explaining these forms of violence any further.

The overall problem analysis seems to relate primarily to partner violence, and as a derivative children witnessing violence. Rather than framing the problem in terms of structural inequalities in society, like happened in the previous decades, recent plans tend to locate the cycle of violence primarily within the family. This cycle is expressed, for instance, in the high repeated offence rates as indicated by research. Adult victims are assigned responsibility for maintaining the cycle by preferring to maintain their family relations and not “going out” sufficiently with “their” problem. Unwillingness to loose the partner or destroy family relations is said to play a role in this. Perpetrators are pictured as being caught in the cycle by suggesting that they might have been victims or witnesses of domestic violence themselves (KSII 28345, 1-2, SZW 2002). They more or less are discharged from responsibility in causing the problem by picturing *cycles of violence* as the main problem, rather than *violent behaviour* as such. The taboo-sphere surrounding the problem is said to maintain the cycle, especially within ethnic minorities (SZW 2002, Donner 2003). All in all, mechanisms causing or maintaining the violence no longer are associated with structural power inequalities in society: the cycle is located primarily within (problematic) families. At points, traces of the ‘old’ feminist frame come to the fore²⁸, but these mainly consist of one-liners.

While locating the causes of violence within the family, domestic violence is emphasised to be a public matter by pointing to its social and economic costs to society. By suggesting that there might be a relation between street and domestic violence²⁹, the issue implicitly is linked to cases of ‘useless violence’ on the street that were causing much media commotion at the time. Thus, domestic violence tends to be pictured as a security problem. The 2002 action plan *Private Violence – A Public Matter* stresses that people need to be protected from violence, also if it occurs “behind the front door”. Society also is said to carry the financial burden of care service and shelter expenditures for victims of domestic violence, as well as the economic costs of their decreased labour productivity and relatively high absence rates (KSII 28345, 1-2, SZW 2002, KSII 29200XV, 37)³⁰. Generally, such references to the societal costs of domestic violence overshadow human rights as a legitimisation for state action.

Human rights based arguments most strongly come to the fore in documents focusing specifically on violence against women in general (SZW 2002, KSII 29200XV, 37). The roles the government attributes to itself in protecting human rights tend to be related primarily to the international context, for instance in the form of agenda setting and supporting international initiatives concerning genital mutilation and women’s sexual rights. Concerning the Dutch situation, the government argues that that legislation in most fields is satisfying and that the policy on the prevention and fighting of violence against women and girls has been successfully ‘mainstreamed’ (SZW 2002). In the *Mid term Policy Plan on Emancipation* (2000), only genital mutilation explicitly is condemned as a serious violation of women’s human rights (KSII 27061, 3). Other forms of violence are not typified as human rights violations *as such*, but as hindering women’s full usage of rights and fundamental freedoms. Rather than as a human rights violation, domestic violence tends to be condemned predominantly for its societal costs.

2.5 Shifts in the pursued courses of action since the millennium break

In the prognosis, current documents put much emphasis on the importance of cooperation and information-exchange between various disciplines engaged in fighting and preventing domestic violence. The government pursues a so-called “system-approach”, in which victims and perpetrators are not approached separately, but in which treatment involves the entire family and possibly the direct

²⁶ The latter groups currently are topics of attention in research and projects on domestic violence carried out by organisations specialised in health and social care such as Transact and NIZW.

²⁷ This attention to psychological violence is new: in the first decades of policy making, only physical and sexual violence were mentioned in policy documents (Römkens 2002). In the 2002 action plan *Private Violence – Public Matter* the government remarks that although this form of violence is not legally recognized, a 2001 verdict might function as a precedent in future (KSII 28345, 1-2).

²⁸ In the preface of the 2002 policy note *A Safe Country Where Women Want to Live*, for instance, the government briefly refers to the “still existing economic, societal, and cultural power differences between the sexes”. However, these factors are not elaborated anywhere in the document, let alone how they relate to violence against women (SZW 2002).

²⁹ In line with a study it is suggested that children witnessing or being victim of domestic violence might be more inclined to become perpetrators of domestic and street violence, and that the perpetrators of domestic violence might be engaged in street violence as well.

³⁰ These arguments are derived from a study published in 1997 estimating the financial burden of domestic violence on society on € 150 million a year (Korf et.al. 1997)

environment as well. Professional organisations like the police and care services also are made responsible for expertise building and improving signalling and registration. A steering role is assigned to local governments, who should stimulate and support cooperation between relevant professional organisations (police, social services, health care services, women's shelters, etc.). To itself, the national government merely assigns a role as policy facilitator and supporter, for instance by describing how roles and responsibilities should be distributed. It also picks up the role of amending legislation and regulation. The individual responsibility of citizens is emphasised by stressing that that "victims should learn to stand up for themselves". For perpetrators, individual responsibility seems to be made more conditional: the government remarks that they cannot break the cycle by themselves and that sufficient facilities for voluntary therapy should be available first (KSII 28345, 1-2).

Along with the new framing of domestic violence as a matter of security, a shift in attention seems to occur from protecting and assisting victims to handling perpetrators. Measures proposed in this direction include legislative changes – aimed at expelling perpetrators from the house (still in preparation), and extending preliminary detention possibilities by enhancing the maximum punishment duration (adopted in 2002) – as well as psychosocial treatment facilities. The Ministry of Justice seems to be inclined to conceptualise domestic violence policy as a matter of fighting criminality rather than protecting integrity.³¹ The extended punishment for domestic violence (now 4 years) is announced along with severe punishment extensions for other criminal acts such as death by fault, indecency acts, trafficking in people, and terrorist acts. These amendments are legitimised by appealing to the "changing public opinion" (press release 2002). The declining concern with victim care might be illustrated by the way in which the government legitimises its refusal to launch a national campaign raising public attention to domestic violence (KSII 28345, 1-2). It argues that care and shelter facilities might have insufficient capacity to meet the increasing demand for help that might be fuelled by such a campaign, while failing to meet even the current demand for extra capacity.

2.6 Contemporary counter voices of politicians, experts, and public media

When looking at political and public debates, domestic violence seems to be framed quite effectively in a new way. The 'gender-neutral', technocratic discourse as adopted by the government seems to be taken over fast and smoothly by many different actors. Parliamentary debates appear to evolve around practical problems in the implementation of policies and the lacking public budget reserved for the tasks assigned to municipalities and professional organizations.³² The 'gender neutral' framing of the policy hardly is disputed; only some MPs point out that women are the main victims of domestic violence.³³ Gender inequalities at most seem to be addressed indirectly, for instance by pointing to differences in the means assigned to the treatment of victims and perpetrators.³⁴ A repeated topic of attention concerns the lacking shelter capacity for victims.³⁵ Also, the enormous discrepancy is addressed between the public budgets assigned to 'private' security and those assigned to 'public' security.³⁶

In 2003, the Dutch parliament adopted a motion urging the cabinet to specify which action it has been and will be undertaking to fight violence against women, including violence in the private realm (HAN 28600-xv, 100). Despite the sex-specific framing of the Minister's response in the form of a policy letter entitled *Domestic Violence and Violence Against Women* (letter 02-12-2003), women only prominently come to the fore as a social category when it concerns 'culture-specific' forms of domestic violence, such as genital mutilation and honour killing. The 'general' paragraph on domestic violence is framed entirely in 'gender neutral' terms. This one-sided conceptualisation of 'violence against women' seems to mirror a more general tendency in public and political debates to typify

³¹ This approach might be associated with the 'law and order discourse' that increasingly gained weight in Dutch politics and public opinion since 9/11 and the rise and murder of the conservative right-wing politician Pim Fortuyn during the 2002 elections.

³² Rather than providing professional organisations with extra money, the government urges municipalities to monitor whether these organisations reserve a sufficient part of their current budgets for preventing and fighting domestic violence (Public Violence – Private Problem). Recently, MPs Wolfsen (PvdA) and Kraneveld (LPF) urged the government to do something about the lacking action in most municipalities as only 11% of the municipalities is estimated to be actively developing policy (in general meeting on march 2004).

³³ Halsema (Groen Links) and De Pater – Van der Meer (CDA) in general meeting on 21-11-01; Motion Hirsi Ali (HAN 28600-xv, 100).

³⁴ Some parliamentarians, for instance, point to the unfairness of financial health care compensation being available for integral perpetrator treatment but not for integral victim treatment. See: Vos (VVD) and Dittrich (D66) in general meeting on 21-11-01 27-11-01.

³⁵ General meeting on 27-11-01; general meeting on march 2004.

³⁶ While for the former only some millions extra are reserved, for the latter one milliard extra are spent, even though the government itself recognises that domestic violence is the most frequently occurring form of violence in society. See Kraneveld (LPF) and Hirsi Ali (VVD) in general meeting on march 2004.

ethnic minorities (especially Muslims) as less advanced than ‘authentic’ Dutch people, in which context women’s emancipation tends to be gracefully referred to as a typical Dutch acquirement. This impression is strengthened by the policy fields in which the topics are located: while domestic violence is divided over security policy and public health policy, culture-specific forms of (domestic) violence are located under the headings ‘emancipation and integration’ and ‘domestic violence in allochthonous circles’.

