



# **TOWARDS A EUROPE FREE FROM MALE VIOLENCE AGAINST WOMEN AND GIRLS**

Recommendations from the European Women's Lobby to end violence against women and girls in Europe once and for all.



EUROPEAN WOMEN'S  
**LOBBY**  
EUROPEEN DES FEMMES

## ABOUT THE EUROPEAN WOMEN'S LOBBY

Founded in 1990, the European Women's Lobby (EWL) is the largest European umbrella network of women's associations representing more than 2,000 organisations in the EU coming together to campaign for their common vision of a Feminist Europe. The EWL has members in 26 EU Member States, three Candidate Countries (Republic of North Macedonia, Serbia, Turkey), Iceland and the United Kingdom, as well as 17 European-wide organisations representing the diversity of women and girls in Europe. Together with our members, we aim to influence the general public and European Institutions in support of women's human rights and equality between women and men.

The **European Women's Lobby Observatory on Violence against Women**, with more than 23 years of experience, is a unique structure in Europe which brings together a dynamic group of women from 32 countries in Europe (professionals, women's rights defenders, front-line NGOs, activists, etc.) and eight of our European-wide members, with outstanding experience and expertise in different forms of male violence against women. The EWL Observatory plays a key role in identifying burning issues and monitoring progress towards a Europe free from male violence against women and girls. The EWL Observatory raises visibility of the phenomenon of male violence against women and girls. It monitors the commitments at local, regional, national and European level regarding violence against women and girls, highlighting advances and set-backs, as well as providing relevant data. [Find here a list of the current experts and their short biographies.](#)

**THE EUROPEAN WOMEN'S LOBBY (EWL) WOULD LIKE TO DEDICATE A SPECIAL THANK YOU TO THE WOMEN FROM ACROSS EUROPE WHO ARE WORKING TO ELIMINATE ALL FORMS OF VIOLENCE AGAINST WOMEN AND GIRLS AND PROVIDING SUPPORT TO VICTIMS, PARTICULARLY UNDER THE INCREASINGLY CHALLENGING TIMES OF COVID-19.**

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### **Researcher and author of the analysis**

**of the Istanbul Convention:** Valentina Andrasek

**Editors:** Irene Rosales (Project Coordinator),

Jessica Nguyen and Claire Fourçans

**Contributors:** Asha Allen, Catriona Graham, Mirta

Baselovic and Adriana Paradiso

**Design:** Aurore de Boncourt

**President:** Gwendoline Lefebvre

**Secretary-General:** Joanna Maycock



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European Women's Lobby, December 2020

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# EXECUTIVE SUMMARY

In 2021, the EWL marks the 10<sup>th</sup> anniversary of the adoption of the **Council of Europe Convention on Preventing and Combating violence against women and domestic violence, the Istanbul Convention**:<sup>1</sup> the first legally binding treaty, and the most comprehensive to date in Europe, that provides a holistic approach to address violence against women and girls. Since the Convention was created, the EWL and its member organisations have actively been raising awareness about the Convention, advocating for its ratification and monitoring its implementation at national and EU level.

The EWL has the pleasure to present this report, which builds on the evidence gathered by the **EWL Observatory on Violence against Women**,<sup>2</sup> consisting of women's rights organisations across Europe working to eliminate male violence against women and girls. Developed between 2019 and 2020, this report takes stock of the implementation of the Istanbul Convention in countries that have ratified it, assessing information gathered from 31 state parties to the Convention and two European-wide EWL member organisations,<sup>3</sup> and identifying additional forms of violence against women and girls in which the Convention can and should be applied.

This report recognises the significant achievements accomplished in just ten years and the key milestones made towards eliminating violence against women and girls across Europe. It also assesses the deeply-rooted structural issues preventing the elimination of violence against women and girls. It is a call for state parties and non-state parties of the Convention, particularly those in the European Union (EU), to promptly see through its full ratification and implementation, by transposing the Convention's provisions into concrete measures. It also serves as an invitation to relevant authorities, civil society organisations, educators and campaigners to use the findings of this report for their own advocacy.

This report is divided across four sections, looking at where we are now, and the steps required towards eliminating the full continuum of male violence against women and girls. The first section assesses the state of play of the Istanbul Convention, looking

in particular at the **positive changes in European Countries which have ratified the Istanbul Convention**. The second section delves into the need to adopt a **gender-sensitive approach** to effectively implement policies that promote equality between women and men. The third section focuses on realising the full potential of the Istanbul Convention through the adoption of an **intersectional framework** to address in particular the situation of women with disabilities and of migrant or undocumented women and girls. In the fourth section, the EWL calls for the development of a **comprehensive legal and policy framework that addresses the full continuum of violence against women and girls at the national and EU level**, including violence in the online space, prostitution, and reproductive and obstetric violence. On the basis of these different aspects, the EWL then provides its recommendations.

