

Violence against women in the EU State of play

SUMMARY

Violence against women is a violation of human rights and a form of gender-based discrimination. Rooted in inequalities between men and women, it takes many forms. Estimates about the scale of the problem are alarming. Such violence has a major impact on victims and imposes a significant cost burden on society.

The instruments put in place by the United Nations and Council of Europe, including the latter's 'Istanbul Convention', to which the EU plans to accede, are benchmarks in efforts to combat violence against women.

The EU is tackling the problem in various ways, but has no binding instrument designed specifically to protect women from violence.

Although there are similarities between national policies to combat violence against women, the Member States have adopted different approaches to the problem.

Parliament's efforts have focused on strengthening EU policy in the area. Parliament has repeatedly called for a European Union strategy to counter violence against women, including a legally binding instrument.

Stakeholders have expressed a range of concerns, such as the impact of the current economic climate on the prevalence of violence and funding for prevention and support for victims, and have highlighted the need for a comprehensive EU political framework on eliminating violence against women. They have also launched new initiatives of their own.

This is a further update of an <u>earlier briefing</u> by Anna Dimitrova-Stull, of February 2014. The <u>most recent previous edition</u> was from November 2016.



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Glossary

Violence against women: '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'.

Gender-based violence against women: 'violence that is directed against a woman because she is a woman or that affects women disproportionately'.

Domestic violence: 'all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim'.

Source: Convention on preventing and combating violence against women and domestic violence, Council of Europe, 2011.

The problem

Violence against women violates human rights and is a form of gender-based discrimination. It constitutes a major obstacle to gender equality. Despite increased attention, the problem still affects all levels of society and all Member States.

Causes and forms

Violence against women is rooted in social inequalities between men and women. Traditional and religious values are sometimes invoked to justify it. Factors including a lack of economic independence increase women's vulnerability.¹

Violence takes many forms, including psychological violence, harassment, physical and sexual violence, female genital mutilation (FGM), forced marriage, forced abortion and sterilisation, sexual harassment, and 'honour' crimes. Some specific groups, such as migrant or disabled women, or women living in institutions, are more likely to experience violence.²

Scale of the problem not fully known

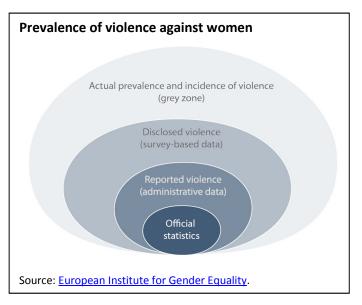
The most comprehensive <u>survey</u> on violence against women at EU level – based on interviews with 42 000 women in all 28 EU Member States on their experiences of physical and sexual violence, sexual harassment and stalking over the past year and since the age of 15 – was published by the EU Agency for Fundamental Rights (FRA) in 2014. The results paint a stark picture of the nature and extent of violence against women across the EU. The survey data show that one woman in three has experienced some form of physical and/or sexual violence since the age of 15. One in 10 women has experienced some form of sexual violence since the age of 15, and one in 20 has been raped. Just over one in five women has experienced physical and/or sexual violence from either a current or previous partner, whilst 43 % of women have experienced some form of psychologically abusive and/or controlling behaviour when in a relationship.

At the most extreme end of the spectrum, recent Eurostat <u>data</u> on the number of reported incidents of intentional homicide, rape and sexual assault show that in many Member States³ over half of all female murder victims are killed by an intimate partner, relative or family member. According to a scientific study, there are approximately 3 500 domestic violence-related deaths in the EU every year. In other words, there are more than nine victims, as many as seven of them women, every day.⁴

However, reliable and comparable data on violence against women are still <u>lacking</u> at national and European level. Although the data obtained through the FRA survey give a first comparative overview of women's experiences of violence in the EU, due to the limitations of the sample, it cannot give an insight into the experiences of women who

have experienced rarer forms of violence, and forms that specific groups in the population may fall victim to, such as <u>FGM</u> and <u>'honour' crimes</u>. These can only be captured by highly developed crime survey research, which to date exists in only a few Member States, such as the United Kingdom and Italy.⁵ The lack of a common definition of violence against women at European level, and differences in the way data are collected at national level, are another obstacle to collecting comparable data.⁶