Criticism on the gender-neutral framing of the Dutch policy concerning domestic violence seems to resonate most strongly in juridical reports, articles, and feminist expert reactions to the government’s policy.³⁷ These commonly refer to the Dutch government’s duties in the context of the UN Women’s Treaty, as well as other international treaties and guidelines. In 2000, an extensive report commissioned by the Ministry of Social Affairs and Employment was published concerning the obligations flowing from the Women’s Convention on ‘The Prevention and elimination of Violence Against Women’ (Boerefijn et al. 2000). Remarkably enough, this report is not referred to at all in the 2002 action plan *Private Violence – Public Matter*, even though the government did attach an English summary of this report to the third Dutch national report to CEDAW (Boerefijn & Loenen 2002). In a reaction to the 2002 policy note *A Safe Country Where Women Want To Live*, the Clara Wichmann Institute³⁸ disputes the government’s claim that specific policies “are passé” and that violence against women instead will be integrated as an “analytical lens” in “relevant violence dossiers”. It points out that the cabinet’s comprehensive security policy plan *Towards a Safer Society* contains only one minor paragraph on domestic violence, which merely states that domestic violence is a security problem without assigning any specific budget to the topic.

Professional organisations engaged in developing care and treatment methods concerning domestic violence seem to adopt frames similar to the government when it comes to the cycle of violence being located primarily in the realm of the family. They also demarcate new categories of victims next to the traditional emphasis on women and children. The national expert centre on sex-specific care and sexual violence *Transact*, for instance, currently is engaged in developing treatment methods for men and boys who became victims of domestic violence, as well as psychosocial perpetrator treatment. *NIZW*, an independent organisation performing research and projects in the realm of care and welfare, recently executed projects that specifically raised attention to children witnessing domestic violence and violence committed against elderly people. Only the women’s shelters – currently united in the *Shelter Federation* – continue to frame the problem from an explicit female victim perspective, although their contemporary framing strategies seem to be dismantled from their previous feminist-political angles.

Unlike before, the shelters appear to locate the cycle of violence primarily within the family: “Outsiders hardly understand why a woman stays with her abusive partner. Many do not know that the constant threat of violence, which also might be targeted at other relatives or children, has a paralysing effect” (Federatie Opvang 2003). Even though the *Shelter Federation* points out that many shelter residents lack financial resources and social networks that might offer help, this does not seem to be related to structural power inequalities between the sexes. Along with their choice to work with paid staff in the late 1980s³⁹, the shelters gradually seem to have substituted their initial feminist frame for a psychosocial discourse. The government’s current tendency to de-link domestic violence from violence against women might be seen as hindering the shelter’s possibilities to address new bottlenecks. While initially, the shelters were established for female victims of domestic violence, today they are inhabited increasingly by victims of trafficking and lover boys. This carries along demands for new forms of expertise, care and assistance that are not provided for in the budget for domestic violence on which the shelters primarily depend.

3. The Hungarian Story: An Inclusive Policymaking Process?

3.1 Penalising marital rape: springboard for politicising the private realm

Violence against women within the family has been on the agenda of feminist NGO’s (especially NANE⁴⁰) in Hungary since the early nineties⁴¹. However, the issue did not reach the policy agenda

³⁷ SIM 2001, IAV 2000, articles Nemesis.

³⁸ Dutch expertise centre on women and rights that is about to close its doors (just like many other groups and organisations dealing with issues of emancipation and diversity) due to withdrawal of government subsidy. (press release Clara Wichmann)

³⁹ This choice was largely fuelled by the increasing lack in volunteers the shelters faced in the late 1980s.

⁴⁰ Nők a nőkért az erőszak ellen (Women against violence).

⁴¹ In 1994 NANE made a submission to the Constitutional Court concerning criminalization of marital rape. Exact reference and text is not available this far. AK

before 1997. In 1997, upon the influence coming from NGOs, acknowledged by parliamentary actors as well, violence against women was elevated to the policy level. After a heated and wide-ranging debate, the Hungarian Parliament amended the Penal Code to criminalize marital rape. In the 1997 parliamentary debate⁴², two ways of framing rape in marriage can be detected that might be seen as illustrative for the way in which domestic violence would become framed in a later stage⁴³: an explicitly gender equality sensitive frame represented by defenders of the amendment, and a conservative frame arguing against the need for criminalizing marital rape. Proponents of the two frames conflicted along several issues.

One important issue debated was whether marriage-based families can be considered a private space in which the state cannot intervene. Generally speaking, the “privacy claim” behind the arguments said: family life is part of the private sphere and this means that state intervention into it is rarely acceptable. At this point actors in the Hungarian political arena still were divided about whether the state can intervene at all in the privacy of families. Another point of debate was the gender equality aspect of the problem. Proponents of the amendment clearly argued, with reference to feminist NGO conceptualisation, that rape in the family is a form of violence against women and gender discrimination, occurring as a projection of patriarchal stereotyped roles in the family. This and gender equality as a part of human rights approach to the problem made a direct link to arguing for the need for criminalizing of other forms of abuse (battering, psychological abuse, harassment) within the family, i.e. domestic violence, as well⁴⁴. Arguments on the other side ranged from negating the existence of marital rape as such, to portraying women as “preferring the violent way”⁴⁵, or being prone to misuse the opportunities given by criminalizing in order get rid of their husbands and offend their dignity.

Dropping the “privacy claim” was a necessary step to bring about any major shift in state frames concerning state action against domestic violence. The 1997 Parliamentary debate signaled the transition from holding on to the privacy claim to accepting the need to amend it at some points when human rights are at stake. In 1997 proponents of state action against domestic violence, though in majority, still had a fierce opposition to face in arguing against the privacy claim. The 2000 Hungarian CEDAW report also allowed for state action to deal with domestic violence, even if it refused the argument that domestic violence was to have the status of a specific separate crime within the Criminal Code⁴⁶. However the report was prepared for an international audience and only needed approval by the Ministry of Foreign Affairs, no ratification and debate by the Parliament.

3.2 *The rise of a feminist expert frame: translation in concept legislation*

Domestic violence, as such, has only been on the Hungarian national policy and public agenda since 1998. The debate turned especially heated with the publication of Krisztina Morvai’s book, “Terror in the Family. Wife Abuse and the Law”⁴⁷, in 1998. Morvai, a criminologist but also an NGO activist, analyzed in her book, based on numerous interviews and legal documents, including court files, the phenomenon of domestic violence from a gender equality perspective, its particularities in Hungary, and argued for the need for regulation. Another scholarly work published the same year (Toth 1998) analyzed the incidence of the phenomenon in Hungary and its perception by the Hungarian population. These works, especially Morvai’s, brought a lot of media attention to the issue. These scholarly works and the extensive expert work conducted by NGOs brought about a shift in the reception of NGOs by state actors: the topic was elevated to an higher level and NGOs were increasingly seen as not just civil rights activists but also as experts in the field who are worth consulting⁴⁸.

As a result of the echo of Morvai’s book⁴⁹ an expert committee⁵⁰ was set up in 2001 by the Ministry of Social and Family Affairs to work on a package of legislation on the domestic violence question⁵¹. The document prepared by the Committee consisted of two parts, the first contained proposals for dealing with domestic violence, and the second part discussed the sexual harassment of

⁴² Protocols of the Plenary Sessions of the Hungarian Parliament on 15, 22 and 28 April 1997

⁴³ In fact, at points the discussion already was extended from marital rape to other forms of violence within the family, sometimes even speaking explicitly about domestic violence.

⁴⁴ Statement made by MP Tokaji Ferenc (MSZP)

⁴⁵ Statement made by MP Torgyán József (FKGP)

⁴⁶ Combined fourth and fifth periodic report of Hungary to the CEDAW, submitted on 21 September 2000

⁴⁷ Morvai Krisztina (1998)

⁴⁸ Herman in Safrany (2003: 15)

⁴⁹ “Safe Haven”. Interview with Krisztina Morvai. *Central Europe Review* vol. 3 No 16. 7 May 2001

⁵⁰ this committee was composed of lawyers including Morvai and three other experts

⁵¹ Concept of the Law on Protecting Human Dignity and Combating Domestic Violence and Other Forms of Violence Against Women. Draft. Ministry of Social and Family Affairs, 24 April 2001.

women at the workplace. This coupling clearly suggested that at this point domestic violence was seen as primarily a form of violence against women and, as such, a gender equality issue.

The document summarized the salience of domestic violence in Hungary as reflected in statistics and quantitative research, emphasizing the gender specificity of the problem and the gender inequality mechanisms that reproduce it. It conceptualized domestic violence as a universal problem that exists in all social categories. Subsequently, the concept proposed changes in law, in the practices of the police and the course of dealing with the matter legally. It remained however at the level of generality as far as capacity building, awareness raising and institutional development are concerned.

The policy solutions proposed by the concept in its prognosis part, contrary to the diagnosis part, contained no explicit references to gender. However the mechanism portrayed for intervention and handling of domestic violence resembled the feminist story: it meant to protect victims primarily by restraining measures. The general scope projected for the restraining orders was to allow the victim to escape the cycle of violence and to provide enough time for her empowerment, for taking a breath and deciding about the future without being under the threat and influence of the perpetrator⁵². Due to absence of political will, the document never transcended the status of a concept law: it did not even reach the Parliament. However, it set the ground for further developments in the field.

3.3 Awareness raising and expertise building by NGOs: the rise of feminist frames in disguise

From 2001 NGOs started to launch strategically minded awareness raising activities for different important audiences, ranging from training for media actors, to awareness raising of the police and organising legal clinics for students⁵³. From the second half of 2002 a public campaign animated by a number of NGOs was going on, with concentrated efforts to achieve dialogue on the issue both on the social and the political level. Morvai, the representatives of NANE and other NGOs met with relevant politicians and policy makers to raise awareness about the problem and press for change on the level of legislation, and to seek political commitment in the issue. State actors were also invited to a conference on the issue organized by NGOs, where Albin Diering, an Austrian expert on policies regarding domestic violence also lectured. The liberal MP, Matyas Eorsi, attended, among others, this conference. Later that year he was to be the main actor in launching state action against domestic violence. Articles were published about the issue, several interviews were given and a petition was launched and signed by some fifty thousand citizens for initiating state action.

