

FEMM Mission to Spain

28 February 1 March 2019

KEY FINDINGS

- The UN has been active in the field of violence against women since the 1990. Important instruments are, amongst others, the CEDAW, declarations on violence against women adopted by the General Assembly, the Beijing Declaration and Platform for Action and the 2015 Sustainable Development Goals.
- The Council of Europe has adopted several instruments to combat violence against women such as Recommendation REC(2002)5 and a Convention addressing human trafficking. The Council of Europe Convention on preventing and combating violence against women and domestic violence - “the Istanbul Convention” became the first treaty providing minimum standards on criminalising violence against women.
- Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) received its 2019 Report submitted by Spain pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence
- At EU level, Directives against trafficking in human beings, on victims' rights, and the European Protection Order are applicable to victims of violence against women. The Parliament, Council and Commission have adopted resolutions, conclusions and strategies on the topic. However, both the Council and the Parliament have urged the Commission to take more steps to combat violence against women. In addition, FRA and EIGE also play an important role in monitoring violence against women.

Violence against women is rooted in women’s unequal status in society and that status reflects the unbalanced distribution of social, political and economic power among women and men in society. It is one of the most pervasive human rights violations of our time and a form of discrimination that results in, or is likely to result in, physical, sexual, psychological or economic harm or suffering to women. Violence against women undermines women’s dignity and integrity and imposes serious harm on families, communities and societies. In the EU, estimates suggest that 1 in 3 women (or 61 million out of 185 million) have experienced physical or sexual violence, or both, since the age of 15.

On the global level, the **United Nations Declaration on the Elimination of Violence against Women** (Article 1) states that ‘violence against women means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.’ The work of the United Nations in favour of equality between women and



men, initially centred on encoding the civil and political rights of women and on gathering data concerning the legal and social condition of women, reached a turning point with the IV Global Women's Conference held in Beijing in 1995.

On 11 May 2011, **The Council of Europe Convention on preventing and combating violence against women and domestic violence was signed in Istanbul** ad referendum by the Plenipotentiary of Spain and ratified in 2014 through publication in the Official State Gazette (Boletín Oficial del Estado) on 6 June, coming into force on 1 August of the same year. This Convention, better known as **the Istanbul Convention**, is the first binding instrument in the European sphere on violence against women and domestic violence, and the international treaty of greatest scope to address this serious breach of human rights.

Chapter IX of the Convention establishes a monitoring mechanism, entrusting the Group of Experts on action against violence against women and domestic violence (GREVIO) with the task of observing the application of the same and setting up a series of rules of procedure.

In the four years since the Istanbul Convention came into force, Spain has made a series of important advances (including legislative reforms) which culminated with the adoption of the State Pact against Gender-based Violence in 2017 and the assumption in June 2018 by the Government Vice-presidency of responsibility for questions of equality, including public policies for combating violence against women, which marks an important step forward.

A. GENERAL PRINCIPLES OF THE ISTANBUL CONVENTION¹:

The Spanish Constitution of 1978 states in the Preamble the will of the Spanish Nation to "Protect all Spaniards and peoples of Spain in the exercise of human rights, of their cultures and traditions, and of their languages and institutions". Likewise, article 1.1 establishes Spain as a social and democratic state, subject to the rule of law, and identifies equality as one of the highest values of its legal order. Also, in article 9.2 it says that "It is incumbent upon the public authorities to promote conditions which ensure that the freedom and equality of individuals and of the groups to which they belong may be real and effective, to remove the obstacles which prevent or hinder their full enjoyment, and to facilitate the participation of all citizens in political, economic, cultural and social life".

The approval of two regulations in the Spanish legal system has been pivotal in the development of the constitutional foresight in the matter of gender equality.

1. Organic Law 1/2004 of 28 December, on Integrated Protection Measures against Gender Violence, which considers this type of violence (directed against women for the fact of being women) as the most brutal symbol of inequality and one of the most flagrant attacks on fundamental rights such as freedom, equality, life, safety and non-discrimination.
2. Organic Law 3/2007 of 22 March, for the Effective Equality between Women and Men, which establishes the universal nature of the principal of equality and introduces gender perspective in the activities of public authorities.