Our recommendations build on two key calls to the EU and its Member States to holistically address the continuum of male violence against women and girls, and systemically tackle its root causes:

- **Immediately accede to/ratify the Istanbul Convention and ensure its full implementation without any reservations.**
- **Adopt a comprehensive legislative and policy framework on preventing and combating all forms of violence against women and girls, including sexual exploitation and online violence, at national and EU level.**

At a time where countries are rebuilding from the COVID-19 pandemic and addressing the surge of male violence against women and girls, systemic transformative change is needed to ensure equality between women and men is a lived reality at all levels. **Through such concerted action, solidarity and political commitment can the EU and its Member States achieve the vision of a Feminist Europe where all women and girls can truly live free from all forms of violence.**

# METHODOLOGY

For the purposes of this report,<sup>4</sup> a combination of a desk research and an in-depth questionnaire was employed. The countries analysed in this report, both EU Member States and non-EU states that have signed and/or ratified the Istanbul Convention, are representative of where the national experts of the EWL Observatory are based. As such, not all Council of Europe members that are state parties to the Istanbul Convention have been assessed in this report. The analysis and recommendations have been carried out and coordinated by **Valentina Andrasek, EWL observatory expert from Croatia.**

The **desk research** undertaken draws primarily on the reports adopted by the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) as part of its first mandated monitoring procedure. Given that this process is still ongoing, not all countries that have ratified the Convention have been assessed. As such, this research considered 13 European countries that met the two following criteria:

- GREVIO reports were adopted by 2019 (inclusive),
- GREVIO reports adopted were from the country of an EWL national expert.

The desk research included:

- an analysis of the contributions of women's organisations linked to the EWL to the first GREVIO monitoring procedure, including **10 EU Member States** and **2 non-EU countries** (Austria, Belgium, Denmark, Finland, France, Italy, Malta, Netherlands, Portugal, Serbia, Spain and Turkey).
- an analysis of the GREVIO baseline reports of **8 EU Member States** and **2 non-EU countries** (Austria, Denmark, Finland, France, Italy, Netherlands, Portugal, Serbia, Sweden and Turkey) and the 1st GREVIO activity report which covers the first four years of GREVIO's mandate.
- other reports and articles related to the topics of the analysis, including the ones developed by the EWL and its members at national and European level.

## European countries assessed as part of the desk research:

Austria

Belgium

Denmark

Finland

France

Italy

Malta

Netherlands

Portugal

Serbia

Spain

Sweden

Turkey

**= Total: 13 countries**

*(11 EU Member States & 2 non-EU states)\**

*\* EU Member States are in purple*

Secondly, an **in-depth questionnaire** was sent to EWL Observatory experts in 2019. The questionnaire was drafted on the basis of the provisions of the Istanbul Convention to address issues identified by the EWL Observatory experts, and which are laid out in this report. The information gathered covers countries in which our national experts are based, including:

- 31 countries in total, of which 23 countries have ratified the Convention,
- 2 European-wide member organisations.

**List of participating European-wide member organisations:**

European Network of Migrant Women  
European Disability Forum

**European countries assessed as part of the questionnaire:**

Austria	Malta
Belgium	Netherlands
Bulgaria*	Poland
Croatia	Portugal
Cyprus	Republic of North Macedonia
Czech Republic*	Romania
Denmark	Serbia
Finland	Slovakia*
France	Slovenia
Greece	Spain
Hungary*	Sweden
Iceland	Turkey
Ireland	Ukraine*
Italy	United Kingdom*
Latvia*	
Lithuania*	
Luxembourg	

**= Total: 31 countries**

(25 EU Member States & 6 non-EU states)\*\*

\* The asterisk marks the eight countries analysed that have signed but not yet ratified the Istanbul Convention

\*\* EU Member States are in purple

# INTRODUCTION

**1/3**

**women in the EU,  
or 62 million women, has  
experienced physical and/or sexual  
violence since the age  
of 15.**



**Every second  
a woman has been confronted  
with one or more forms of sexual  
harassment and one in five women  
has experienced stalking.**

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Male violence against women and girls is a fundamental human rights violation, a form of discrimination against women and girls and a huge obstacle to achieving equality between women and men. Male violence against women and girls is a long-term systemic problem in Europe that knows no geographical boundaries. There is not a single country in the region where women and girls are free from male violence and there is not a single area in any woman or girl's life where she is not exposed to the threat or the realisation of acts of violence:<sup>5</sup> from the private sphere at home, to the public sphere, including the workplace and the online space.<sup>6</sup>