The approach of the NGOs during the campaign was twofold. On the one hand it was informed by the transnational feminist movement's approach to domestic violence⁵⁴. On the other hand, as late followers⁵⁵, Hungarian NGO activists were very much aware of the credit of feminist arguments in the eyes of both the Hungarian public and the Hungarian policy makers and attempted to creatively adapt the Western model to the particularities of the Hungarian case. Therefore, as the process of going public started, in crucial moments strategic decisions were made to keep the feminist profile as low as possible, and refrain from making domestic violence a feminist issue⁵⁶. The strategy is well illustrated by Morvai refusing to be "a single, extremist feminist civil rights defender" and introducing herself as a married mother of three children and a third year student in theology, in a hearing before a Parliamentary Committee⁵⁷. Meanwhile Morvai argued in an interview given to Reka Safrany:

"All of our work is feminist: it builds on women's experiences, it is women we meet in the shelters, the posing of the problem of domestic violence is feminist, and making it part of the public discourse as well. That domestic violence is not a private issue but a legal problem shows a feminist agenda. There are people who approach the problem in a different way, by saying that domestic violence is unpleasant and it results from the many tensions that men have, so they suggest dealing with it through psychology and family therapy. These are people who start from a gender-neutral basis." (Safrany 2003)

⁵² A message that stands at the grounds of the feminist approach to handling domestic violence. Logar (2004), Roggebrand (2004)

⁵³ The Women's and Children's Rights Center provided training for media actors with respect to reporting and representing domestic violence cases in the media. NANE was involved in informing and training for the police and under the leadership of Morvai a legal clinic for students was launched.

⁵⁴ Morvai, for example, has worked in both London and USA where she had the opportunity to learn about the approach of feminists to violence against women.

⁵⁵ Roggeband (2004:167)

⁵⁶ See Morvai and Herman in Safrany (2003).

⁵⁷ Protocols of the November 6., 2002 meeting of the Social and Family Affairs Committee of the Parliament

3.4 Renewed attention in parliament: National Strategy based on feminist frame in disguise

In 2002 after several cases of domestic violence gained publicity and caused outrage, public debate intensified again⁵⁸. The CEDAW Concluding Comments on Hungary's fourth and fifth periodic report were also released around the same time. The CEDAW stated: "The Committee is concerned about the prevalence of violence against women and girls, including domestic violence. It is particularly concerned that no specific legislation has been enacted to combat domestic violence and sexual harassment and that no protection or exclusion orders or shelters exist for the immediate protection of women victims of domestic violence."⁵⁹ The coordinated NGO action aiming at awareness raising along with the sad coincidence of publicized domestic violence cases⁶⁰ and the influence of the international community brought domestic violence up for discussion in the Parliament. In October 2002, in the plenary session of the Parliament, an ad-hoc debate took place between the State Secretary of the Justice Ministry⁶¹, and MPs representing different parties about domestic violence⁶². During this debate consensus formed that the issue needs to be debated by the Parliament, and a national strategy on combating it has to be developed.

In March 2003, a "Parliamentary Decision on the National Strategy for Prevention and Efficient Handling of Domestic Violence" was presented to the Parliament⁶³, largely based on NGO suggestions⁶⁴ and on the Concept of Law developed a year earlier. The Strategy justified the need for state action by NGO and societal discontent concerning the passivity of the state in domestic violence matters and unfulfilled international commitments. It requested action from the government on four levels. The four levels were: legislative amendments, institutional development, capacity building and awareness raising. The need for working in cooperation with non-state actors, especially civil society, was included along all tasks.

The frame on domestic violence used by the Strategy was what one could call a gender-neutral feminist frame. Its language and the interpretation given to it by the MPs submitting the document to the Parliament is entirely gender neutral. The causes of the phenomenon are not explained, the mechanisms of gender inequality are not specifically mentioned as important for its reproduction. Women are named as potential victims but just as one of several other groups of people living in dependent relationships in the family. Domestic violence is presented as a human rights issue, but it is not located in the realm of gender inequality. In the meantime the victim group described is that of dependent people, this dependency including both financial and emotional components, meaning that it captures the most important mechanism of reproduction proposed by feminists.

The approach proposed for state action is victim-oriented, revolving around the two important pillars: sanctioning the perpetrator and defending the victim. The focus on the need for regulating restraining measures, i.e. protecting the victim in the home and keeping away the perpetrator, is again very similar to the feminist approach. Emphasis on the need for changing social norms also suggests a complex understanding of the problem. The deadline set for fulfilling the requirements of the Strategy was March 2004. In April 2004, a handout was issued describing the follow-up to the Strategy.⁶⁵ Apart from a law on restraining measures, two campaigns and the launching of a first, experimental crises centre that will be described below, the handout testified of very little progress along most lines set by the Strategy for action. The activities listed, apart from the above-mentioned, either are plans for future projects, or activities already initiated before the launch of the strategy (such as the police by-laws as described in §3.7).

3.5 Draft law on restraining orders: selective implementation of the Austrian model

⁵⁸ For a discussion of these two cases and their impact on events see Reka Safrany (2003: 10-12)

⁵⁹ CEDAW Exceptional session 5-23 August 2002, Consideration of reports of States parties, Hungary. Combined fourth and fifth periodic reports. <http://sim.law.uu.nl/SIM/CaseLaw/uncom.nsf/0/93bfd623f28b3d0b41256db700310974?OpenDocument>

⁶⁰ For details about the cases and their media coverage see Safrany (2003)

⁶¹ Hankó Faragó Miklós

⁶² Protocols of the Plenary Sessions of the Hungarian Parliament on 2 October 2002

⁶³ Brought to the fore by Liberal MP Eorsi.

⁶⁴ Morvai suggests in a presentation before the Social and Family Affairs Committee of the Parliament that she together with the other relevant NGO representatives has drafted the strategy. Protocols of the November 6., 2002 meeting of the Social and Family Affairs Committee of the Parliament.

⁶⁵ Signed by the Governmental Commissioner for Crime Prevention, April 27, 2004. Tájékoztató a családon belüli erőszak megelőzésére és hatékony kezelésére irányuló nemzeti stratégia kialakításáról szóló 45/2003. (IV. 16.) OGY határozatban foglaltak megvalósítása érdekében 2004. április 20-ig tett kormányzati és társadalmi szervezetek, valamint az Országos Rendor-fokapitányság, a Legfőbb Ügyészség és az Országos Igazságszolgáltatási Tanács Hivatala intézkedéseiről <http://www.im.hu/csaladonbelul/?ri=484&ei=58>

The National Strategy fuelled the drafting of a law on restraining orders for cases of domestic violence in the Ministry of Justice⁶⁶. The Bill is built on international practices, primarily those seen in the Austrian model. Its focus is on keeping the perpetrator away from repeated abuse. The strength of the draft is its very wide definition of the concept of domestic violence, with a wide spectrum of relationships to be covered and a wide understanding of what counts as violence. The draft provides for two types of restraining measures: a temporary one to be issued by police, and a longer term protection provided by temporary injunction to be ordered by courts. The draft cannot be seen however as a comprehensive act on domestic violence because it disregards one important pillar of the Austrian model: it has nothing to say about tasks related to institutional development especially in the field of victim services⁶⁷. The Ministry emphasises that the law is not to be seen as the sole tool against domestic violence, action should be taken on several other fronts. In the absence of legislative framework however the tasks relating to the provision of the victim services remain less than obligatory.

The draft, that is before Parliament at the time of writing this paper⁶⁸, clearly represents the earlier described gender-neutral feminist frame. The definition of the problem and the way in which domestic violence and victims are conceptualized in the diagnosis are inclusive for all potential victim groups. Domestic violence is seen to occur in dependency relationships, be those financial, emotional, legal or physical. Violence is process-like and cyclical. It is reproduced across generations. Victims are primarily women and children, but any dependent person can be a victim regardless of age or gender. The concept of family used thus by the law is extended beyond the traditional familial relationships, to include any current or previous, regular or periodical cohabitation or any form of dependency relationship. Violence is also conceptualized very widely to include beyond physical or sexual abuse also forms like forcing the victim to do or not to do or to bear something by destroying or damaging objects, by offending animals, causing continuous systematic and grave harassment or by psychological terror in everyday life. This diagnosis allows in practice for an inclusive coverage of domestic violence against women. Its prognosis part, though again gender neutral in terms, it does propose the gender sensitive victim protection focused arsenal of tools, especially restraining measures and temporary injunction. The aim of the law is to stop the dependency that provides the soil for domestic violence and allow victims to break out from the cycle of violence. The draft proposes a very late date for entering into force of the law (May 2005), because it considers that the efficiency of the law would be doubtful if not accompanied by different complementary measures. Complementary measures list among others: establishing shelters for perpetrators.

Feminist NGOs commented on the draft in a petition⁶⁹. Their main criticisms with reference to domestic violence⁷⁰ were threefold. Referring to the draft, criticisms were mainly procedural: concerned the minimal length of restraining orders, and the encouragement that the draft gives to police to act on the spot of abusive incidents. Secondly criticism referred to the discourse of policy makers surrounding the draft, especially at the artificial separation of the women's issue and the issue of violence against children within the context of domestic violence. A third set of comments referred to the cooperation and responsiveness of governmental actors with feminist NGOs, to be discussed below in 3.8. The absence of any comments on the substance of the draft law shows the compatibility of its frame with the feminist frame of domestic violence⁷¹.

