



Topics globally affecting nurses,
their profession and health care

eBrief

August 2012 Number 3

Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence

BRIEF OVERVIEW

Due to its implications for nurses worldwide, the International Centre for Nurse Migration has prepared the following brief summary of key elements of the Convention on Preventing and Combating Violence against Women and Domestic Violence. The brief outlines implications for nurses as service providers and addresses migrant nurses' increased risk of being subjected to violence. For full details of the Convention and its application, please refer to the [Council of Europe website](#), the full Convention text and its accompanying Explanatory Notes.



BACKGROUND: A COMPREHENSIVE LEGAL FRAMEWORK

On 7 April 2011, the Committee of Ministers of the Council of Europe adopted the Convention on Preventing and Combating Violence against Women and Domestic Violence. This Convention is the world's first legally binding instrument creating a comprehensive legal framework to prevent violence, to protect victims and to end the impunity of perpetrators.

The Convention covers all forms of violence against women that affects women disproportionately (2 p.3(2.1) including "all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological, or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life." (2 p.3 3:1) It defines and criminalises

various forms of violence against women (including forced marriage, female genital mutilation, stalking, physical, psychological, and sexual violence).

The purposes of the Convention are to:

- "protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence;
- contribute to the elimination of all forms of discrimination against women and promote substantive equality between women and men, including by empowering women;
- design a comprehensive framework, policies and measure for the protection of and assistance to victims of violence against women and domestic violence
- promote international co-operation with a view to eliminating violence against women and domestic violence;
- provide support and assistance to organisations and law enforcement agencies to effectively co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence."

SELECTED HIGHLIGHTS QUICKSHEET

State Obligations

The Convention calls on all parties to take legislative and other measures to promote and protect the right of women to live free of violence. This includes embodying the principle of equality in constitutions and laws, prohibiting discrimination against women, abolishing laws and practices which discriminate against women, and taking necessary measures to "prevent, investigate, punish and provide reparation for acts of violence." The Convention also requires that policies promoting equality between women and men and the empowerment of women are promoted and implemented.

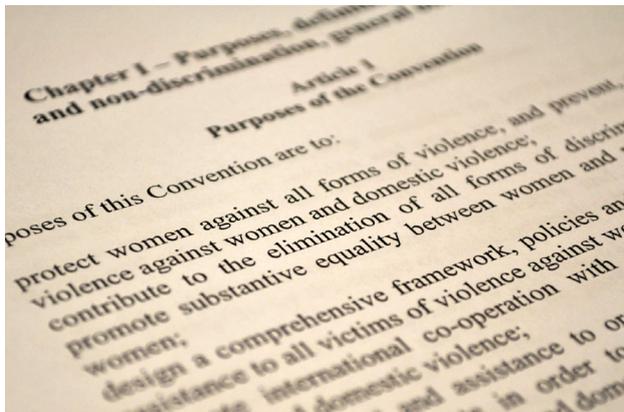
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Integrated policies

The Convention calls on parties to ensure a “holistic response to violence against women” through effective co-ordination between all relevant agencies, institutions and organisations across all levels of government, as well as national human rights institutions and civil society organisations. Further, parties are required to designate or establish of one or more official bodies responsible for coordination, implementation, monitoring and evaluation of all policies and measures. It requires parties to allocate “appropriate” financial resources to allow adequate implementation.

Monitoring and Reporting

Parties to the convention are required to regularly collect data and support research in the field of violence against women. Signatories also must “endeavor” to conduct population-based surveys, and ensure that the information collected is publicly available.



Prevention

The Convention includes a number of measures to prevent violence against women and promote cultural change. These include raising awareness, providing education at all levels, increasing the availability of preventative and treatment programs, and seeking participation of the media and public sector. Training on “the prevention and detection of such violence, equality between women and men, the needs and rights of victims, as well as on how to prevent secondary victimisation” is also highlighted.

Protection and Support

Parties are required to provide consular support for their own nationals, as well as ensure that victims receive adequate and timely information, have access to services to aid their recovery, access to a complaints mechanism, specialist support, shelters, round-the-

clock telephone helplines, support for victims of sexual violence, and protection and support for child witnesses. The convention's holistic approach places obligations on parties to ensure measures taken acknowledge the wider social environment and the importance of empowerment and economic independence and support services which include “where necessary, services such as legal and psychological counseling, financial assistance, housing, education, training and assistance in finding employment.”

Law

The Convention sets out the obligation to provide for remedies in civil law and to address gaps in national legislation, both against perpetrators and against state authorities that have failed to take the required measures within their scope of power. It also obliges parties to ensure that various acts of violence are criminalised, such as physiological violence, stalking, physical violence, sexual violence including rape, forced marriage, female genital mutilation, forced abortion and forced sterilisation. The Convention also calls for criminal or legal sanction against sexual harassment and that “culture, custom, religion, tradition or so-called ‘honour’ shall not be regarded as justification for such acts.”

Jurisdiction

Evoking the “principle of nationality”, the Convention establishes that nationals from signatory countries are obliged to comply with the law even when outside their national territory. This ensures perpetrators can be prosecuted when committing an offense elsewhere.

Migration

Chapter VII of the Convention specifically addresses migration and asylum. It aims to ensure that victims of violence are not expelled from the country in cases where their residency status is reliant on their relationship with their perpetrator while they seek residency in their own right.

International Cooperation

The convention obliges parties to co-operate with each other using the various instruments (civil, criminal, reciprocal legislation, internal laws) to ensure that the provisions of the convention can be effectively implemented.