Crucially, one of the key FRA survey findings, for all types of violence, is that



the majority of women do not report their experiences to the authorities. Victims had reported their most serious incidents of partner violence to the police in only 14 % of cases, and the most serious incidents of non-partner violence in only 13 % of cases. Together with fear and shame, or lack of confidence in the authorities, <u>public attitudes</u> towards violence against women, including <u>victim-blaming</u>, may deter women from reporting. A 2016 <u>Eurostat</u> survey showed that more than one in five respondents (22 %) believe that women often make up or exaggerate claims of abuse or rape, and 27 % think that there are situations where sexual intercourse without consent is justified. This means that the full scale of violence against women is not reflected in official data.

Consequences

Violence has serious immediate and long-term consequences for the physical and mental health of the women who are victims, and can have consequences for children who witness it. The EU FRA survey revealed that the victims' emotional responses to victimisation had been fear, anger and shame. They suffered from a loss of self-confidence and were left feeling vulnerable and anxious. About half of the victims suffered injuries, some of them multiple. For example, 17 % of victims of sexual violence by a partner suffered 2 to 3 different types of physical injuries as a result of the most serious incident.

Besides the human suffering it causes and its impact on health, violence against women imposes a significant economic burden on society as a whole, in the form of healthcare costs, policing and legal costs, lost productivity and social costs. According to a scientific report, domestic violence alone costs the EU a total of €16 billion a year. The cost of preventing this violence in Europe amounts to tens of millions of euros every year.⁷ According to an EPRS study, the total annual cost of violence against women in the EU amounted to more than €228 billion in 2011.⁸

Topical issues

In 2017, <u>revelations</u> about harassment by a prominent film industry executive and the resulting <u>global sharing</u> of women's personal experiences on social media have raised public awareness of the scale of sexual harassment. The FRA survey, which asked women about their experiences of 11 specific unwanted and offensive behaviours, had already shown that in Europe, every second woman (55 %) has experienced sexual harassment at least once since the age of 15.9 In the workplace, the findings show that 75 % of women

in qualified professions or senior management jobs have been sexually harassed, whilst 32 % of all victims in the EU said the perpetrator was a boss, colleague or customer. Outside the work context, young women are particularly vulnerable to sexual harassment, including in education, and to cyber-harassment.

The role of conflict and migration in exacerbating violence against <u>vulnerable</u> groups, including women, remains a significant concern. Women and girls who are refugees, asylum-seekers or migrants may be <u>particularly</u> exposed to various forms of gender-based violence, including forced marriage and <u>trafficking</u>. Recent <u>research</u> shows that, alongside conflict, persistent economic hardship is a significant push factor in sex trafficking. Both for these vulnerable groups and in the broader population, <u>empirical</u> evidence shows that unemployment and poverty are risk factors for exposure to violence.

International context

United Nations

The <u>Convention on the Elimination of All Forms of Discrimination against Women</u> (1979)¹⁰ and the <u>Declaration on the Elimination of Violence against Women</u> (1993) are benchmark documents in the field. Although not binding, the declaration is the first international text that deals exclusively with violence against women.

Violence against women is one of the critical areas of concern identified in the <u>Beijing Platform for Action</u>, which was adopted at the Fourth World Conference on Women in 1995. The platform lists the measures that states, and international and non-governmental organisations, should take to prevent and tackle this form of violence.

<u>The Commission on the Status of Women</u>, which monitors and reviews progress with the implementation of the Beijing Declaration and Platform for Action, made eliminating and preventing violence against women the priority theme of its <u>57th session</u> in 2013. The <u>conclusions</u> adopted at that meeting were reviewed at the Commission's <u>60th session</u> in New York in March 2016, at which it strongly condemned all forms of violence against women and girls, and called for a number of <u>measures</u>, including improvements to legislation and better implementation.

The UN <u>Sustainable Development Goals</u> (SDGs) include a gender-equality goal, which incorporates targets aimed at ending violence and discrimination against women and girls, including a target on eliminating female genital mutilation (FGM) and child, early and forced marriage (CEFM), both of which have an irreversible impact.