3.6 Victim policies: artificial division between women and children

As part of the National Strategy, during the spring of 2004 various Ministries launched awareness raising campaigns concerning domestic violence. The two campaigns addressed distinct target groups, suggesting a separated framing of domestic violence into a women's issue and a children's issue. One of the campaigns⁷² focused on children only⁷³. The other campaign, launched by the Governmental Office for Equal Opportunities in cooperation with the Ministry of Internal Affairs,⁷⁴ was

⁶⁶ Draft Law T/9837 concerning the use of restraining measures in cases of domestic violence. April 2004.

⁶⁷ Rosa Logar, one of the founders of the Austrian shelter movement argued in a presentation at the CEU that the framework set by the Austrian domestic violence law was grounded on three pillars: expulsion orders, injunction orders and intervention centres as victim services. May 2004. Public Lecture at CEU.

⁶⁸ Protocols of the first sessions are already available, to be included in a next draft of this paper.

⁶⁹ Petition to the Prime Minister by Habeas Corpus Munkacsoport (Habeas Corpus Working Group HCM), NANE, and The Women's and Children's Rights Center. 13 May, 2004.

⁷⁰ Comments related to general gender equality policy as well.

⁷¹ At least with its strategically minded version.

⁷² This campaign was launched by the Ministry of Children, Youth and Sports

⁷³ http://www.gyism.hu/index.php?id=793&backPID=98&swords=kamp%E1ny&tt_news=2346

⁷⁴ http://www.eselyegyenloseg.hu/hirek/archive/hirek_20040419_2.html

entitled "Campaign for the Defense of the Weak and the Dependent". Though the title suggests a gender-neutral approach, the background material of the campaign⁷⁵ specifically emphasised the gender aspects of domestic violence. Its main purpose as defined by its press material was to publicize available state and non-state telephone help-line and the newly established crisis center. The declarations and documents surrounding the campaign give no hint on how the Office plans to conceptualise domestic violence against women distinctively from the children's issue.

This division along the line of victim groups recurs in the handout describing the follow-up to the Strategy as published in April 2004. Accountability for tasks projected by the Strategy are divided over two ministries: the Governmental Office for Equal Opportunity is conceived of as responsible for the tasks related to the implementation of the CEDAW, whereas the Ministry on Social and Family Affairs is in charge of tasks related "child abuse and negligence" as defined by the WHO recommendations⁷⁶. This tendency to separate the two interdependent questions into a women's issue and a children's issue, though not present at the level of legislation, repeatedly occurs at the lower levels of policymaking and public discussions. The approach from the victim group is clearly visible in the public discussion of the issue of domestic violence. A tendency to shift the focus of all statements made by public officials, with the exception of the Minister of Equal Opportunities, concerning domestic violence towards violence against children issue can be traced in speeches and declarations since the beginning of 2004⁷⁷. Far from a gender mainstreaming approach the artificially separated women's domestic violence issue is delegated under the exclusive care of the Equal Opportunity Minister.

The Governmental Office for Equal Opportunities has also been in charge under the Strategy with developing a methodology for crisis centres and launching such centres. Contrary to some of the forerunner countries in handling domestic violence⁷⁸ Hungarian feminist NGOs have concentrated the more on bringing the issue to the policy agenda and mobilizing the state to regulate, to initiate action and to provide resources for handling domestic violence, than on establishing self-sufficient action independently of the state. No independent feminist shelter or crises centre movement was established in Hungary prior to the launching of state action with the Strategy. The first experimental crises-centre was launched by the Office in December 2003, with the tasks of operating a help line, counselling victims, coordinating and facilitating the work of institutions involved in victim protection.

The methodology developed for the experimental crises centre,⁷⁹ planned to be replicated in later initiatives, explicitly frames the issue from a feminist perspective. It defines the issue of domestic violence as a human right and within that as a gender equality problem. The victims portrayed include women and children of all social classes. Emphasis is both on the universal nature and on the magnitude of the problem. Domestic violence is seen to cause damage to self-esteem. In the longer term it is said to hinder integration of victims into the society and reproduces a culture of violence both on the victim and on the perpetrator side. The prognosis proposes action along five priorities: awareness-raising in the population, legislative regulation of handling domestic violence, institutional development, research and training. The methodology sees crisis centres as primarily serving women and children, mentioning other groups of victims only in parenthesis. This feminist approach, especially its problem definition is present in statements and speeches of the Equal Opportunity Minister made on different occasions during the last year⁸⁰.

3.7 Challenges to universality: domestic violence in police by-laws and crime prevention strategy

Another distortion of the feminist frame in disguise - apart from the artificial division of the problem over target groups - can be detected in several police by-laws adopted in 2003. Somewhat similar to other cases in Europe,⁸¹ the Police in Hungary had been in the forefront of action. Probably this is due to the fact that among all state actors the police was most severely criticised by NGOs. Preceding to the presentation of the National Strategy to parliament, in 2003 several by-laws had been amended to

⁷⁵ *Press Material*. Governmental Office for Equal Opportunities. Ministry of Internal Affairs. 24.05.2004

⁷⁶ Tájékoztató... <http://www.im.hu/csaladonbelul/?ri=484&ei=58>

⁷⁷ The conference titled "Facing It" (May 13, 2004) is a good illustration of this point. During the first, close to four hours long session of the conference featuring the Minister of Justice, the Prime Minister, State Secretaries from the Social Affairs and the Internal Affairs Ministries, the Head of National Police and the Minister for Equal Opportunities women as a concerned group were only mentioned in the speech of the Equal Opportunity Minister. The Minister of Justice and the Head of Police made gender neutral statements. All the other statements spoke about violence against children.

⁷⁸ Roggeband (2004), Kantola (2003), Johnson (2004)

⁷⁹ (Crises Center. Draft Program for the Development of Victim Protection Services Fighting against Violence against Women and Children in the Family.) 2004 Governmental Office for Equal Opportunities.

⁸⁰ Speeches made by Katalin Levai, Minister for Equal Opportunities, at conference on domestic violence on October 1, 2003, on May 13, 2004

⁸¹ Kantola (2003)

emphasise the duties of the police in domestic violence cases⁸². The by-laws were the result of continued NGO efforts to change police practices.⁸³ A concept paper on police tasks concerning domestic violence was prepared by police experts at the National Police Headquarters⁸⁴. This paper explicitly mentioned the welcomed NGO input into the process of change at the level of police.

The paper took over elements of the feminist frame, but seemed to deny the universal character feminists assign to it by linking it to families subject to other risk factors. It portrays domestic violence as a cyclic process related to dependency and discrimination, it links the phenomenon to a conservative perception of the relationship between women and men, and locates women and children on the victim side and men – fathers – on the perpetrator side. Meanwhile, by correlating domestic violence to alcohol consumption and by blurring the boundaries between domestic violence, child pornography and sexual abuse of children outside the family suggests that domestic violence is not a problem in itself, that its instances may be covered by other crimes, and that handling other risk factors such as alcohol consumption would solve the problem.

A similar approach was adopted in the Crime Prevention Strategy, developed by the Ministry of Justice next to its work in drafting the National Strategy on domestic violence. The comprehensive document, passed by the Parliament in October 2003, includes among its priority areas the prevention of domestic violence. The Crime Prevention Strategy, reinforced by speeches and interviews with the Governmental Commissioner for Crime Prevention,⁸⁵ testifies of a new aspect in the policy story of domestic violence in Hungary: it seems to introduce a crime prevention frame. Somewhat following up and extending on the arguments of the concept paper prepared by the police, it questions the universal nature of domestic violence. Both Gonczol and the Crime Prevention Strategy suggest repeatedly that this is a social problem of the excluded groups of society; that it has to do with poverty, with alcohol and drug consumption and other specific risk factors.

A distinctive element in the crime prevention frame is the interpretation of violence as a cultural question, which might bear different meanings in different societies or for different social categories. This implies that helping victims can only go together with changing the culture of violence, and before those change in some cases social norms might favor mediation and conflict resolution between victims and perpetrators more than sanctioning. This approach is well illustrated by the statements like “you cannot make people happy against their will”, “we have to pull strings together where that is still possible”⁸⁶ or “we cannot fight century old customs with only sanctioning”⁸⁷. Victim protection thus becomes contextual and priority is given to changing public attitudes and saving relationships where possible. Meanwhile restraining measures are also supported by this frame in the context of extreme cases, but with a different justification: they are seen as a more efficient new type of sanction, not a tool for the empowerment of the victims⁸⁸. The crime prevention frame conflicts thus in two major points with the feminist frame: in its diagnosis: it questions the universality of domestic violence and in its prognosis: it acts upon families and society much less than on individual victims.

3.8 Roles assigned to NGOs: participatory policymaking or passing on responsibilities?

Following the initial stages of policy development in which NGOs and related experts had a crucial role, in the later stages the roles assigned to NGOs became increasingly marginalized. The National Strategy strongly emphasizes the importance of NGO and citizen participation, which might be due to the intense involvement of NGOs in the domestic violence policy process up to that point. The Strategy prescribes cooperation with NGOs along all four sets of tasks. This seems to signal the desirability of a really participatory policymaking process for the state, at least in this particular issue area. True involvement of relevant NGOs can also be seen as a safeguard for keep the gender question on the agenda and bring gender specificity to particular actions, despite a gender neutral framework legislation. Meanwhile, one is tempted to think that this can be an attempt of the state to delegate parts of responsibility and accountability to NGOs in a very sensitive and slowly progressing

⁸² 34/2002 Directive of the Ministry of the Interior for the police to introduce methodological guidelines and other regulations to prevent and handle domestic violence cases more efficiently and Methodological Guidelines for Police Force on Handling Domestic Violence 27. March 2003.