At the same time, in the international sphere, it should be noted that Spain has signed and ratified other treaties on human rights besides the Istanbul Convention, especially those mentioned in the Preamble of this Convention, which include the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the European Convention on Human Rights, the Convention of the Council of Europe on Action against Trafficking in Human Beings and the

¹ This section contains findings of the Report submitted by Spain pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (of 19 February 2019), available at: <https://rm.coe.int/state-report-from-spain/16809313e0>

Convention of the Council of Europe for the Protection of Children against Sexual Exploitation and Sexual Abuse.

Aa. SCOPE OF APPLICATION OF THE CONVENTION AND KEY DEFINITIONS:

The different forms of violence that are referred to in the Convention are classified as crimes in Spain under Criminal Law. Furthermore, as regards domestic violence as defined in article 3 of the Convention, it should be noted that the Spanish legal system took note fifteen years ago of the effect that violence within the family inflicted on women, who suffered disproportionately from this, and which the public authorities could not ignore.

This led the legislating body to single out the type of violence exercised against women by the men who are their partners or ex-partners, ensuring it would be addressed comprehensively from all angles, and providing special protection as reflected in Organic Law 1/2004 of 28 December, on Integrated Protection Measures against Gender Violence.

Besides this national legislation, the Autonomous Communities have passed their own integrated laws on violence against women, most of which include the different forms that this violence takes within their area of application.

There is a clear difference under Spanish law between gender violence (which is committed by the male who is or who has been the partner or spouse of the woman victim, whether the aggression is committed against the woman or against her minor children) and domestic violence (which is committed in the home by any of the members of the family unit as specified in Article 173.21 of Spanish Criminal Law). Nevertheless, current legislation is being revised in order to consider any form of violence against women as gender violence, including that which occurs outside the context of partners and expartners. Autonomous Community legislation has extended the concept of gender violence to the effects of the support and services that it provides.

As regards the measures adopted to ensure that the Convention will apply in situations of armed conflict, Spain passed the II National Action Plan for Women, Peace and Security on 28 July 2017, which was drawn up by a cross-ministerial committee with the participation of social organizations and includes a series of measures to combat and eradicate all forms of violence against women. One of the actions that forms part of Objective 3 of the Plan, which focuses on guaranteeing protection and respect for women and girls human rights in conflict and post-conflict situations, is to monitor compliance of Spain's obligations in relation with the right of asylum and the recommendations made by CEDAW, the Palermo Protocol and the Plan against Trafficking, besides the Istanbul Convention, concerning identification, protection and support for women who are victims and survivors of violence.

Ab. STRATEGIES/ACTION PLANS AND OTHER RELEVANT POLICIES:

As regards the strategies, action plans and other policies adopted by the authorities to tackle violence against women mentioned in article 7 of the Convention, the following should be considered at national level:

National Strategy for the Eradication of Violence against Women 2013 -2016: this was passed as an Agreement of the Council of Ministers on 26 July 2013 and is an instrument to coordinate the interventions of public authorities in ending this type of violence, containing 284 measures to apply that involve all public administrations and authorities, and which was assigned an estimated budget of 1,558,611,634 euros for its full application. The National Strategy was prepared through a participation process that gathered and took into account the proposals raised by the different public administrations involved and the entities that form part of the State Observatory on Violence

against Women, forming a road map for all the public authorities during the period between 2013 and 2016. The values that inspired the Strategy included respect for human dignity and fundamental rights, which must be safeguarded by public authorities, especially in the case of victims of gender violence, and they form the core of public policy on this issue. In order to comply with the demands of various international bodies, the Strategy recognises the need to reach beyond the issue of violence inflicted in relationships referred to in Organic Law 1/2004 and advance in combating other forms of violence against women, such as forced marriages, female genital mutilation, the trafficking in women and girls for the purpose of sexual exploitation, harassment and sexual aggression. The Strategy therefore devotes one of its objectives to raising awareness and attention to other forms of violence, proposing a series of measures aimed at progressively dealing with them. The 284 measures included in the Strategy are grouped into four general objectives and three cross-cutting themes:

FOUR GENERAL OBJECTIVES:

1. Breaking the silence that encourages abuse.
2. Improving the response from institutions, personalised plans and progress towards the "single window".
3. Support for minors and women particularly vulnerable to gender violence.
4. Visibility and attention to other forms of violence against women.

THREE CROSS-CUTTING THEMES:

1. Training and raising awareness of those taking part.
2. Coordination, networking and operational excellence.
3. Quality, evaluation, knowledge and continuous improvement.