The July 2017 report of the Special Rapporteur on violence against women evaluates the current situation and international legal framework, and discusses the need for a new legal instrument. It concludes that the main challenge in addressing violence against women is the failure to fully incorporate and apply international norms. General Recommendation No 35 on gender-based violence against women, adopted in July 2017, is intended to accelerate their implementation. This and the previous General Recommendation No 19, which it updates, are landmark documents because they frame violence against women as a human rights issue and form of gender-based discrimination (No 19) and recognise the prohibition of gender-based violence as a norm, expanding the definition of violence to include violations of sexual and reproductive health rights (No 35).

Council of Europe

In 2002, the Committee of Ministers adopted a <u>Recommendation on the protection of women against violence</u> in which it called on the member states to draw up action plans to prevent violence and protect victims.

The Convention on preventing and combating violence against women and domestic violence ('Istanbul Convention') was opened for signature in May 2011 and came into force in August 2014. Europe's first legally binding convention in the field, it creates a comprehensive framework for preventing violence, protecting victims and prosecuting perpetrators. As of November 2017, all EU Member States have signed the convention, and 17 (BE, DK, DE, EE, ES, FR, IT, CY, MT, NL, AT, PL, PT, RO, SI, FI, SE) have ratified it. In

EU funding for projects combating violence against women

The <u>Daphne III Programme</u> (2007-2013) had a budget of €116.85 million. Since 2014, Daphne has been part of the Rights, Equality and Citizenship Programme 2014-2020. Its budget is €439.5 million for the 2014-2020 period, <u>35 %</u> of which has been earmarked for preventing and combating violence and protecting victims.

October 2015, the Commission issued a <u>roadmap</u> for possible EU accession to the Convention, followed in March 2016 by two proposals for Council decisions, one on the <u>signature</u> and the other on the <u>conclusion</u> (ratification) of the Convention on behalf of the EU. The Convention was <u>signed</u> by the EU on 13 June 2017. The next step is the EU's formal accession to the Convention, for which Parliament will have to give consent.

What is the EU doing?

The <u>Treaty on European Union</u> (TEU) affirms the principle of gender equality and non-discrimination (Article 2). The <u>Charter of Fundamental Rights</u> guarantees people's right to dignity (Title I) and equality (Title III). It also includes specific provisions on people's right to physical and mental integrity, and bans any form of discrimination on the grounds of sex. Although it has no legal force, Declaration 19 on Article 8 of the <u>Treaty on the Functioning of the European Union</u> (TFEU) affirms the political commitment of Member States to combat all forms of domestic violence.

Political commitments

The <u>Stockholm Programme</u> (2010-2014) stressed that women who are victims of violence are a vulnerable group in need of greater protection, including legal protection, and strengthened the EU's commitment to tackle gender-based violence more effectively. The <u>Women's Charter</u> adopted by the Commission in March 2010 declares that a comprehensive action plan will be established to tackle violence against women.

Tackling violence was a major area of the <u>Strategy for equality between women and men</u> (2010-2015). One priority was the adoption of an EU-wide strategy to combat violence against women, a proposal supported by the Council in its conclusions of <u>8 March 2010</u> and <u>6 December 2012</u>. The evaluation of the 2010-2015 Gender Equality Strategy <u>noted</u> that the adoption of an EU-wide strategy on combating violence against women was not achieved, but adoption of the <u>Victims' Directive</u> during that period is considered an important result. The new <u>Strategic Engagement for Gender Equality for 2016-2019</u> has maintained combating gender-based violence as one of its priorities. One of the key areas for action is improving the availability, quality and reliability of data on gender-based violence through cooperation with Eurostat, the European Institute for Gender Equality (EIGE) and the Fundamental Rights Agency. EIGE is now engaged in a <u>project</u> to improve the collection and harmonisation of the data on violence against women collected by national police forces, justice systems, and health and social services across the EU. Another focus is on changing attitudes and improving support for victims, including the <u>launch</u> of a year of focused action to combat violence against women in 2017.