⁸³ For an analysis of police NGO relations see Safrany (1993: 16-17)

⁸⁴ On the Possibilities of More Efficient Police Response in Cases of Domestic Violence. Study by Szabó and Diószegi, 2003.

⁸⁵ Katalin Gonczol. Commissioner in charge for developing the Crime Prevention Strategy

⁸⁶ Speech made by Gonczol Katalin, Government Commissioner for Crime Prevention at the Ministry of Justice, at a conference on domestic violence. October 1, 2003

⁸⁷ Interview with Gonczol Katalin. (2003) <http://www.im.hu/csaladonbelul/?ri=504&ei=10>

⁸⁸ Interview with Gonczol Katalin. (2003) <http://www.im.hu/csaladonbelul/?ri=504&ei=10>

field without in fact empowering them to act (by provision of resources and by true delegation of tasks)⁸⁹.

NGO roles became more disputed in the process of drafting the law on restraining orders as described in §3.5. The Ministry of Justice stressed the importance of NGO engagement in drafting the law,⁹⁰ but NGOs criticized the way in which this actually was done. The drafting process revealed a shift in the level of cooperation that seemed to testify of a diminishing commitment to participatory policy making. Whereas NGOs and related experts were active participants in preparing and drafting all earlier policy documents concerning domestic violence, in the case of this draft their participation is reduced to being the external critics of the draft, even if many of their points are considered in their merits and included in it⁹¹.

In the 2004 handout that described the follow-up to the National Strategy, NGO initiatives seemed to be used to cover up the limited progress achieved by the government along the lines set by the Strategy for action. NGOs were asked to report on their activities, which were included in the handout as if those could be accounted for by the state, without pointing in any way to the empowerment of NGOs by state actors. The purpose of the strategy to promote cooperative action between state and NGO actors seems to be turned around to hold NGOs accountable along with the state for absence of real progress.

The complexity of the map of policy frames currently prevailing in Hungary with respect to domestic violence is apparent. Given the ongoing parliamentary debate on domestic violence and the fact that the Strategy for Handling Domestic Violence is still on the agenda, new or revised policy frames are continuously shaping up in the debate, and old, forgotten ones, are being reasserted. This makes the analysis on the one hand particularly timely, on the other particularly difficult in methodological terms. In this chapter we picked up and placed in the context those frames that seem clearly distinctive at this moment, however fast changes in the debate and opportunities provided for policy actors silent this far might bring to surface new frames or shifts in the ones analyzed here.

5. Domestic violence in the EU: Human Rights versus Public Health

At the EU level, the issue of violence against women was translated into public policy programmes only after the Beijing World Conference on Women (1995)⁹². However, violence against women already incidentally appeared on the agenda of the European Parliament in 1980's. The Committee on Women's Rights and Equal Opportunities, operational in European Parliament since 1981, produced by own initiative a report on violence against women in 1986, fuelled by input from feminist NGO's. The document was debated in parliament and led to the adoption of a resolution on violence against women; violence in the private sphere was specifically addressed. (Kantola 2003).

Before the Beijing conference, the EU also dealt with specific topics that might be seen as related to, or included in the concept of violence against women, such as sexual harassment in the workplace and trafficking in human beings. The overall topic of violence against women, however, had not been addressed in policy making before the Beijing momentum. As the topic of domestic violence has not been addressed separately in specific EU programs, we will focus on the way in which the problem is phrased and embedded in umbrella programs concerning violence against women. Other forms of violence addressed in these programs - such as trafficking in women, pornography, and prostitution - will be largely neglected, except if linked explicitly to domestic violence.

The two main frames concerning domestic violence in the EU policy circuit can be typified as a Human Rights frame and a Public Health frame. These frames do not seem to originate from any of the member states, but largely seem to have developed at EU and international level. Whereas the human rights discourse seems to have a long history in the EU, the Public Health frame seems to have become the most dominant frame during the last couple of years. The roots of conceptualising

⁸⁹ Despite explicit refusal of such doubts by one of the proponents of the Strategy in the Parliamentary debate. See Agnes Vadai (MSZP) statement in Protocols of the Plenary Session of the Hungarian Parliament on September 9, 2003.

⁹⁰ Protocols of the Plenary Sessions of the Parliament debating Draft Law T/9837 concerning the use of restraining measures in cases of domestic violence. April 27, May 3, 2004.

⁹¹ Petition to the Prime Minister by Habeas Corpus Munkacsoport (Habeas Corpus Working Group HCM), NANE, and The Women's and Children's Rights Center. 13 May, 2004. Private conversation with representatives of HCM.

⁹² It is difficult to point out exactly which events or actions by which actors led to the introduction of domestic violence as a policy problem at the EU level. The entrance of the topic in EU policy making might be partly related to the rise of women's NGOs at EU level and the extension of the operational scope of the EU with the adoption of the Treaty of Maastricht (1992), but in the complex European arena many other actors and feminist voices might have played a role. At any rate, NGO's like the EWL (established in 1990) and WAVE (1994) have been actively engaged in the agenda setting process as well as in criticising the policy programmes established in a later stage.

violence against women as a breach of human right be traced back to the 1993 Vienna Declaration that recognised women's rights as human rights, and before that to the Convention on the Elimination of all forms of Discrimination against Women (CEDAW)⁹³. The Fourth World Conference on Women in Beijing seems to have given a major impetus to re-setting the issue on the European agenda again. Violence against women was one of the 12 areas of concern of the Platform of Action that was also endorsed by the European Union. And with the Amsterdam Treaty in 1997 and the adoption of the European Charter of Fundamental Rights in 2000, human rights gained an even stronger position in the EU.

The rise of the Public Health frame in the European political arena can be traced back to the period in which the Daphne Programme – adopted in 1999 – was prepared. The strategy to approach violence against women as a health problem seems to be derived from the World Health Organisation. Its definition of health as a '*state of complete physical, mental and social well-being and not merely the absence of disease or infirmity*' (24 Jan. 2000)⁹⁴ was explained as to encompass the issue of violence against women as well. Thus, public health was introduced as a possible basis for policies concerning violence against women, specifically the Daphne Programme.

The following paragraphs briefly sketch the two main ways in which domestic violence has been framed and legitimised as a public policy concern in EU policies so far. This will be done by describing the two main policy programmes in which domestic violence, or more generally violence against women, has been addressed. These programs provide a good impression of the different conceptualisations of the problem in EU policy circles and the way in which the problem articulation has shifted. The programmes are firstly the 'Zero Tolerance' campaign from 1997 and secondly the Daphne Programme that came into action in 2000.

5.2 The 'Zero Tolerance' Campaign (1997-2000)

In 1997, the European Commission launched the campaign *Zero Tolerance* addressing violence against women. It followed the Resolution to establish a European wide campaign for zero tolerance of violence against women (A4-0250/1997). The campaign is legitimised mainly on the ground that violence against women is a human rights violation. The resolution refers to many human rights treaties, declarations and conventions on which the campaign is based (most importantly CEDAW and the Vienna declaration). Domestic violence is explicitly legitimised as a public policy concern by mentioning that according to CEDAW violence against women is a 'crime'. The problem is said to be endemic in society. Arguments claiming that domestic violence is a 'private matter' or that women are to blame are labelled as 'myths'.

The campaign is based on the idea that violence against women, which is seen as violence exercised by male perpetrators towards female victims, "not only reflects unequal gender power relations in our society, but also forms a formidable barrier to efforts to overcome inequality between women and men" (resolution A4-0250/1997). Furthermore, domestic violence is said to exist in all countries and social classes (breaking the silence brochure 2000) Apart from this 'main cause' of domestic violence, several causes and mechanisms responsible for reproducing the problem are mentioned in the resolution and the brochure of the campaign. Firstly, the documents address the fact that domestic violence often is hidden and surrounded by taboos causing low awareness on the issue. Another mechanism said to be reproducing the problem relates to the stereotypical ideas concerning women and attitudes in society that regard women's bodies as commodities, as reflected for instance in pornography and prostitution. Also the lack of proper legal, social and economic instruments to protect victims are named as part of the problem.

As a part of the campaign, a Eurobarometer survey on violence against women was held and brochures with the title 'breaking the silence' were published. The measures proposed to fight domestic violence primarily are aimed at addressing the causes identified above. Firstly the low awareness has to be fought, by gathering data and informing people about the problem. The brochure published for this campaign, entitled *Breaking The Silence*, calls upon male perpetrators to seek help and upon victims to break the wall of silence. Moreover, the campaign aims at enhancing the protection of victims and witnesses, training public agents dealing with domestic violence, and improving legislation. Also the 'empowerment' of women is mentioned as a goal. One way to do this is by portraying women as survivors and not as victims.

⁹³ In the international political arena, women's rights movements have often tried to integrate women's rights in human rights declarations. It is an often used strategy to frame violence against women as a human rights issue. This way of framing can be traced back more than a century. See e.g. Verucci; in F. Tabak, 1997

⁹⁴ This definition is literally quoted in the article 3 of the decision to establish the Daphne Programme.