The coordination of public policy in relation with violence against women is the responsibility of the Government Delegation for Gender-based Violence. The Strategy identifies the agents responsible for carrying out each of the 284 measures, including the Autonomous Communities and Local Administrations where the measures fall within their competence. As regards the progress made, an interim report was published in 2015 on the implementation of the Strategy, and a provisional report on the final evaluation was issued in 2018, confirming a high level of compliance, at 87%.

1. State Pact against Gender-based Violence (adopted in 2017 for the period 2018-2022)
2. Spain unanimously passed the first State Pact against Gender based Violence in September 2017. A pact that was made from the reports of the Congress Sub-commission and the Senate Committee created for this purpose, which proposed 214 and 267 measures respectively, to progress towards the eradication of violence against women. The Pact attracted the adherence of the National Government, the Autonomous Communities, the Spanish Federation of Municipal and Provincial Authorities (FEMP), the State Observatory on Violence against Women, confirming the triple consensus political, territorial and social- that had been reached. It is also one of the most important national agreements achieved in the history of our democracy and sets out the roadmap to follow in the next five years (2018-2022), involving an additional financial commitment of 1,000 million euros.

The measures contained in the two reports that formed the basis of the Pact were combined by the Government Delegation for Gender-based Violence and allocated among the different administrations and institutions responsible for implementing them. The Delegation is also performing an essential role by arranging the coordination and monitoring of the Pact, with effective implementation beginning in 2018 with the distribution of the first 120 million euros to the Autonomous Communities and Municipal Authorities.

3. Other Plans: there are other important plans that also have effects on the situation of violence against women, of which the following should be mentioned:
4. Comprehensive Plan to Fight against Trafficking in Women and Girls for the Purpose of Sexual Exploitation 2015-2018. o Strategic Plan for Equal Opportunities 2014-2016.
5. National Strategic Plan for Childhood and Adolescence 2013-2016.
6. II National Action Plan on Women, Peace and Security.

It should also be noted that in work began in 2017 to prepare the Action Plan for the implementation of the 2030 Agenda: towards a Spanish Strategy for Sustainable Development, which was passed in June 2018.

There have also been a number of plans and strategies in relation with violence against women passed by Autonomous Communities.

Ac. FINANCIAL RESOURCES:

As regards the financial resources that the General State Administration and public bodies that depend on or are linked to it have set aside for the area of violence against women in 2016 and 2017, the following figures have been provided by the Ministerial Departments:

- In 2016, the sum of around €330,769,279.71 was spent.
- In 2017, the sum of around €340,909,092.55 was spent.

Ad. CAMPAIGNS AND PROGRAMMES:

The Government Delegation for Gender-based Violence launched a series of campaigns and actions in the period 2016-2017 that were intended to raise awareness and prevention against gender-based violence, including the following:

- The web portal "For a society free of gender-based violence" was started in November 2015 and registered approximately 17,000 visits during 2016 and 2017. It is a complete portal that gathers all the information about the campaigns, resources, plans and actions taking place in the context of public policies on the issue of violence against women, and which is kept permanently updated and intended to show the full range of institutions, standards and actions being undertaken. One of the most visited sections is the one dealing with news published in the bulletin "The Government Delegation informs" Link: <http://www.violenciagenero.igualdad.mpr.gob.es/>
- Campaigns by the Government Delegation for Gender-based Violence¹⁷: in order to raise awareness among the general public about gender violence and to encourage citizen participation in detection and prevention, the campaign "Thanks to you there is a way out of gender violence. Join us" which was broadcast in the media in 2016. In 2017, three more awareness-raising campaigns were launched and broadcast in the media. o "Cut it out before you go too far. Gender violence doesn't occur suddenly", aimed at a teenage audience. o "Help stop gender violence", aimed at the general public. o "Against the trafficking in women. Do not spend money on suffering", in relation with the trafficking in women and girls for the purpose of sexual exploitation. The materials for the DGVG campaigns are made available to Autonomous Communities, Councils and other social and business entities through the portal "For a society free of gender-based violence", in Spanish and the other official languages in Spain, as well as English and French so that their presence in the media acts as a permanent and continuous amplifier for the messages transmitted.