All forms of male violence are linked to a continuum of violence<sup>7</sup> that aims to silence women and force them into a subordinate position compared to men: from the most obvious human rights violations such as femicide to other subtle forms of abuse and control over women's lives, bodies and sexuality. Male

violence against women and girls is the cause and consequence of historical and structural patriarchal societies, and is grounded in gender stereotypes, as per the Istanbul Convention, that are assigned to women and men in society.<sup>8</sup> It is the manifestation of the persistent and unequal power relations and inequalities between women and men.<sup>9</sup> It originates from the patriarchal culture of sexism in our societies that includes gendered myths and stereotypes<sup>10</sup> and the objectification and sexualisation of women and girls.

Comparable and reliable data on violence against women at EU level is scarce. In 2014, the EU Fundamental Rights Agency (FRA) published the most comprehensive EU survey to date, which spotlighted the breadth and alarming prevalence of this violence across the EU.<sup>11</sup>

The COVID-19 pandemic has revealed how far we





# 1/5

**One in 10 women**  
has experienced some form of  
sexual violence, and 5% of women  
have been raped.

**Just over one in five women**  
has experienced physical and/  
or sexual violence from either a  
current or previous partner.

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are from equality in all spheres of life, deepening pre-existing inequalities between women and men, including the increase of male violence against women and girls.<sup>12</sup> Lockdown and isolation measures have created an enabling environment for abusers' coercive control of victims, which has led to more incidences of physical, psychological and sexual violence. Women and girl victims of male violence have had fewer possibilities of seeking help without further endangering their lives.

**In France, the Ministry of Interior indicated an increase of reports between 32% and 36% in the Paris region alone.<sup>13</sup>**

**In Germany's capital Berlin, the police reported an increase of 10% of cases.<sup>14</sup>**

**In Ireland, 24 hour national hotlines**

**responded to a 43% increase in calls between late March and the end of June 2020, compared to 2019 figures.<sup>15</sup>**

**In Lithuania, femicide cases doubled in 2020 compared to the previous year.<sup>16</sup>**

Preliminary data on intimate partner violence shows an increase in its prevalence and reporting in many countries. This needs to be analysed in the framework of the pre-existing and persistent underreporting of crimes of male violence against women across the EU: since 2014, FRA has alerted that less than 15% of the most serious incidents of violence were reported to the authorities. This can be explained by the reality that across the EU, women fear that they will not receive adequate support and protection after reporting such crimes, and are likely to face the

threat of secondary victimisation.

This pandemic is a heavy reminder that robust institutional mechanisms, legislation and policies must be in place to combat the persistence of male violence against women and girls. This must include the standards of the **Council of Europe Convention on preventing and combating violence against women and domestic violence, the Istanbul Convention**, which sets out to create a Europe free of violence against women and domestic violence in the areas of prevention, protection, prosecution and integrated policies. Its provisions must be fully applied and implemented across Europe, in accordance with the spirit of the Convention, to address any situation in times of crisis and/or beyond.

Together with the national experts from the **EWL's Observatory on Violence against Women**,<sup>17</sup> this report builds on the analysis covering 31 state parties<sup>18</sup> to the Convention in Europe and evidence provided by two European-wide EWL member organisations. In marking the 10th anniversary of the Istanbul Convention in 2021, and in welcoming the European Commission's Gender Equality Strategy released in March 2020, this report recognises the key achievements made towards eliminating violence against women and girls across Europe in such a short period. It is a call for state parties and non-state parties of the Convention, particularly those in the EU, to recognise the Convention's added-value in complementing existing international instruments,<sup>19</sup> and to champion its implementation through good practice examples.

This report is divided across four sections:

The first section examines the state of play in regards to the ratification of the Istanbul Convention and the **positive changes identified across the Convention's four pillars**. It also dispels arguments used against ratifying the Convention as part of the broader narrative of the state of play.

The second section examines persisting obstacles in eliminating male violence against women and girls. In recognising that the causes of male violence against women and girls are rooted in patriarchal values, the EWL national experts assesses the need to adopt a **gender-sensitive approach** to address complex barriers that require long-term,

systemic interventions. In-line with Article 6 of the Istanbul Convention, this includes applying a gender perspective in the implementation and evaluation of the Convention, and to effectively implement policies that promote equality between women and men and the empowerment of women.