5.4 The Daphne Programme (2000-2004)

With the introduction of the Daphne Programme (2000), the gender-sensitive analysis of domestic violence disappears at large. A shift takes place from framing violence against women as a human rights issue to a health issue. Although reference is made to some UN documents and to some fundamental rights (right to safety, right to life etc.), in the decision establishing the Daphne Programme violence is not seen as a policy problem because it forms a violation of human rights, but because it is considered “a major health scourge” and because of the “high social and economic costs to society as a whole” (A4-0250/1997). There also is a shift in the problem definition, which is elaborated from addressing “violence against women” to “violence against children, young persons and women”.

The WHO’s broad definition of health is adopted in the Daphne Programme, but not after some criticism and debate in parliament (EP debate 8 march 1999). Originally the Daphne Programme was supposed to have Article 235⁹⁵ as its legal basis, but some member states opposed this and suggested Article 129, on Public Health. Many (predominantly female) MEP’s were afraid this would be too narrow and argued that human rights issues shouldn’t be reduced to health. Because there was a real chance that the Programme on the basis of article 235 would be blocked, the change to public health was accepted.

Unlike the ‘Zero Tolerance’ campaign, references to inequality or an unequal distribution of power between men and women as an underlying cause of the problem are not made at all. The only way in which equality is said to be part of the problem, is in the effects of violence. Violence is seen as having implications for the “equal opportunities of those concerned”. The causes of violence are left unaddressed. No analysis of the problem is provided, and no causal relations or mechanisms are mentioned. The existence of violence against children, young persons and women seems to be taken as a ‘given fact’. The problem seems to lie in the mere existence of victims of violence. The framing of the problem as a health issue, in combination with the extended problem definition including children and young persons as well, appears to lead to a ‘de-gendered’ approach of the problem and a lack of analysis into the causes of the problem (which are expected to be different for different groups of victims, e.g. children, women or young persons). The Daphne Programme identifies domestic violence next to other forms of violence against women, but does not provide a separate problem analysis on this topic. It tends to put more emphasis on other forms of violence such as sexual exploitation and trafficking.

In spite of criticism by the Committee of the Regions that a distinction should be made between the way in which women are addressed and the way in which children are addressed in the programme, a gender-sensitive analysis of domestic violence or a reference to structural causes of the problem is not integrated in the programme neither in Daphne 2. The COR argues that domestic violence is a ‘sex-specific problem caused by the unequal balance of power between women and men’ (1999/C 198/63). The Social and Economic committee argues in a more moderate way that ‘aspects relating to the balance of power between women and men must also be addressed’ (CES 456/99) in Daphne, but this isn’t adopted in the final decision to establish Daphne. Instead, the focus of the programme is more on the effects of violence than on the causes of violence.

The aims of the Daphne programme are targeted at the protection of victims and the prevention of violence. These goals have to be reached through awareness raising and research. All measures are aimed at victims; perpetrators are not mentioned in the adopted decisions at all, although the COR and the SEC both pointed out that there has to be attention for perpetrators as well. It seems a contradiction that the goal of the programme is ‘prevention’ and perpetrators are left out of the picture. The emphasis lies very much on the symptoms, taking the existence of violence as a given fact. Also the emphasis lies on the health implications for the victims of violence, and not on e.g. the criminal aspects of it.

In the evaluation of the programme some new criticism arises on this gender neutral perspective. The (female) evaluators recommend that a paragraph should be adopted on the inequality between women and men, but when the proposal for a second phase of the Daphne programme is presented, this again is written in a gender neutral language, without references to power relations or structural causes. Again, as in Daphne I, women are seen as ‘one of the groups of victims that suffer violence’, or ‘one of the groups at risk’, just like children, young persons etc..

⁹⁵ Article 235 states that: “If action by the Community should prove necessary to attain, in the course of the operation of the common market, one of the objectives of the Community and this Treaty has not provided the necessary powers, the Council shall, acting unanimously on a proposal from the Commission and after consulting the European Parliament, take the appropriate measures.

Children always are treated as a gender neutral group, and only some of the NGO's and the Committee on Women's Rights have pointed at the fact that the violence boys or girls suffer often differs from one another.

When looking at the actors engaged in dealing with the issue of violence against women and children at EU level, the gender neutrality of the problem is challenged immediately. The problem obviously is considered to be a women's problem and it is left up to women to solve it. In the European parliament, the problem is debated by female MEP's only, the evaluations on policy programmes dealing with violence against women are executed by female rapporteurs, and reactions from advisory committees like the committee of the regions are written by its female members.

5.5 Contrasting frames and feminist voices

Feminist voices in the European political arena go back at least as far as the mid 1980s. In the earliest official report on violence against women from 1986⁹⁶, the Committee on Women's Rights represents violence against women as both the cause and the consequence of the unequal division of power between men and women (Hoskyns 1996). This report was followed by a resolution on Violence against Women, which did not take over the whole feminist analysis of the problem, but did challenge the public – private boundaries. After that resolution, it took several years before the issue was dealt with again. Within the MAGEEQ research period (1995 - now) feminist voices in the European political arena have been raised by European women's NGO's, as well as in speeches of MEPs, commissioners and chairpersons.

The largest and probably most influential European Women's NGO, the European Women's Lobby (EWL), has been articulating a feminist discourse since it was established in 1990. In its efforts to promote women's rights in the EU, violence against women formed one of its concerns. In 1997, a European Policy Action Centre on Violence against Women and an Observatory were established, both aimed at influencing EU policy and trying to get the issue on the European political agenda. Another large, more radical NGO is WAVE (Women Against Violence Europe). This organisation, established in 1994, articulates a more critical and more feminist discourse on violence against women.

Feminist voices at the EU level have in common that they picture the unequal power relations between women and men as the cause and effect of violence against women⁹⁷. In some documents the argumentation is even stronger, representing violence against women as a 'control mechanism used by men over women, to make sure they do not lose their dominant position in society' (EWL observatory 2000). WAVE appears to articulate an even stronger and probably more radical view on violence against women. According to this organisation violence against women is a structural matter, a control mechanism exercised by men over women, intrinsic to a system of power and control and embedded in the social structure of society and linked to inequalities in the distribution of power between women and men. WAVE explicitly represents itself as being 'feminist' and taking on a 'feminist approach' to deal with domestic violence. Concerning the topic of domestic violence, measures proposed by NGOs range from 'soft measures' like collecting statistics and awareness raising to 'hard' legal measures.

Apart from these feminist voices outside of the official EU-bodies, some resonate in the EU itself as well. The speeches that commissioner Anna Diamantopoulou held on the issue of violence against women often testify of a feminist diagnosis and analysis. In one speech she says that: 'we must never lose sight of the underlying, structural causes of violence, which is the most distressing manifestation of the imbalance in gender relations. She says men resort to violent behaviour as a way of exerting control and domination over women.' In other speeches she stresses that the violent behaviour of men is the problem and that violence is causing structural inequalities to persist. Another very outspoken speech was held by MEP and chairperson of the Committee of Women's rights, Maj Britt Theorin at an expert meeting on violence against women in 2000. According to her domestic violence is 'part of the social structure of society, it is a social mechanism for the subordination of women.' She argues that it is a structural, and thereby not a private matter, caused by the unequal balance of power between women and men.

Looking at the representations and legitimisations of the problem of domestic violence as a public policy concern of the European women's NGO's and by some women from inside the different EU-bodies, a feminist discourse, or at least parts of a feminist discourse can be clearly discerned.

⁹⁶ This report has not been analysed within the Mageeq project, as it falls outside the period studied (1995-2004), but has been used to sketch a picture of actions in the field of domestic violence in the period before 1995.

⁹⁷ See bibliography; EWL resourcepaper, EWL, unveiling the hidden data on domestic violence in the EU, the speeches by Anna Diamantopoulou, the WAVE training programme and the speech by Maj Britt Theorin.

Feminist voices addressing violence against women in the EU seem to commonly view the problem as a universal, structural phenomenon. This idea is expressed in all of the feminist voices analysed within and outside the EU institutions. Other frequently used concepts found in their argumentation are the patriarchal structures of society in which the problem is embedded, and the link between violence against women and the unequal balance of power between men and women. Sometimes it is added that violence against women is a mechanism of control by men over women⁹⁸.

6. Conclusion: genderless violence against women?

Though all fed by feminist perspectives, the different circumstances under which domestic violence was set on the agenda in the EU, Hungary, and the Netherlands seemed to have a large impact on the ways in which the topic was picked up and re-framed in government policy. Though international developments like the UN Women's Year in 1975 contributed to setting women's issues on the political agenda in the Netherlands, the first Dutch policy actions concerning violence against women were initiated primarily by grass-root feminist action as developed since the early 1970s. The two main frames shaping policies at the EU level since the late 1990s seem to appeal primarily to EU-transcending documents like the Vienna Declaration, CEDAW, and the World Health Organisation's definition of health, rather than being fed from below and being filtered from prevailing policy frames in EU member states. In Hungary, feminist NGOs and experts – building on transnational feminist frames – formed a crucial motor behind the first policy and legislative initiatives, though the agenda setting also was given impetus by international factors like CEDAW, to Beijing, and to Council of Europe documents.

The three cases investigated testify of significant differences in the way in which the topic of domestic violence has been framed and re-framed in various political contexts after it had been set on the political agenda under influence of feminist activists, NGOs and experts. Despite these differences, the direction in which current frames develop in Hungary, the Netherlands, and the EU seem to have one thing in common: along with the strengthening government engagement with the issue of domestic violence, new modes of strategic framing seem to come to the fore in which gender inequalities become invisible, distorted, or overshadowed by other policy concerns. The more actively governments take over the initial feminist monopoly in framing the topic, the more gender relations seem to disappear from the political and public problem articulation. Even though governments approach the matter differently in the policy contexts studied, one thing seems to hold for all cases: in contemporary policymaking circles gender relations or women's interests hardly ever are brought to the fore as a sufficient legitimisation for public policy.