IMPLICATIONS FOR NURSES AS SERVICE PROVIDERS

Education and Training

Parties to the Convention are required to ensure that education and training is provided for all those professionals who have a role in ensuring that victims are properly treated and supported. In order to assist Governments to meet these obligations, nurses can engage in establishing priority areas for education and training, either in their local working environment or in a broader organisational or sector context. Priority areas may include:

- forensic nursing skills
- education on the identification of gender-based violence, e.g. nurses working in “frontline” positions such as emergency departments or home health care where victims of physical or sexual violence may present
- training on the appropriate management of patients who may have suffered gender-based violence, either domestically in the workplace, to ensure that they are not subjected to secondary violence
- confidentiality and reporting obligations
- referral procedures and protocols
- data collection and reporting
- workers’ rights, promotion of equality and discrimination detection
- specific education and training of nurses working in specialist services such as sexual health services, rape crisis services or domestic violence services.

Obligations to Report and Respond

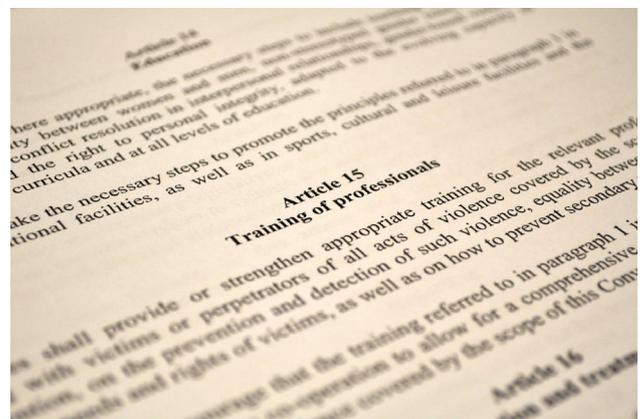
The Convention establishes that any person who witnesses acts of violence against women or has reasonable grounds to believe that such an act may be committed should report it to the appropriate authorities. Nurses should ensure that they can appropriately fulfill this responsibility while respecting the rights of potential victims and ensuring that they are not exposed to secondary violence as a result. This will involve employing a range of measures including being aware of the relevant professional standards, laws and requirements, as well as the relevant policies and procedures within the organisations in which they work.

Migrant Nurses at Risk of Being Subjected to Violence

The Convention requires that measures taken “shall take into account and address the specific needs of persons made vulnerable by particular circumstances” (2 p. 5 (12:4)) and regards committing an offense against such

a person as an “aggravating circumstance” (2 pp 12-13 (46c) which should be considered in determining the sentence for an offense.

Migrant nurses, particularly recent migrants, may be removed from the usual social and family supports, unfamiliar with local laws, traditions and customs, or have little knowledge of what supports are available and how to contact them should they be subject to violence. In addition, migrant nurses may also have less secure employment arrangements than local nurses, fewer established relationships within the workplace, and



maybe using remittances to support families, all of which increases their dependence on their employer. In some cases, the migrant nurse’s residency in the country may be dependent on their continued employment. This can increase the risk of exploitation of various kinds, including violence.

The Convention seeks to ensure that jurisdiction can be established in which residency is unaffected in cases where the residency is depended of a violent relationship, and that consular and other support are provided to nationals resident in other countries. It is also important that health care providers and other organisations take into consideration the particular circumstances of migrant nurses when developing policies and procedures to prevent and address violence in the workplace, including providing support in appropriate languages and taking into account cultural preferences and needs.



ABOUT THE INTERNATIONAL CENTRE ON NURSE MIGRATION

Vision: The International Centre on Nurse Migration occupies a key role in establishing dynamic, effective global and national migration policy and practice that facilitate safe patient care and positive practice environments for nurse migrants.

Mission: To serve as a global resource for the development, promotion and dissemination of research, policy and information on nurse migration.

Goals/Policy : The ethical recruitment and equitable treatment of migrating nurses is a fundamental principle of the International Centre on Nurse Migration. The goals are:

- to promote, collect, create and disseminate data and information on nurse migration
- to act as a resource centre on nurse migration
- to track trends and patterns of global healthcare workforce migration
- to analyse current policy, generate policy options and advocate for sound policy concerning nurse migration
- to promote, undertake and disseminate research on nurse migration, particularly concerning the migrant nurse workforce
- to provide consultation and expert advice on nurse migration and
- to offer continuing education about migration

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About CGFNS International

CGFNS International, formerly the Commission on Graduates of Foreign Nursing Schools, is an immigration-neutral, nonprofit organisation and is an internationally recognised authority on credentials evaluation pertaining to the education, registration, and licensure of nurses and other healthcare professionals worldwide. CGFNS protects the public by ensuring that nurses and other healthcare professionals educated in countries other than the United States are eligible and qualified to meet licensure, immigration and other practice requirements in the United States.

About International Council of Nurses

The International Council of Nurses is a federation of national nurses' associations (NNAs), representing nurses in 130 countries. Founded in 1899, ICN is the world's first and widest reaching international organisation for health professionals. Operated by nurses for nurses, ICN works to ensure quality nursing care for all, sound health policies globally, the advancement of nursing knowledge, and the presence worldwide of a respected nursing profession and a competent and satisfied nursing workforce.

About The International Centre for Human Resources in Nursing (ICHRN)



ICHRN was established in 2006 by the International Council of Nurses. The Centre is dedicated to strengthening the nursing workforce globally through the development, ongoing monitoring and dissemination of comprehensive information, standards and tools on nursing human resources policy, management, research and practice. ICHRN is a unique, online resource serving policy makers, planners, educators, associations, employers, regulators, researchers and practitioners in the field of nursing human resources.