The European Commissioner for Justice, Consumers and Gender Equality, Vera Jourová, launched the year of focused action on 25 November 2016 by, inter alia, publishing a Eurobarometer on gender-based violence, a study on gender-based violence in sport and a joint statement of six Commissioners summarising European Commission activities in the area. She also opened two calls for proposals worth €6 million for civil society organisations to submit proposals for projects that combat violence against women or support its victims. In addition, €4 million was made available to Member States to develop practical and targeted national awareness-raising and education activities aimed at combating violence against women. The website dedicated to the campaign contains stories of people and projects fighting violence against women, relevant events and a list of helplines in various European countries for those who need help.

The European Commission is also assessing the implementation of existing legislation.

Legislative measures

The EU does not currently have a specific binding instrument designed to protect women from violence.¹¹ However, legal instruments have been established in different areas in which women can be victims of violence, and in those areas where there is violence that has a cross-border element, because this is where the EU has the strongest competence for crime-related action. This means that unfortunately, the EU 'has not addressed comprehensively the wider manifestation of violence as women experience it.'¹²

These instruments concern, among other things, equal treatment and non-discrimination, which includes a ban on sexual harassment (Directive 2006/54/EC, a recast of Directive 2002/73/EC, concerning equal treatment as regards access to employment and working conditions, Directive 2010/41/EU on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity, and Directive 2004/113/EC on equal treatment in the access to and supply of goods and services¹³); trafficking in human beings (Directive 2011/36/EU on combating trafficking and Directive 2004/81/EC on the residence permit issued to third-country nationals who are victims of trafficking); and protecting victims by strengthening the rights of victims whatever their nationality and wherever in the EU the crime takes place, including if the victims travel or move within the EU (Directive 2012/29/EU on the rights and protection of victims of crime, Directive 2011/99/EU on the European protection order in criminal matters, and Regulation (EU) No 606/2013 on mutual recognition of protection measures in civil matters¹⁴).

In the field of EU <u>external action</u>, the <u>EU guidelines on violence against women</u> adopted in 2008 affirm the EU's commitment to promote and protect the rights of women in third countries. The Union addresses the problem of violence against women in its specific dialogues on human rights and supports projects to combat violence against women by means of the <u>European Instrument for Democracy and Human Rights</u>. In 2015, the European Commission and EEAS adopted a <u>Gender Action Plan</u> for external relations for 2016-2020, which prioritises violence against women and girls. In 2017, the European Union and the United Nations launched the <u>Spotlight Initiative</u>, with an initial investment of around €500 million, to support measures to eliminate violence against women and girls, in line with the <u>2030 Agenda for Sustainable Development</u>.

Member States

Although there are similarities between national policies to combat violence against women, the Member States have adopted different approaches to the problem.

As far as legislation is concerned, domestic physical violence and sexual violence are the main types of violence punishable by law. Domestic psychological violence, forced marriage, sexual harassment and FGM are punishable in different ways depending on the

country.¹⁵ In some cases, victims must submit a formal complaint before legal proceedings can begin.¹⁶ The low prosecution and conviction rates for crimes of domestic violence and rape appear to be a problem common to a number of Member States. In order to address this problem, Spain and the United Kingdom have established specialised courts to deal with cases of violence against women.

Spain: in 2004, a far-reaching piece of <u>legislation</u> was adopted concerning comprehensive protection measures to tackle gender-based violence. This is the first law of its kind in Europe. **Sweden**: prostitution is treated as an act of gender-based violence and is seen as an obstacle to gender equality. In 1999, <u>legislation</u> was introduced to criminalise the purchase of sexual services. Similar legislation was <u>adopted</u> in **France** in 2016. The French law also gives foreign victims trafficked into prostitution the right to a temporary residency permit as protection.

Besides legislative provisions, in recent years the Member States have adopted policy strategies to combat violence against women, either in the form of national action plans (NAP) on all kinds of violence, or by means of action plans targeting specific forms of violence, or have incorporated measures into other action plans aimed for example at promoting gender equality and social inclusion.¹⁷

Domestic violence and people trafficking are the most common areas addressed by the NAPs, although there is an increase in concern for sexual violence, especially sexual harassment and FGM. More and more emphasis is being placed in these plans on prevention measures (e.g. awareness campaigns, training for professionals working with victims, treatment programmes for perpetrators) and on support (shelters for women victims, telephone helplines). Meanwhile, reinsertion programmes focused on the needs of women who have been victims of violence (access to affordable housing, employment, training and income support) are less common.¹⁸

European Parliament

The European Parliament first sounded the alarm about the problem of violence against women in a <u>resolution of 11 June 1986</u>. Since then, Parliament has played a particularly important role in the field, including through the work of its <u>Committee on Women's Rights and Gender Equality</u> (FEMM). In 2015, the Committee launched a Working Group on Violence against Women to create a forum for exchange of views and formulation of strategy on the issue.