6.1 Shifts in problem articulation: the move towards de-gendered domestic violence approaches

While the first Dutch policymaking and legislative initiatives concerning domestic violence obviously embroidered on feminist grass root frames – be it stripped from their most radical, anti-state elements – in the course of the 1990s the policy scope started to narrow. Though violence in the private realm continued to be conceived of as a mechanism arising from and maintaining the structural power inequalities between the sexes, the issue increasingly came to be associated with stereotyping at the cost of the initial emphasis on women's economic independence. Moreover, the focus was targeted increasingly to sexual violence and sexual child abuse. When the government launched a policy of integrating care for victims into regular care services, policy measures addressing women's abuse were reduced merely to offering shelter.

Around the millennium break, the issue received renewed attention in Dutch policymaking and legislation. While international documents like the Beijing Platform for Action and the UN Women's Treaty urged governments to pay attention to violence against women, Dutch policy documents started to substitute the old notion of 'women's abuse' by the 'gender-neutral' term 'domestic violence'. These developments appeared to cause a schism in the framing of violence issues. While contemporary documents mainly reflect an all-inclusive terminology – using terms as 'victims', 'perpetrators', 'people concerned', etc. – at points they do distinguish specific target groups, such as children witnessing domestic violence and elderly people as victims. Remarkably enough though, women never are mentioned as a group deserving specific policy attention, not even in documents suggesting to specifically focus on violence against women. Such documents only address women

⁹⁸ Unlike feminist frames active in the member states (like the chiswick frame or an expert frame), it is difficult to typify the European feminist frame for several reasons. Firstly the frame seems to be composed of many other frames, secondly not all actors use the exact same discourse, but seem to share some common argumentation and representation.

specifically in relation to 'cultural-specific' forms of domestic violence such as genital mutilation and honour killing, while domestic violence 'in general' is never framed in a gender-sensitive way.

In the problem as represented in contemporary Dutch documents and political debates, the cycle of violence is not so much linked to dependency relations or structural power inequalities in society, but rather to factors at the personal or family level. These factors include the chance of youthful victims or witnesses to become perpetrators of domestic violence themselves, high repeated offence rates, and unwillingness of (adult) victims to loose their partner or to break family relations. The only "societal" factor assigned a role in maintaining the problem is the taboo-sphere surrounding the matter. By locating the cycle of violence primarily within family boundaries, contemporary documents seem to de-link the issue from its original politicised framing. The roots of the problem seem to be pushed back in the realm of the private, the issue being declared a 'public matter' primarily because of its presumed effects on society.

In Hungary, the policy process concerning domestic violence seems to be a model-like process in terms of its inclusiveness and deliberative nature⁹⁹. Next to international community and international obligations¹⁰⁰, NGO and expert work - mainly of feminist character - played an important role in bringing the issue on the agenda, in framing it and finally in designing the tools for handling it. References by different stakeholders to the input of and cooperation with NGOs show the authority and respect that the non-governmental sector and its expertise gained among relevant state actors.

The intense involvement of NGOs and related experts, especially in the agenda setting stage, had an important impact on how the main policy frame on domestic violence was defined. Their active involvement in drafting the first policy document on domestic violence, a concept law, determined the feminist framing of the issue in the document. After the failure to initiate at least a parliamentary discussion of the law, NGOs decide to pursue their aim of bringing domestic violence on the public policy agenda by adopting strategic framing in crucial moments. Their new framing strategy, though feminist in its structure, shifts the discussion away from a violence against women perspective towards a de-gendered representation of violence against the dependent, who are most often women, but also can be children, old, disabled etc.

The results of this framing exercise are ambivalent: the strategic approach proves to be successful in that the issue reaches the Parliament, firstly in the form of a Strategy and later as a draft law on restraining orders. Both documents reflect a similar de-gendered approach to domestic violence as promoted by feminist actors. However, as the role of NGOs diminishes from being the motors of the process to being its external evaluators and more often its criticasters, the framing of the issue seems to move more and more away from its initial feminist angle. In the policy concerning victims, an artificial separation is made between domestic violence against women and violence against children, the women's issue being relegated to the equal opportunity mechanism, whereas the violence against children issue remains as a main item on the policy agenda of all other actors. Fortunately this division does not reach the legislative level: it remains restricted to the discursive level. Feminism in disguise remains the main approach of the legislative.

By 2004 feminist NGOs no longer are the main actors defining the agenda. In debates and conferences concerning domestic violence, feminist experts increasingly seem to be replaced or at least accompanied by child protection experts, whose insensitivity to gender aspects seems to fit better in the policy debate desired by the stakeholders concerned¹⁰¹. Along with the current intensification of the policy debate, new frames and stakeholders seem to emerge that challenge the feminist frame more sharply, questioning some of its cornerstones such as the universality claim. The only actor continuing to embrace the explicitly gendered feminist frame - once the main state frame - is the Equal Opportunity Minister.

At EU level, the strategies of femocrats, women's NGO's, and other feminist actors appealing to international documents and treaties, appeared to be successful in politicising the problem of violence against women: the European Commission's *Zero Tolerance* campaign and its 1997 resolution clearly reflected traces of feminist frames. In the course of developing further EU policy, however, large parts of the initial feminist problem analysis disappeared out of sight. The notion expressed in the *Zero*

⁹⁹ At least as far as the national policymaking standards are concerned.

¹⁰⁰ Especially the CEDAW. The EU is rarely mentioned as a reference model in the domestic violence policy documents examined here. Reference is made all along to the CEDAW, to Beijing, and to Council of Europe documents.

¹⁰¹ Herczog Maria, a sociologist with expertise in child protection issues, is a good example. She argues in an interview that the feminist NGOs are advocating an outdated frame from decades ago concerning domestic violence. She believes that it is wrong to interpret the issue as a "men's problem", instead it should be seen as a problem having to do with the culture of relationships. Old and disabled who are often victims should not be forgotten. She proposes more emphasis on treatment and rehabilitation of both victims and perpetrators. "Családi erőszak ellen távoltartás" in *Magyar Hírlap*. 21.04.2004

Tolerance campaign that domestic violence is the cause and effect of inequality in power relations between women and men seems to have lost its grounds during the preparatory stage of the second EU policy programme on measures to fight violence against children, young persons and women: *Daphne* (2000-2004). This shift might be related to the choice of founding the Daphne program on Article 129 on Public Health.

The *Daphne Programme* provides a very different diagnosis than the previous *Zero Tolerance* campaign. In the problem representation of the campaign, violence explicitly was linked to gender equality and gender relations. The campaign was endorsed by a human rights basis, pointing out that (domestic) violence is a violation of women's human rights. In the succeeding *Daphne Programme*, the target groups identified were extended to women, young persons, and children. The programme was repeatedly criticized for its reluctance to provide a separate problem analysis for these groups. While in *Zero Tolerance* women's human rights were emphasised, *Daphne* pictured violence as problematic primarily because it was seen as a 'major health scourge'. Even though human rights were referred to as well, these references mainly seemed to concern the effects of violence. Victims of (domestic) violence seemed to be taken more or less as a given fact: the perpetrators and structural causes of the violence were not addressed at all.

6.2 Shifts in the prognosis and the legitimisation of public policy

Along with the introduction of the 'de-gendered' concept of 'domestic violence', Dutch policy documents reveal a tendency to approach the problem from a 'technocratic' point of view. In the prognosis, the focus is targeted primarily at bottlenecks in the execution of tasks by professionals. Much emphasis is put on knowledge building and cooperation between professionals, in which municipalities are assigned a steering role. In line with the tendency to locate the cycle of violence within family boundaries, a so-called system approach is pursued: cooperation between youth care, the police, social services, justice, and other disciplines is promoted with the aim of approaching perpetrators, victims, and witnesses not separately, but achieving an integral treatment covering the entire family.

Public policy is legitimated primarily by pointing to the (potential) effects of domestic violence on society. Recent documents repeatedly suggest that domestic violence might result in street violence, and that the financial costs of domestic violence for society are high, for instance in terms of care and shelter facilities and the relatively low labour productivity of victims. Human rights also are mentioned as a legitimisation, but most documents do not go beyond the vague notion that people need to be protected from violence, irrespective of the realm or place where the violence occurs.

In recent documents, domestic violence tends to be pictured predominantly as a security issue. More attention than before is spent to perpetrator treatment, especially in the realm of legislation. After having extended the maximum punishment for domestic violence acts in 2003, currently the government prepares legislation allowing for expelling perpetrators from the house. Domestic violence tends to be increasingly framed in terms of fighting criminality, substituting the old framing in terms of victim care and protection. Though psycho-social treatment methods and shelter facilities also are addressed, these seem to get less priority. This is expressed, among others, in the budgets assigned to these matters¹⁰².