The third section looks ahead at how the implementation of the Istanbul Convention can be strengthened to realise its full potential. This includes addressing the root causes of male violence against women and girls linked with sexism, and calls for the application of an **intersectional framework** to address the multiple forms of discrimination faced by women and girls. This in particular looks at calls by women's organisations to address male violence against women and girls with disabilities, and migrant and undocumented women and girls.

In the fourth section, the EWL calls for **the development of a comprehensive legal and policy framework that addresses the full continuum of violence against women and girls both at EU and national level**. Concretely, this draws on the full potential for the Istanbul Convention to be applied to all forms of violence against women and girls beyond the private sphere as part of the continuum of violence, specifically the explicit recognition of: violence in the online space, prostitution, and institutional violence including reproductive and obstetric violence.

On the basis of this analysis, the EWL presents its recommendations to European and national policy-makers for the **national ratification, EU accession and full implementation of the Istanbul Convention in the shortest possible time, and without reservations**. It also calls on the EU and its Member States to drive the actions necessary to ensure that all women and girls can live a life free from male violence and the fear of it, no matter where they live. Concretely, the EWL calls on the EU and its Member States to concurrently **adopt a Directive on preventing and combating all forms of violence against women and girls**.<sup>20</sup>

As the EU and its Member States work on their plans for systemic redesign and recovery from the COVID-19 pandemic, including the development of the EU's recovery plans, Next Generation EU, and implementation of the Multiannual Financial

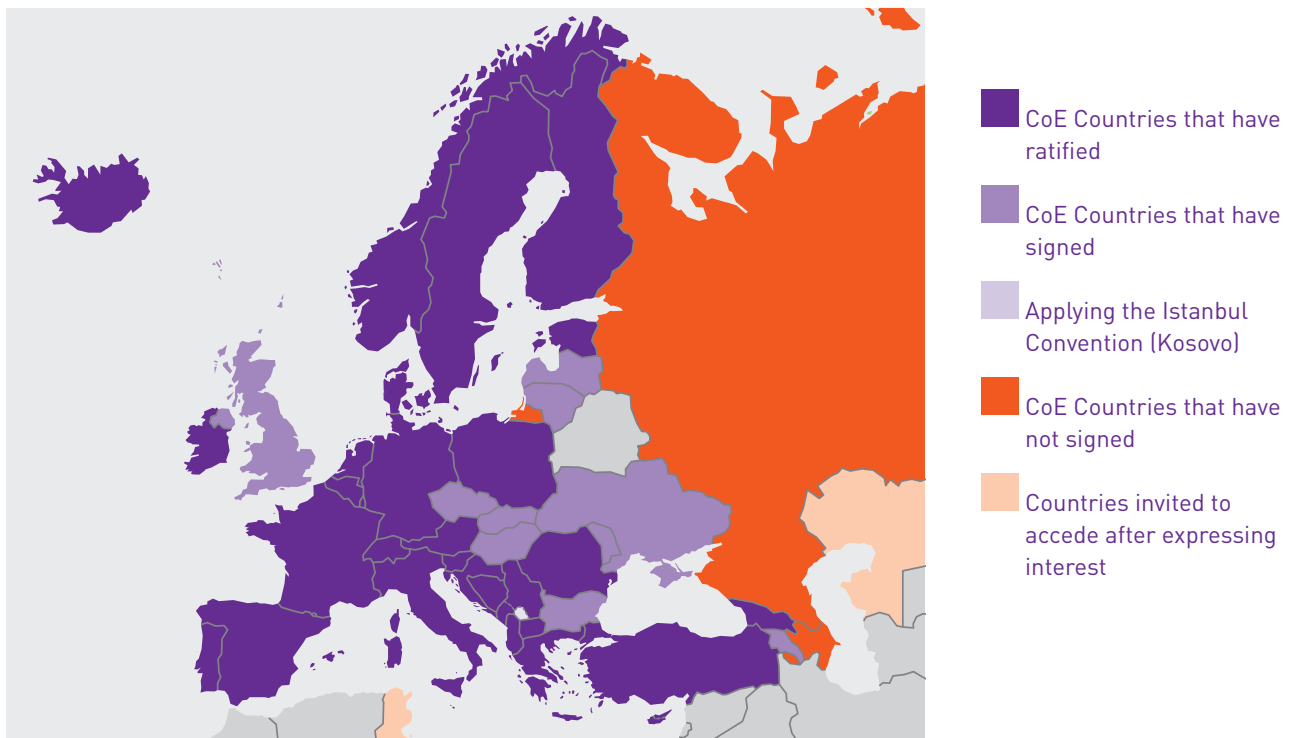
Framework 2021-2027, these key actors must draw on the lessons learned from this crisis, and set the example in creating transformative change. This must be done in active consultation with women's specialised organisations to ensure that prevention, protection and prosecution measures are in place and running at all times, whilst integrated policies proactively support all women and girls who are victims, or are at risk, of male violence