- The “FREE” (“LIBRES”) app was launched in 2013 and updated in 2016 to make the content more accessible for people with disabilities. The “Libres” app offers information about the first signs of abuse, what to do in a situation of gender violence, about the campaigns and resources available and access to the Web for resources to support prevention in cases of gender violence (WRAP). To date it has accumulated over 10,000 downloads. A new section was added in 2017 for the benefit of the teenage audience, with clear, direct messages to support prevention of gender violence.

Other actions taken with the private sector, such as the initiative business for a society free of gender violence, the race “There is a way out”, etc.

Af. PROTECTION AND SUPPORT OF VICTIMS:

As regards women victims of gender-based violence by a partner or ex-partner, article 18 of Organic Law 1/2004 establishes that they “have the right to receive comprehensive information and advice adapted to their personal circumstances, through the services, agencies and offices provided by the public authorities”, and that this information shall include measures for their safety and protection, their rights and assistance, as well as the location of the care, crisis, support and integrated recovery services. The right of women with disabilities and those that may have greater difficulty due to their personal and social situation to access this information must also be guaranteed. Article 20 of the Act also establishes that the victims of gender violence have the right to receive free legal aid in the period immediately before making a report.

To ensure these rights are effective, the Government Delegation for Gender-based Violence operates a Service for legal advice and information on this issue. The Delegation is responsible for the creation and promotion of a Web with support and prevention resources for cases of gender violence (Web de recursos de apoyo y prevención: WRAP), that shows the closest resources to the victim’s location. The web portal “For a society free of gender violence” offers more information of interest, concerning other resources, a guide to the rights of women victims (available in several languages), etc.

As regards the other forms of violence against women, article 5 of Act 4/2015 of 27 April, on the Statute of Victims of Crime, establishes that “all victims have the right, from the first meeting with authorities and civil servants, including the period before presenting an accusation, to receive, without undue delay, information adapted to their personal circumstances and conditions and the nature of the crime committed and the losses and damages suffered” on a number of aspects, such as the care and support facilities available, the right to press charges, the procedure for obtaining legal advice and defence, the option to request protection and compensation, the interpretation and translation services available, etc. The Victim Support Offices, regulated by Royal Decree 1109/2015 of 11 December, which develops the Statute of Victims, are able to provide a wide range of functions in relation with this information. These Offices may be operated by the State or Autonomous Communities, depending on whether these have accepted responsibility for matters of Justice.

Ad. The problem of unreported cases of violence

The problem of unreported cases In practice, it is very difficult to estimate the cases of violence against women. Many cases are not reported. Shame, fear of reprisals, and ignorance of the protection offered by law or the social network make women reluctant to report painful incidents of violence.

It can be particularly difficult for migrant women to report the violence to which they are subject because they are often socially and economically dependent upon their partner or family. Moreover, migrant women can be dependent on their husbands or family for their residence status in a EU Member State. In addition, they may not have any family or social network in the country in which they live (some may not even speak the language of that country).

Moreover, it seems that, even nowadays, there are still some people who think that certain behavior towards women is acceptable. For example, some people consider "not very serious or inevitable" violence as acceptable, this includes: insulting, hitting, controlling and even forced sex. There is also still an attitude amongst some people that violence against women is a private matter.

B. LEGAL FRAMEWORK

Ba. The main legal provisions under Spanish law in the issue of violence against women and domestic violence are the following:

SPANISH CONSTITUTION OF 1978.

SPANISH LAW ON EQUALITY AND GENDER-BASED VIOLENCE: - Organic Law 1/2004 of 28 December, on Integrated Protection Measures against Gender Violence. - Organic Law 3/2007 of 22 March, for the Effective Equality between Women and Men.

ORGANIZATION OF THE GENERAL STATE ADMINISTRATION: - Royal Decree 485/2017 of 12 May, to develop the basic organic structure of the Ministry of Health, Social Services and Equality.²³ - Royal Decree 253/2006 of 3 March, establishing the functions, operating procedure and composition of the State Observatory on Violence against Women.

COURTS DEALING WITH VIOLENCE AGAINST WOMEN: - Law 38/1988 of 28 December, on Jurisdiction and Judicial Organization. - Organic Law 6/1985 of 1 July, on the Judiciary.

CRIMINAL LAW: - Organic Law 10/1995 of 23 November, approving the Criminal Code. - Royal Decree of 14 September 1882 approving the Law of Criminal Proceedings. - Law 4/2015 of 27 April, on the Statute of Victims of Crime. - Royal Decree 1109/2015 of 11 December, developing Law 4/2015 of 27 April, on the Statute of Victims of Crime, regulating the Offices for Supporting Victims of Crime.

