

## European Parliament FEMM Committee

### Hearing on Violence against Women and girls, 18 November

#### Intervention by Joanna Maycock, Secretary General of the [European Women's Lobby](#) @EuropeanWomen @JoannaMaycock

Thank you so much to the FEMM Committee for this invitation to speak today, opportunity to address new and returning MEPs. The European Women's Lobby and the women's organisations that we represent throughout Europe is looking forward to work with the FEMM Committee and to support its MEPs individual members in their fight to defend and promote the rights of women and end violence against women and girls, during this new mandate. The European Women's Lobby has worked with its members throughout Europe and with the EU institutions for more than 20 years to demand that Violence against women be taken seriously and addressed as a priority in building the society we want. There can be no peace and security while women fear for their safety in their homes, in workplaces and in public places in Europe.

I am very glad to be in this panel with remarkable colleagues and women's rights activists that have worked endlessly to put an end to violence against women in their different capacities. We have had the pleasure to join forces in the framework of the European Women's Lobby Observatory to end violence against women. In its 23 years of existence, the EWL Observatory has offered a feminist space to activists, professionals, front-line NGOs all over Europe to share knowledge and expertise; raise visibility about the reality of violence against women and girls; and monitoring progress, highlighting advances and set-backs.

Proposed structure for key messages :

- Prevalence of VAWG in the EU – continuum of violence
- Istanbul Convention positive impacts
- Gaps in implementation of the Istanbul Convention - backlash
- Consequence: Women unequally protected across the EU
- Calls: EU Action to access Istanbul Convention and develop further EU action; European Parliament to keep their champion role in promoting comprehensive EU action

#### **Prevalence of VAWG in the EU**

Despite progress over the last decades on equality between women and men, there is not a single country in Europe where women and girls are free from male violence, and there is not a single area in any woman's life where she is not exposed to the threat or reality of acts of male violence.

Violence against women continues to be pervasive, to take many different forms, from intimate partner violence to sexual violence, but also violations of their sexual rights. Women and girls trapped in prostitution and trafficking, are victims of female genital mutilation, and face street harassment every day and they suffer violence also in the digital sphere.

One in three women in the EU, or 62 million women, has experienced physical and/or sexual violence since the age of 15. Every second woman has been confronted with one or more forms of sexual harassment.

50 women die every week murdered by their partner or ex partner in Europe.

However, today, 1 in 5 persons in Europe blame the victim, and 1 in 5 think that male violence is provoked by the victim.

All forms of VAWG have the same goal: to silence women, maintain them in a subordinate place, and to maintain hierarchical roles between women and men.

We welcome you to read our EWL factsheet on “Disrupting the continuum of violence” which proves that we are far from a Europe where all women and girls can live a life free from violence.

This factsheet shows that violence against women is not abstract and that women are speaking out loudly about it. Women’s voices are too loud and too many to be ignored any longer!

Women organisations have been at the forefront of the fight against all forms of VAWG for decades, calling for concrete action. One of the European Women’s Lobby key areas of work is to advocate for the full implementation of Council of Europe Convention on preventing and combating violence against women and domestic violence, the Istanbul Convention.

### **Istanbul Convention: its positive impacts**

The Council of Europe *Convention on preventing and combating violence against women and domestic violence* (the Istanbul Convention) is a stepping stone in establishing legally binding standards and procedures for the elimination of violence against women, protect its victims and ensure their access to justice, prosecution of offenders, and reparation.

It recognises that violence against women is one of the crucial mechanisms by which women are forced into a subordinate position compared to men. Is the first treaty in Europe that criminalises multiple forms of violence against women; it emphasises and recognises that violence against women is a human rights violation; a form of discrimination against women; and a cause and consequence of inequality between women and men.

Women’s organisations and other CSOs worked extensively to ensure a strong text of the convention and to ensure its entering into force. After years of awareness raising work, all EU member States and the EU have signed the Convention, indicating a clear political commitment to end violence against women. The vast majority of EU member States (21) have also ratified the Istanbul Convention.

Nowadays, we continue to advocate for its full implementation in the EU Member States that have already ratified. Most of our members have been highly involved in developing contributions to the GREVIO first monitoring procedure providing information, and implementation reports and identifying key recommendations. As a result, the EWL sees some important policy developments, many of them fostered by the mere existence of the Istanbul Convention.

The Istanbul Convention has served to put VAWG in the political debate as a public issue, not a private one. Recognising that this is a societal issue, linked to the mechanisms of gender inequality, is key to ensure that public authorities are made accountable to take action.