**Now is the time to fully implement and champion the standards of the Istanbul Convention everywhere in Europe without reservation to ensure the eradication of male violence against women and girls and its root causes during the COVID-19 crisis, and beyond.**

# I. THE ISTANBUL CONVENTION: THE MOST ADVANCED INSTRUMENT TO ADDRESS MALE VIOLENCE AGAINST WOMEN AND GIRLS

**The Istanbul Convention** represents a landmark decision at the European level to prevent and protect women and girls from male violence. The Convention offers guidance to state parties and their respective national authorities to give an adequate multidisciplinary response to violence through the **four pillars: prevention** of violence, **protection** of survivors and reparation, **prosecution** of perpetrators and integrated **policies**. It ensures that not only are criminal laws effective, but that they are followed by equally effective civil laws and other measures. As evidenced below, the Convention has fostered comprehensive and swift legislative changes in state parties, whereby all legal and policy changes should be tailor-made to protect victims from further harm, provide long-term support and empowerment to women survivors, and bring perpetrators to justice.

The Convention is a key tool that distinguishes the vital importance of women's civil society organisations. It requires state parties to recognise the work of relevant non-governmental organisations and women's civil society organisations active in combating violence against women and girls, to provide financial support and to establish effective cooperation with these organisations, including in raising public awareness of violence against women and girls.<sup>21</sup>



*Status of signatures and ratifications to the Istanbul Convention as of November 2020<sup>25</sup>*

## 1.1 The state of play in the ratification of the Istanbul Convention

The Istanbul Convention was opened for signature on 11 of May 2011 and entered into force on 1 August 2014, after reaching the 10th ratification by a state party. Since 2011, 45 out of the 47 members of the Council of Europe have signed the Convention,<sup>23</sup> while 34 members have ratified the Convention. In 2020, two non-members of the Council of Europe, Kazakhstan and Tunisia, were invited to accede to the Convention, following the expression of interest by their respective authorities.<sup>24</sup> **To date, all EU Member States have signed the Istanbul Convention and 21 Member States have ratified it, with the exception of six EU Member States: Bulgaria, Czech Republic, Hungary, Latvia, Lithuania and Slovakia.**

Given that the Istanbul Convention has the potential to facilitate in bringing about a Europe free from violence against women and domestic violence, it is imperative to ensure its full ratification and implementation across the region.

However, since 2017, we have seen a serious and growing political backlash in several countries

against the Convention, notably from many countries that have yet to ratify it.<sup>26</sup> As highlighted by the EWL report developed by members from the Central Eastern Europe, the Balkans and the Baltic States (the CEEBBS region),<sup>27</sup> the pushback preventing the ratification of the Convention is part of a wider and active regression on gender equality and other social justice issues in which civil society organisations are also working within an increasingly shrinking space. In all of these countries, the opponents to the Istanbul Convention are not only conservative forces and religious groups, but also political parties from a wide political spectrum (from extreme right-wing populist parties to centre-left populist parties).

In Bulgaria, Hungary, Poland, Slovakia, and Turkey, there is opposition from the government, a party in the governing coalition, and other organisations connected to the governing party. Other actors include men's rights groups and online platforms that promote traditional family values and women's roles.

We are witnessing the manifestation of the backlash through the deliberate use of misleading arguments and false interpretations of the Istanbul Convention across the region, which have permeated into the public discourse and also within state institutions.

In countries such as Croatia for example, there was a serious, yet unsuccessful, attempt to delay the Convention's ratification in 2018. Since then, positive national developments have emerged.<sup>28</sup> In July 2018, the Bulgarian Constitutional Court reached a split vote and declared the Istanbul Convention unconstitutional. Furthermore, the consequences of this backlash continues to have tangible repercussions in countries that have already ratified the Convention, such as in Poland and Turkey<sup>29</sup> where the political opposition continues to propose measures that go against the standards of the Convention.