Regarding the EU's legislative framework for combating violence against women, since its <u>resolution of 26 November 2009</u>, Parliament has been calling on the Commission to draw up a comprehensive proposal for a directive on preventing and combating all forms of violence against women. In its <u>resolution of 25 February 2014</u> it also called on the Council to add violence against women to the areas of particularly serious crime listed in Article 83(1) <u>TFEU</u>, and asked the Commission to launch the procedure for EU accession to the Council of Europe (Istanbul) Convention on preventing and combating violence against women, as a complement to an EU directive. In advance of being requested formally to consent to the EU's conclusion of the Convention, Parliament has been considering the matter. In its <u>interim resolution of 12 September 2017</u>, it welcomed the signing of the Convention by the EU and urged the Council to speed up EU ratification, but also raised concerns about the scope of EU accession. The <u>European Added Value Assessment</u> that fed into the 2014 resolution found that an EU directive would have far greater impact on national legal orders than EU accession to the Istanbul Convention, but taken together, the two instruments would 'guarantee a true European Area of Freedom,

Security and Justice where violence against women becomes not only rhetorically but also legally outlawed'.

In addition to legislation, the Parliament has <u>repeatedly called</u> for the establishment of a coherent system for collecting statistics on gender-based violence in Member States, the establishment of a European Observatory on Violence against Women and Girls, and the adoption of an EU-wide strategy and action plan to combat violence against women.

Parliament has also drawn attention to the need to combat specific forms of violence including <u>trafficking</u>, <u>forced prostitution of women</u>, and FGM,¹⁹ and to the vulnerability of and issues facing particular groups such as <u>undocumented women migrants</u>, <u>women asylum-seekers and refugees</u>, <u>women and girls with disabilities</u> and <u>LBTI women and Roma women</u>.

Stakeholders' views

In its 2012 <u>opinion on 'Eradicating domestic violence against women'</u>, the European Economic and Social Committee (EESC) recommended national and European level measures to tackle domestic violence, and expressed concern that social policies in many Member States were being undermined by the economic crisis, leading to shelters for women victims of violence being shut down and prevention projects discontinued. The EESC also supported EU accession to the Istanbul Convention and the adoption of a European Directive to ensure its implementation.

The <u>European Women's Lobby</u> (EWL) <u>calls</u> for a comprehensive EU strategy to end all forms of violence against women in Europe, adoption of EU legislation to end prostitution and sex trafficking through the criminalisation of the purchase of sex and the ratification of the Istanbul Convention by the EU and its Member States. These issues were also raised in its latest factsheet, '<u>Disrupting the continuum of violence against women and girls</u>'. In 2017, the EWL has organised two conferences on violence against women: <u>Loud and United to end violence against women and girls</u> in June, and <u>Istanbul Convention: What policies transform commitment into reality?</u>, taking place in December. The EWL also has an <u>Observatory</u> on violence against women, whose members from 30 European countries and five international and European women's organisations identify issues and monitor progress towards eliminating violence against women. EWL has drafted an evaluation report of the NAPs designed to combat violence against women, where most NGOs working on women's issues expressed dissatisfaction with the way they were consulted by national authorities in the creation of NAPs.

The <u>Women against Violence Europe</u> (WAVE) network <u>stresses</u> that few EU Member States have created a free national helpline available 24/7 (only eight Member States of the EU-28). The number of spaces available in shelters for women who are victims of violence is also not sufficient. Their <u>2015 report</u> on support services in Europe maps services available to women survivors of violence in 46 countries, as well as presenting best practice examples of preventative and training work by NGOs. The WAVE network also launched <u>WAVE Step up!</u> campaign on 25 May 2016 with the aim of improving the availability of support services for women survivors of violence, and their children.