The **preliminary results of the mapping on the implementation of the Istanbul Convention**, that we are currently developing with the inputs of the EWL Observatory experts show that the most positive impacts the Convention are in the area of **legislation and policies** on violence against women and domestic violence. Observatory experts identify positive changes in 17 out of the 23 countries analysed that had ratified the Convention. These positive developments in policies and legislation included creation of national action plans and/or strategies, and new laws with better protection in most countries.

In addition, more than half of the EWL Observatory experts consider that **protection for women survivors** has improved after the ratification in their countries: In 15 countries out of 23, more services for women were introduced where they were lacking. **Prevention mechanisms** in 11 countries and while experts consider that **prosecution mechanisms** have improved only in 8 countries.

One of the concrete impacts is the introduction of **new criminal offences and specially on the modification of law provisions concerning rape.**

On this specifically, the Istanbul Convention has been a key tool to call for changes in the definition of rape to ensure that **any sexual act that is not voluntary is a crime**. Criminal definitions of rape should be based on the principle of the lack of freely given consent instead of the requirement to prove the use of physical force and the active resistance of the victim, as it was the case before in most EU countries.

For example, a law on “sexual offences” was adopted in **Ireland** in 2017 to ensure compliance with the provisions of the Istanbul Convention before its ratification in 2018. The new law defines sexual consent for the first time giving clarity to the legislation. Thanks to the advocacy work of women’s organisations, organised through the coalition Turn Off the Red Light, the new legislation also tackles child pornography, incest, child sexual grooming and criminalises the purchase of sexual services.

Before ratifying the Istanbul Convention in 2017, **Germany** also passed a reform of the penal code provisions on rape in line with the principle “No means no”; In **Spain**, who ratified the Istanbul Convention in 2014, there is a proposal to reform the penal code to ensure the provisions of the Istanbul Convention on consent are adequately reflected in a single definition of rape based on the lack of consent.

The assessments and recommendations provided by GREVIO in their first evaluation procedures will support women’s organisations efforts to call for changes in legislation on rape in countries like Denmark, Austria, Portugal and Finland.

#### **Gaps in implementation of the Istanbul Convention - backlash**

**A lot remains to be done, especially when it comes to putting in place the comprehensive provisions of the Istanbul Convention.**

The **actual implementation** of the policies and legislation is seen as lacking, being only on paper, not implemented or implemented without a gender sensitive approach.

The Observatory on violence against women and front line civil society organisations – working directly to protect survivors across Europe- are alerting on failures and **severe gaps** when it comes to provision of **specialised and gender sensitive responses** to violence against women; their protection, access to justice and reparation.

This is **a very worrying trend that needs to be addressed as it hinders the protection of women against violence**. However, as we know, the Istanbul Convention precisely requires for well-resourced specialist women’s support services with in depth knowledge of gender-based violence. This services have to be sufficiently spread thorough the country and accessible to all women.

For example, in Romania, the first national helpline for victims of domestic violence was established in 2015 and was highly welcomed by NGOs working in the area of domestic violence. However, several years after its establishment, women’s NGOs denounced that the helpline worked without a special women focus and excluded other forms of violence against women such as sexual violence.

With the economic crises as an excuse, **the austerity policies adopted in many countries in Europe are leading to savage cuts to women’s services and to prioritise the best economic offers over the best specialised and experienced offer**. Ending violence against women is not a luxury for times of growth but a question of fundamental rights of all women and girls. Only in the UK, two thirds of women shelters are facing closure due to welfare cuts.

The Observatory experts identify also a worrying trend towards **blaming the survivors**, mostly during the divorce and in **child custody cases**. Survivors of violence are disproportionately made responsible for providing solutions for sustainable safety for themselves and their children. As per the Istanbul Convention, incidents of violence are supposed to be taken into account in cases of child custody, however, in practice, they are mostly overlooked in most of the countries analysed. Mediation is prohibited in divorce proceedings

in only a few countries in cases of violence. We are looking forward to cooperate with the FEMM Committee in its work towards the adoption of a resolution that recognizes how these practices jeopardise security of victims putting them at risk.

**Vulnerable women are being put at risk.** Without adequate shelters or housing, women often have no choice but to live with their abuser. This situation hits the most vulnerable women: migrant, refugees and undocumented migrant women, poor women, Roma women, women with disabilities who are facing specific form of male violence such as institutional violence or forced sterilisation. However, relevant provisions of the Istanbul Convention should help to ensure that all women have access to protection and justice.

It is outrageous to see how, depending on where a woman lives in the EU, she might not get access to justice or be even listened to. Let's remember that there are still 7 EU Member states that haven't ratified the Istanbul Convention, preventing the EU to access the Convention. There, our members are working endlessly to push for ratification and implementation of the Convention.