More recently, opponents to the ratification of the Convention have put forward that the aforementioned countries are simply waiting for the EU to first accede to the Convention following the EU signing onto the Convention in 2017, despite being fully aware that progress at EU level is blocked in the Council of the EU. This has thus created a stalemate in the process. However, some of these countries are arguing that EU accession should follow a decision of unanimity ('common accord') in the Council of the EU instead of a decision by qualified majority. In practice, this means that all EU Member States must have ratified the Convention before the EU can accede. In response, the European Parliament called on the Court of Justice of the EU in April 2019 to give an opinion<sup>30</sup> as to whether the Council's practice of a 'common accord' was compatible with the EU Treaties. It has also asked the Court to decide on the two decisions of the Council of the EU in May 2017, which was to limit the scope of EU signature to the areas of asylum and *non-refoulement*, and to judicial cooperation in criminal matters. The opinion of the Court of Justice is expected in mid-2021.

The increasingly growing opposition to the Convention thus requires urgent institutional action. In October 2019, the Council of Europe's Venice Commission issued an opinion on the constitutional implications of ratifying the Istanbul Convention in Armenia.<sup>31</sup> The opinion dispels several misconceptions and legal arguments used against the Convention that have not only arisen in Armenia, but also in other countries. In particular, it acknowledges the added-value of ratifying the Convention to specifically address violence against women and girls and domestic violence as a widespread and extensive

phenomenon across Europe that are not explicitly addressed by other international instruments. It also recognises the assets in GREVIO as an external oversight mechanism, which allows for state parties to exchange on good practices whilst complementing existing national human rights mechanisms and structures.

In November 2019, the European Parliament also "condemns the attacks and campaigns against the Istanbul Convention based on its deliberate misinterpretation and the false presentation of its contents to the public"<sup>32</sup> and urged the EU and the remaining Member States to ratify the Convention.

Women's rights organisations have been key to developing campaigns to promote the two aims of the Istanbul Convention in relation to eradicating violence against women and girls, and protecting women and girls and other family members from violence. Together, they have joined the efforts of the Council of Europe<sup>33</sup> and the European Commission<sup>34</sup> to address these intentional misrepresentations.

The EU and its Member States now have the opportunity to leverage the messages of unity and solidarity as Europe rebuilds from the devastating impacts of COVID-19, to actively dispel these harmful attacks against the Convention and lead in the protection of fundamental rights. This must include the reiteration of commitments to the Convention, as well as visibly implementing its standards to guarantee women's safety and integrity.

## 1.2 Key achievements in the first ten years of the Istanbul Convention

The Istanbul Convention has demonstrated its positive impact towards setting up mechanisms to prevent and combat violence against women and domestic violence. To date, several countries have initiated reforms and adopted new legislative and policy pieces moving towards ratification. As part of its first ongoing evaluation procedure, GREVIO recommendations have also contributed to triggering key policy developments in most of the countries evaluated, while women's rights organisations have used these recommendations in their advocacy work. It is important that countries that have yet to ratify the Istanbul Convention, despite some already moving towards aligning with its standards,<sup>35</sup> formally step up, ratify and implement the Convention without reservation, and engage with the GREVIO accountability mechanism to exchange on good practice examples.

One of the most relevant outcomes of the Istanbul Convention is how effective it is in instigating change and progress in countries where it is ratified, often in the span of just a few years. As part of their analysis, the EWL Observatory have examined 23 European countries that have ratified the Istanbul Convention, and to which our national experts have assessed their respective country. In their analysis, the EWL Observatory concludes that **in the 23 countries examined, including 19 EU Member States and 4 non-EU Member States, the ratification and implementation of the Istanbul Convention has brought in positive measures across the four pillars in all of them**, as outlined below and further detailed in [Annex I – Table with positive developments per country](#).

### % of countries with positive developments across the four pillars after ratification:

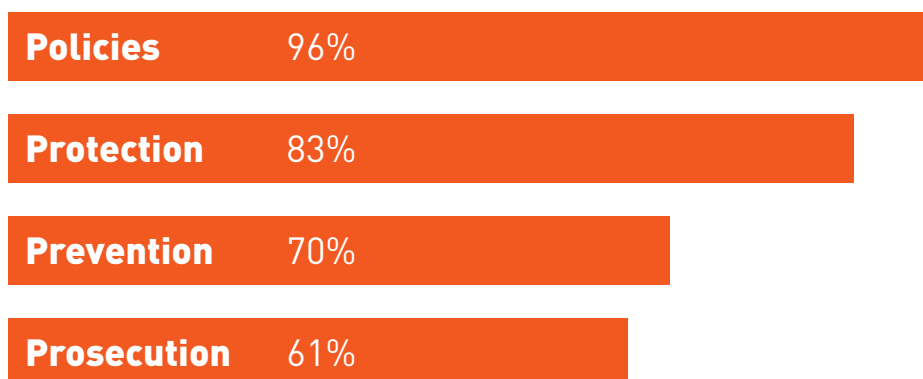


Figure 1 – Examines 23 state parties that have ratified the Istanbul Convention and the % of positive developments made with regards to the implementation of the Convention's four pillars.