CIVIL LAW: - Royal Decree of 24 July 1889 approving the Civil Code. - Law 1/2000 of 7 January, on Civil Proceedings.

PROTECTION ORDERS: - Law 27/2003 of 31 July, regulating the Protection Order for victims of domestic violence. - Law 23/2014, of 20 November on Mutual Recognition of Criminal Sentencing in the European Union.

Bb. CRIMINALISATION OF THE DIFFERENT FORMS OF VIOLENCE:

The Spanish Criminal Code criminalises the different forms of violence against women as follows:

1. Psychological violence (article 33 of the Istanbul Convention):

Threats are classified as an offence under articles 169 et seq. of the Criminal Code, punishable with prison sentences between one year and five years for the most serious cases. As regards violence against women and domestic violence, threats are considered under article 171.4 of the Criminal Code

Coercion is considered under articles 172 et seq. of the Criminal Code, imposing prison sentences from six months to three years in more serious cases

2. Stalking (article 34 of the Istanbul Convention)

This offence, considered under article 172 of the Criminal Code, was introduced in the reform of the Organic Law 1/2015 of 30 March

3. Physical violence (article 35 of the Istanbul Convention)

The Criminal Code classifies murder in article 139, Injuries are classified in articles 147 et seq. of the Criminal Code,

4. Sexual violence, including rape (article 36 of the Convention):
Sexual assaults, including rape, sexual abuse,

5. Forced marriage (article 37 of the Istanbul Convention):

6. Female genital mutilation (article 38 of the Istanbul Convention):

7. Forced abortion (article 39.a of the Istanbul Convention):

8. Forced sterilisation (article 39.b of the Istanbul Convention)

With regard to the law, the passing of the following regulations should be mentioned as advances in 2018:

Law 6/2018 of 3 July, on the State Budget for 2018 which, besides approving the financial commitment towards the State Pact against Gender-based Violence for this financial year, includes as its fifth final provision the modification of Law 35/1995 of 11 December, on Help and Assistance for Victims of Violent Crimes and Crimes against Sexual Freedoms, introducing significant improvements in the conditions for accessing this support for victims of gender violence, thereby complying with the provisions of the State Pact.

Royal Decree-law 7/2018, of 27 July, on universal access to the National Health System.

Royal Decree-law 9/2018 of 3 August, on urgent measures for the development of the State Pact against Gender-based Violence, which introduces a series of regulatory modifications, essentially in Organic Law 1/2004 of 28 December, on Integrated Protection Measures against Gender Violence.

It should also be noted that the State Pact against Gender-based Violence foresees the following among its measures:

Passing of a comprehensive law on sexual violence.

Passing of a comprehensive law against human trafficking for the purpose of sexual exploitation.

Until specific comprehensive laws have been drafted to meet the need for intervention and protection from the other types of violence against women considered in the Istanbul Convention, these shall receive preventive and statistical treatment within the framework of the Organic Law 1/2004.

Work is currently under way on a preliminary bill for the integral protection of children against violence.

In accordance with the provisions of Law 4/2015 of 27 April, on the Statute of Victims of Crime, victims of gender and sexual violence are given priority attention, and this is reflected in the plans and manuals that regulate the actions of law enforcement agencies: maximum facility to press charges, preferential and respectful treatment for victims, attention from specialist personnel, respect for the victim's privacy, ensuring that they are not in the same space as the aggressor, guaranteeing transfers when these are necessary.

Rapid response and consultation with the appropriate specialists: there are units in the National Police force that are specialised in handling crimes against women: 173 Family and Women's Care Units (UFAM) that serve the whole country. Their members have specific training in issues of violence against women and interventions are entirely subject to standard procedure. The Civil Guard (Guardia Civil) have WomenChild Teams (EMUME) with specific and appropriate training in this area. There are also intervention protocols and instructions on how to treat victims of any type of violence against women as soon as they are detected.