It is even more outrageous to see how retrograde forces continue spreading intentional misleading messages interpretations of the Istanbul Convention – that goes against our EU values- and that aim at undermining any political and legislative attempt to move forward its ratification or adequate implementation at national and european level.

On this specific aspect, we welcomed the recent adoption of the opinion of the Venice Commission [Council of Europe's constitutional law body] on the constitutional implications of the Istanbul Convention in the case of Armenia. The opinion of this respected institution clarifies important aspects of the Convention and dispel the false misconceptions created around the text of the Convention.

This goes hand in hand with the backlash against women's rights that is growing in Europe, as surely WAVE will detail in their intervention. Reacting to the achievements in the field of women's human rights, we see a **rise of attacks from far right and populist parties and movements, as well as from masculinists and anti-feminist groups**. Attacks are sometimes targeted to women's sexual and reproductive health and rights because they symbolise women's agency over their body. Even the recognition of violence against women as a violation of women's human rights, is being challenged, despite international commitments like the Beijing Platform for action or the Istanbul Convention in Europe!

When some countries take the path of inaction or even worse, when they take proactive steps to backtrack on women's safety and integrity, it means that they deliberately want to build societies where women's rights are not respected, where women and girls are considered inferior and their bodily integrity is not protected.

**As a conclusion: national legislations and policies on violence against women vary greatly from one country to the other.**

All the most important Resolutions on violence against women that the European Parliament has adopted over the years come to the same conclusion: **Depending on where a woman lives, she might not get access to justice or be even listened to.**

In Lithuania our members have been providing assistance to a woman, Laura, who had been suffering stalking for years from her former husband. She divorced him because of his violent and abusive behaviour towards her and their son. After that, he has been systematically stalking and harassing her everyday of her life passing by the shop where she works. Probably no one here can picture her level of distress. However, if she fills a complaint, she is luckily to fail as stalking it is not criminalised in the Lithuanian. Nor is rape in the context of marriage.

## **CALLS**

Monday week we will be marking the International Day for the elimination of violence against women and girls. Once again, women and girls will take up the streets of many cities in Europe to say loudly and firmly that they want to live a life free from violence and also the fear of it. They might hear many statements from decision makers showing good intentions. However, women in Europe expect now more than words. We want action. We want the EU and its Member State to take up their responsibility in ensuring their right to be free from violence and to be safe.

Women's rights in Europe are at an important moment. The new 50/50 European Commission led by a woman represents a critical opportunity to advance women's rights. The new Commissioner for equality should be empowered to lead the change: a bold new **European political strategy on equality between women and men** needs to reflect the level of ambition this new Commission is promising.

The European Commission strategy will be adopted in **an important year for women's rights** with the celebration of the 25th anniversary of the Beijing Platform for Action, where EU Member states took up important commitments to end VAWG.

The strategy should include the objective of preventing and combating all forms of violence against women and girls including sexual exploitation; protecting and supporting victims; prosecuting the perpetrators; and addressing all the structural issues that fuel this violence will be a top priority of the EU.

We call the European Parliament to keep promoting their **comprehensive understanding of the continuum of violence against women**, as per its resolutions on VAWG and the Istanbul Convention; and on sexual exploitation and prostitution.

We count on the champion role of the European Parliament in ensuring that the **ratification and implementation of the Istanbul Convention by the EU and all the EU member states; is high on the political agenda in the Council, where there is already enough qualified majority to move forward with this file**. We look forward to continue cooperating with the two rapporteurs MEP Kokalari (in FEMM Committee) and MEP Spurek in LIBE Committee. **We call the EU to have acceded the Convention by 25 November 2020.**

We call for the inclusion of violence against women and girls as a **eurocrime**, as per the different EP resolutions;

We trust the EP will keep playing a leading role in **enhancing and promoting a European legal framework to disrupt the continuum of violence which includes:**

- **a Directive on Violence Against Women**
- **legislation on sexual exploitation –**
- **enhancing legislation** touching upon women's and girls' right to be protected against violence.

We call on the **appointment of an EU Coordinator** on ending violence against women and girls.

We request sustainable resources for women's organisations working on the ground, providing services for protection, prevention and access to justice to women victims/Survivors.

For more information on the European Women's Lobby: [www.womenlobby.org](http://www.womenlobby.org) Twitter: @EuropeanWomen

[Factsheet on Disrupting the Continuum of Violence against women and girls](#)

[EWL Observatory on Violence against Women](#)