### 1.2.1 Policies

**A strong majority of countries analysed (96%) have made substantive improvements to their policies and legislation related to combating violence against women and girls, and domestic violence.**<sup>36</sup>

This includes adopting special laws,<sup>37</sup> developing national action plans and strategies to cover different forms of violence, improving data collection mechanisms,<sup>38</sup> and introducing amendments to criminal legislation. For example, 13 countries<sup>39</sup> have amended, or are in the process of amending, their criminal legislation on the definition of sexual

violence and rape to better align with the Convention and be based on the lack of consent as a constituent element of crime, rather than the use of force. In certain countries, criminal legislation has also been amended to introduce the definition of aggravating circumstances,<sup>40</sup> criminalise psychological violence and/or introduce the concept of coercive control,<sup>41</sup> or prohibit forced marriage,<sup>42</sup> female genital mutilation (FGM),<sup>43</sup> sexual harassment<sup>44</sup> and stalking.<sup>45</sup> Furthermore, in Belgium<sup>46</sup> and Spain,<sup>47</sup> the implementation of the provisions of the Istanbul Convention has been included as a key priority in the governments' plans for the upcoming years.

### 1.2.2 Protection

**19 out of 23 countries examined (83%) have improved protection services for women victims of violence and victims of domestic violence.**

Several countries have significantly increased their financial allocations and resources for shelters and other support services.<sup>48</sup> In other countries, specialised services for survivors of sexual violence have notably been set up,<sup>49</sup> while helplines, shelters and women's centres have also been strengthened or newly established.<sup>50</sup> This includes in Denmark for example, where centres for victims of sexual violence have been set up at regional hospitals, with free access to medical, psychological and legal counselling. Efforts are also being made to provide and reinforce common standards for service provision and ensure multi-sectoral cooperation,<sup>51</sup> while several countries are working on providing financial, economic and housing support to victims.<sup>52</sup>

### 1.2.3 Prosecution

**Improvements in investigations and prosecution are already visible in 15 out of 23 countries analysed (65%),<sup>53</sup> which is more than half of the countries that have ratified the Convention.**

This includes improvements in developing more adequate systems for risk assessment and early identification of victims, such as setting up specialised courts. New legislation on protection

and emergency orders have also been introduced and used increasingly. For example, in Romania, the new legislation on domestic violence, which entered into force in January 2019, introduced the possibility of issuing emergency protection orders. As a result, 7,986 emergency protection orders were issued in 2019. Furthermore, in the first ten months of 2020, there was an 8.2% increase, amounting to 7,112 emergency protection orders issued. This set of recent improvements shows the great potential of the ratification of the Istanbul Convention, given that legislative changes and the provision of additional training is generally slow.

### 1.2.3 Prevention

**In 14 out of the 23 countries analysed<sup>54</sup> (61%) efforts to prevent violence against women and girls and domestic violence have intensified.**

Several state parties have increased their involvement in awareness raising campaigns;<sup>55</sup> made progress towards developing school programmes that address equality between women and men and violence against women and/or domestic violence;<sup>56</sup> improved training of professionals and developed handbooks in their effort to prevent male violence against women, its specific forms (such as intimate partner violence, FGM and so-called 'honour-based' violence) and domestic violence; and developed materials and training to conduct risk assessments and ensure the early detection of victims.<sup>57</sup>

The evidence depicted above showcases the positive and tangible changes made by state parties to align with the Istanbul Convention's four pillars. Notably, the transposition of these pillars into national law produces comprehensive and swift improvements to policies and legislation that aim to better protect and support women and girl survivors of male violence and hold perpetrators to account. These tangible improvements, many of which have been made in just a short amount of time upon ratifying the Istanbul Convention, shows the real potential of the Convention in closing gender inequality gaps that currently prevent women and girls from fully exercising and enjoying their rights.

By accelerating transformative change and taking on a gender-sensitive approach that accounts for the experiences of women and girls, the Istanbul Convention facilitates in the overall creation of a safer and more equal society for women and girls.



## CASE STUDY

### The implementation of the Istanbul Convention during COVID-19

In April 2020, EWL member organisations reported on the measures taken by EU Member States to implement the standards of the Istanbul Convention<sup>58</sup> in response to the alarming surge in male violence against women and girls during COVID-19. This included establishing significant and additional measures to mitigate the increased risk of harm and to increase access to protection and support services.