The <u>European Network of Migrant Women</u> (ENOMW) has <u>drawn attention</u> to an increase in the number of women victims of trafficking arriving in the European Union, and called for comprehensive support and rehabilitation programmes, together with better training for reception centre staff and measures to tackle demand.

Further information

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- ² <u>Violence against women and the role of gender equality, social inclusion and health strategies: synthesis report, European Commission, 2010, pp. 81-85.</u>
- ³ For this category, though, the data are not available for all Member States.
- Figures for 2006. See: Estimated mortality related to domestic violence in Europe, summary of scientific report, Psytel, June 2010, p. 5. The scientific report and summary are available at: http://www.psytel.eu/en/.
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- ⁶ For an overview of national definitions, see: <u>Violence against women and the role of gender equality, social inclusion and health strategies: synthesis report, *Ibid.*, p. 37.</u>
- Figures for 2006. See: Estimated cost of domestic violence in Europe, summary of scientific report, Psytel, June 2009. The report shows that increasing the budget for prevention policies by €1 would generate overall savings of €87, including €30 in direct costs, pp. 3-4. The report and summary are available at: http://www.psytel.eu/en/. The issue of the cost of violence is also addressed in http://www.psytel.eu/en/. The issue of the cost of violence is also addressed in <a href="Combating violence against women: stocktaking study on the measures and actions taken in Council of Europe member States, Council of Europe, 2006, pp. 8-12.
- 8 Combating violence against women: European Added Value Assessment, EPRS, European Parliament, 2013, p. 24.
- The key findings are analysed in <u>Sexual Harassment in the European Union: A Pervasive but Still Hidden form of Gender-Based Violence</u>. R. Latcheva. *Journal of Interpersonal Violence*, 2017, Vol. 32(12): 1821-1852
- ¹⁰ The Committee on the Elimination of Discrimination against Women, in <u>General Recommendation No 19 (1992)</u>, contributed to having violence against women recognised as a form of discrimination within the Convention's meaning.
- ¹¹ Under the Daphne Programme the Commission has financed a feasibility <u>study</u> to assess the possibilities and needs to standardise national legislation on violence against women, violence against children and sexual-orientation violence. It concludes that it would be difficult to find a suitable legal basis in EU law for a number of the proposed minimum standards, and that the EU should use the open method of coordination (OMC) to encourage greater convergence between Member States. See: pp. 188-190.
- ¹² See Goodey, p. 1762.
- ¹³ These directives prohibit both harassment on grounds of gender and sexual harassment, and consider them to be a form of gender-based discrimination.
- ¹⁴ The Regulation, which has applied from 11 January 2015, is of importance for women <u>victims of domestic violence</u> who wish to make use of their right to free movement within the EU.
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Recommendation Rec(2002)5 on the protection of women against violence in Council of Europe member states issued in 2014 showed continued disparity at national level. See also the more recent <u>EU and country factsheets on combating violence against women</u> published by EIGE.

- ¹⁶ *Ibid.,* pp. 14-15.
- Violence against women victim support: review of the Implementation of the Beijing Platform for Action in the EU Member States, European Institute for Gender Equality (EIGE), 2012, pp. 21-22; Violence against women and the role of gender equality, social inclusion and health strategies, op.cit., pp. 107-113.
- 18 Ibid., pp. 113-131; pp.138-164; <u>Analytical study of the results of the fourth round of monitoring the implementation of Recommendation Rec(2002)5 on the protection of women against violence in Council of Europe member states, Council of Europe, 2014.</u>
- In its resolutions of 2009, 2012, and 2014, Parliament stated that hundreds of thousands of women in Europe are affected by FGM and called on the Commission and the Member States to take measures to eliminate the practice. The Commission organised a <u>public consultation</u> on the topic in May 2013. This consultation, as well as a <u>report</u> of the European Institute for Gender Equality, were used by the Commission in drawing up a series of actions, see: <u>Towards the elimination of female genital mutilation</u>, COM(2013) 833 final of 25 November 2013.

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eprs@ep.europa.eu

http://www.eprs.ep.parl.union.eu (intranet)

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