In Hungary, right from the initial stages of elevating the issue to the public policy agenda emphasis was put on co-ordinated, multi-agency action. The main pillars of this multi-agency action include: legislative changes, institutional changes, capacity building of professionals and awareness raising. The prognosis has been focused on protecting the victims in their own dwellings and sanctioning the perpetrator by expulsion from the home, and only secondarily on victim protection outside the home (by establishing shelters, crises centres etc.). In this sense, government actions in Hungary seem to reveal an emphasis similar to the current Dutch approach: the Ministry of Justice actively is engaged in developing restraining orders and expelling perpetrators from the house. While the Dutch government increasingly frames these actions as a form of crime prevention, feminist NGOs and experts in Hungary emphasise that they constitute a form of victim protection (along the lines of the progressive Austrian model). Another, more recent way of framing might be carried along with the recent crime prevention strategy of the Hungarian Ministry of Justice, in which domestic violence is included as a priority area. The crime prevention strategy, though accepting the need for restraining orders and expulsion of the perpetrator from the home as a sanction available for extreme cases, puts the

¹⁰² In the 2002 action plan Public Violence – Private Matter, the government explicitly argues that improving the treatment of domestic violence merely is a matter of a different way of working – meaning more cooperation – and does not necessarily need to imply extra public spending.

emphasis on finding mediated solutions, if possible within the familial circle in which the abuse occurs, that is on changing the culture of violence by persuasion. A specific recent trend in the Hungarian prognosis, contrary to the universal scope of all previous documents, is the division of tasks in accordance with the victim groups, relegating the women's issue to the Governmental Office for Equal Opportunities and classifying domestic violence as violence against children for the purposes of all other stake-holders.

Somewhat similar to the Netherlands, contemporary EU policy documents seem to consider (domestic) violence primarily problematic in view of its effects. Apart from pointing to the social and economic costs to society, the *Daphne* programme emphasises that public health is at stake. The program also refers to human rights, but rather than arguing that women's human rights are violated as *such*, (domestic) violence merely it is said to form an obstacle to women's equal opportunities. The *Daphne* programme primarily relates to victims and the effects of violence; perpetrators and the causes of violence are not addressed at all. In this sense, the programme differs from the preceding *Zero Tolerance* campaign, which did address causes in its pursuit of discussing gender stereotypes and breaking the silence surrounding domestic violence. Rather than developing active policies, the prognosis of *Daphne* merely consists of financing projects at national and EU level. The increasing EU commitment in terms of assigning budget to the policy seems to go hand in hand with a gradual disappearance of gendered or sex specific framing.

6.3 Discussion

Our document studies point to a typical phenomenon. Though in all cases studied the agenda setting process was explicitly fed by feminist perspectives, in contemporary policy programs, women's interests – which cannot be denied to be at stake, be it only because women are the main victims of domestic violence – hardly ever are brought to the fore as a sufficient legitimisation for state action. While the public-private boundary seems to have been crossed in terms of the state recognition that domestic violence is a public matter, a related demarcation of “the public” hardly seems to have lost its strength: “women's interests” still seem to be conceptualised as something distinct from “public interests”. Even though women actually might benefit from the measures proposed, their interests today only seem to be able to occupy a significant place on the policymaking agenda if disconnected from their gender-specific angle. Women's NGOs, experts, and femocrats might choose to strategically play in on this notion by articulating feminist demands in disguise, but to what extent are such strategies able to resist “capturing” efforts by other stakeholders, or “capturing” by prevailing frames in the government department(s) addressing the matter? How do such strategies relate to gender mainstreaming?

Politicizing stage

Country	NL	EU	HUNG
When	Early 1970s	Early 1990s	Late 1990s
Actors	Women's movement/shelters	EU NGOs Femocrats	Feminist NGOs Related Experts: Morvai
Violence as mechanism	<ul style="list-style-type: none"> • Violence as cause of inequality • Violence as effect of inequality 	<ul style="list-style-type: none"> • Violence as cause of inequality • Violence as effect of inequality 	<ul style="list-style-type: none"> • Violence as cause of inequality • Violence as effect of inequality • Violence as discrimination • Violence as process • Cycle of violence
Linked to	Unequal power balance <ul style="list-style-type: none"> • Economic dependency • Patriarchy • Legislation (matrimonial/penal) • Social security system • Stereotypes • Universality 	Unequal power balance <ul style="list-style-type: none"> • Economic dependency/poverty • Universality 	Unequal power balance <ul style="list-style-type: none"> • Patriarchal structures • Economic dependency • Emotional dependency • Violence in childhood
Roles	Female victims Male perpetrators	Female victims Male perpetrators	Female victims Male perpetrators
Gendered?	Yes	Yes	Yes
Course of action	<ul style="list-style-type: none"> • Autonomous shelters • Feminist non-hierarchical organisational structures • Empowerment of women • Promoting independence • Politicising the private 	<ul style="list-style-type: none"> • Extending EU policy scope • Awareness • Empowerment of women • Government facilitation 	<ul style="list-style-type: none"> • Initiating the legislative process • Institution building • Sensitising: government, police, public • Emergency care for victims
Legitimation	<ul style="list-style-type: none"> • Equality • Independence 	<ul style="list-style-type: none"> • Equality • Human Rights 	<ul style="list-style-type: none"> • Not a private matter • Equality • Human Rights • International Obligations

Initial policy stage

Country	NL	EU	HUNG
When & type	1984: policy plan on violence against women	1997: resolution public campaign 'zero tolerance' of violence against women (= domestic violence)	2001: concept law
Actors	<ul style="list-style-type: none"> Ministry of Social Affairs and Employment, Emancipation Coordination Direction Women's movement (consulted) 	DG-V: Employment & Social Affairs	<ul style="list-style-type: none"> Ministry of Social and Family Affairs Expert committee: lawyers & feminists
Violence as mechanism	<ul style="list-style-type: none"> Violence as cause of inequality Violence as effect of inequality 		<ul style="list-style-type: none"> Violence as cause of inequality Violence as effect of inequality Violence as process Non-intervention causes discrimination
Linked to	Unequal power balance <ul style="list-style-type: none"> Economic dependency Non-penalising marital rape Stereotypes Universality 	Unequal power balance <ul style="list-style-type: none"> Universality 	<ul style="list-style-type: none"> Wellbeing of future generations Wellbeing of society Universality Human rights – human dignity
Roles	<ul style="list-style-type: none"> Female victims Male perpetrators 	<ul style="list-style-type: none"> Female victims/ survivors Male perpetrators 	<ul style="list-style-type: none"> Primarily female victims, but children as well Primarily male perpetrators
Gendered?	Yes	Yes	Yes
Course of action	<ul style="list-style-type: none"> Awareness among professional Promoting women's resistance possibilities Victim care & Shelter Police and Justice engagement 	<ul style="list-style-type: none"> Awareness Prevention Protection Victim care Taboo lifting Collecting statistics 	<ul style="list-style-type: none"> Initiating the legislative process Introduce restraining measures Institution building Sensitising: government, police, media, public Facilitate police intervention Emergency care for victims
Legitimation	<ul style="list-style-type: none"> Independence in relations and behaviour Constitutional right to protection Individual privacy Physical integrity 	<ul style="list-style-type: none"> Equality Human rights 	<ul style="list-style-type: none"> International obligations Human rights – discrimination Public health
Location	Emancipation policy	Human Rights	Women's policy

Active state engagement/stage of de-gendering

Country	NL	EU	HUNG
When	<ul style="list-style-type: none"> 2002 interdepartmental action plan Private Violence – Public Matter (1999 action plan Justice) 	2000-2004 Daphne	<ul style="list-style-type: none"> 2003-2004 Strategy on Handling Domestic Violence Draft on Restraining Measures
Actors	Interdepartmental - 6 ministries, mostly: <ul style="list-style-type: none"> Ministry of Justice Ministry of Public Health, Welfare, and Sports Municipalities 	DG Justice	<ul style="list-style-type: none"> Ministry of Justice Equal Opportunity Office Ministry of Social and Family Affairs Youth Ministry Police National Justice Council
Mechanisms	<ul style="list-style-type: none"> Violence as cause of violence (cycle) Family bounds as maintaining cycle Violence causing costs to society 	Violence affects equal opportunities of victims	<ul style="list-style-type: none"> Dependency causes violence Violence causes dependency Violence is process like (cycle) Victim has to be protected in the home
Linked to	<ul style="list-style-type: none"> Family relations Taboo-sphere Universality 	<ul style="list-style-type: none"> Universality Trafficking in women 	<ul style="list-style-type: none"> Unequal power relations Universality Empowerment
Roles	<ul style="list-style-type: none"> Victims: gender-neutral, also boys and men, elderly people, children, (allochthonous) women Perpetrators: gender-neutral, mainly men 	Victims: children, young persons and women	<ul style="list-style-type: none"> Victims: the dependent (women, children and others)
Gendered?	No	No	No
Course of action	National government <ul style="list-style-type: none"> Legislation (stronger penalising & arrest possibilities, expelling perpetrator from home) Facilitator (psychosocial care perpetrators/families/victims, shelter) Municipalities <ul style="list-style-type: none"> Interdisciplinary cooperation & coordination Family approach Expertise among professionals 	<ul style="list-style-type: none"> Prevention (no perpetrator) Protection Awareness Raising Victim care 	<ul style="list-style-type: none"> Co-ordinated multi-actor action NGO involvement Sanctioning Victim protection (crisis centres, shelters) Institutional development Capacity building Awareness raising
Legitimation	<ul style="list-style-type: none"> Economic costs to society Social costs to society (link street-domestic violence) (Human Rights) 	<ul style="list-style-type: none"> Economic & social costs to society Public health scourge (Human Rights) 	<ul style="list-style-type: none"> Human rights Future generations
Location	<ul style="list-style-type: none"> Security issue Public health issue (Human rights) 	<ul style="list-style-type: none"> Public Health (Human rights) 	<ul style="list-style-type: none"> Human rights (crime prevention)

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