These protocols are intended to work together in coordination, so that all the institutions involved in the prevention, detection and protection of the victims are all closely linked to each other, enabling smooth information flow, working in unison and establishing safe and fastacting support mechanisms. Instruction 7/2016 of the Secretary of State for Security should be mentioned here, as it has set up the new Protocol for Police Assessment of the Risk of Gender Violence and Victim Safety Management

The state law enforcement agencies make a police assessment of risks based on the VioGen system (Integrated Monitoring System for cases of Gender Violence), which is run by the Secretary of State for Security of the Ministry of the Interior. These initial assessments establish the risk that the victims can suffer further attacks on the part of their aggressor, and represent the application of first police safety measures, along with self-protection measures for victims and children. It is followed by another risk assessment at judicial level, when further measures of legal protection can be put in place alongside those of the police. Once the victim has been registered in the VioGen System, following the first police assessment of risk, the police will make regular assessments of changes to this risk according to the level of risk which the victim is exposed to and the protection measures that have been imposed. If the level of risk is considered to have changed, the measures are adapted by informing the courts, who shall then decide in each case which legal measures of protection should be adopted.

The mechanisms of control and coordination between the police and the courts are continuous and fluid, so that the victims are continuously monitored by both authorities.

The victims are also informed of the social resources that they are entitled to and the entities they should address to ensure their social welfare. The work with the social agencies for victim protection is also continuous and involves permanent contact.

Bc. EU directives applicable in cases of violence against women:

A first important legal instrument in the field of violence against women is Directive 2011/36/EU on preventing and combatting trafficking in human beings and protecting its victims. This Directive includes provisions on law enforcement with regard to perpetrators of human trafficking, the prevention of human trafficking and the protection of victims. This Directive targets specifically VAW in connection with trafficking in human beings.

In the same sense, Directive 2004/81/EC on the residence permit issued to third-country nationals who are victims of human trafficking specifically offers support to third-country national who

became victims of human trafficking and who are willing to cooperate with the national authorities against their traffickers. These third-country national victims are offered temporary legal residence and protection in order to recover from their traumatic experiences.

A more general legal instrument which is nevertheless very important for victims of VAW is Directive 2012/29/EU (The Victims' Directive) on common minimum standards on the rights, support and protection of victims. This Directive obliges Member States to support the victim and/or their family members, to protect the victim but also to give victims the right to be informed during, for example, the prosecution of the perpetrator. Member States must also provide training to officials who deal with victims in order to ensure that they are capable to address the specific needs of the victim. Protection and support for women who have become victim of violence against women has been specifically included in the Directive. Article 9 ensures the support for victims of sexual and gender-based violence and article 22 offers protection to victims of human trafficking. Furthermore, Directive 2011/99/EU on the European Protection Order (EPO) also provides protection for victims of VAW. This Directive sets out rules allowing a judicial or equivalent authority in a Member State in which a protection measure has been adopted with a view to protecting a person against a criminal act by another person which may endanger his life, physical or psychological integrity, dignity, personal liberty or sexual integrity, to issue an EPO enabling a competent authority in another Member State to continue the protection of the person in the territory of that other Member State, following criminal conduct, or alleged criminal conduct, in accordance with the national law of the issuing State¹³¹. A 'European Protection Order' means a decision, taken by a judicial or equivalent authority of a Member State in relation to a protection measure, on the basis of which a judicial or equivalent authority of another Member State takes any appropriate measure or measures under its own national law with a view to continuing the protection of the protected person. As this Directive covers all victims of crime, its scope goes beyond sexual and gender based violence.

In addition to Directive 2011/99/EU, Regulation (EU) No 606/2013 on mutual recognition of protection measures in civil matters also provides protection to victims of VAW. This regulation provides a mechanism for the recognition of protection measures in civil matters. Protection can be given in cases where there is a threat to the physical, psychological or sexual integrity of a person. Gender-based violence and violence in close relationships such as physical and sexual violence, harassment and stalking are named as examples for protection measures in the Directive (preamble, recital 6).

Besides, EU legislation aiming at equality between men and women in general also provides for a few relevant provisions in relation to VAW: Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast) and Directive 2004/113/EC on implementing the principle of equal treatment between men and women in the access to and supply of goods and services. Both provide for a definition of and condemn harassment and sexual harassment.

Finally, 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 should be mentioned because it furthers, like the previous two Directives, the respect for the general principle of equal treatment in the EU. As has been shown in chapter 2 of this study, this is also important because they allow women to have a stronger economic position which will make them less dependent from violent relationships. This can be beneficial in cases of violence against women because it offers women the change to escape the violent situation if they are economically independent.

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