In **Austria**, the Federal Minister for Women and Integration expanded the availability of online support services and increased financial support for women and girls affected by violence.<sup>59</sup> In **Germany**, a package of 10 measures were adopted to recognise protection services for victims of male violence against women and girls as an essential service, whilst greater support was provided to ensure their ongoing capacity during the crisis.<sup>60</sup> In **Spain** and **Italy**, additional emergency shelters and temporary accommodation was established.<sup>61</sup>

In many countries, special digital solutions were also set up via web chats or apps to enable women to contact law enforcement units without needing to use a helpline. We have heard about the development of awareness raising media campaigns in **Italy** that stressed the permanent functioning of helplines and shelters, while in **Spain** and **France**, a campaign was launched to advertise an alert mechanism for women to seek help in pharmacies.<sup>62</sup> In regards to the early identification of women victims, in **Ireland**, policing services reached out to former victims of domestic violence to ensure their wellbeing.<sup>63</sup> Protection measures such as emergency barring, restraining and protection orders have also been issued and reinforced, while efforts have been made to avoid suspension or delays of court proceedings in countries such as **France** and **Italy**.<sup>64</sup>

The COVID-19 pandemic has revealed huge inequality gaps in our societies, including with regards to the need for the urgent and sustained provision of adequate social infrastructure and essential services. This pandemic is a reminder that only through the full implementation of the very concrete standards of the Istanbul Convention can these inequalities be remediated.

## II. PERSISTING OBSTACLES IN ELIMINATING VIOLENCE AGAINST WOMEN AND GIRLS



**The Istanbul Convention clearly recognises that violence against women and girls originates from the historically and institutionally unequal power structures between women and men as a means to subordinate women to men. Unfortunately, no country in Europe is spared from persisting gender stereotypes which impede the full implementation of the Istanbul Convention.<sup>65</sup>**



Violence against women and girls and domestic violence is a distinctly gendered phenomenon. As such, the Convention applies a societal understanding to women's oppression and male domination and obliges state parties under Article 6 to embed a gender-sensitive approach to policies, from the design to evaluation phase.

The analysis undertaken by the EWL Observatory shows that further work is required to fully address the structural causes of violence against women and domestic violence, particularly in instances in which laws and policies are either shaped through a gender-neutral lens, or implemented in a gender-neutral way. For example, the austerity measures taken a decade ago failed to correct public spending to ensure women and men benefited equally, and instead led to severe cuts to women's essential services including shelters, refuges and legal aid, deepening these inequalities that continue to be felt now during COVID-19. The implications of not implementing a gender-sensitive approach, as noted by GREVIO in its 1st General Report of activities, is that "the gender-neutral approach [...] fails to address the specific experiences of women that differ significantly from those of men thus hindering their effective protection."<sup>66</sup>

"A gender-sensitive approach to policies not only considers the type of violence, but also the specific context in which the violence takes place; the perpetrator-victim relationship, the role of (concealed) power, coercion and control throughout the process of violence, and the distinct consequences and impact of violence on different

groups of women and men.”<sup>67</sup> The EWL Observatory analysis highlights areas in the implementation of the Istanbul Convention that can be further improved through a gender-sensitive approach, notably in the medium to long-term, to eradicate deeply entrenched and harmful societal attitudes and stereotypes against women and girls. Often these attitudes will shape the experiences of women victims of violence in disclosing or reporting instances of violence, and plays a huge contributing factor to their decision to come forward.

With the exception of the point on reservations made to the Istanbul Convention which looks at 23 European countries that have ratified the Convention, the section below encompasses the analysis of the EWL Observatory of 31 European countries in total, that have both signed and/or ratified the Istanbul Convention, and in which each EWL national expert has found more complex barriers requiring long-term and systemic interventions. This includes, with regards to victim blaming attitudes, the use of family conflict approach, mediation and dual arrests, child custody proceedings, and collecting disaggregated data.

## 2.1 Reservations to the Istanbul Convention

**Of the 23 European countries analysed that have ratified the Convention, 14 countries were found to have made a reservation.**<sup>68</sup>

These were mainly made to Article 30(2) on adequate state compensation due to concerns from states of financial strains,<sup>69</sup> and to Article 44 on jurisdiction over acts of violence committed by persons who have a residence in their territory (paragraph 1, point e), including in relation to crimes of sexual violence, forced marriage, FGM, and forced abortion and sterilisation (paragraphs 3 and 4). Often reservations to both articles are linked to the purported lack of financial capacity to care for migrants, and xenophobic concerns that asylum seeker women will use such associated fears of violence to obtain a residency permit under Article 59. However, these reservations have a hugely detrimental impact on

the protection of women and girls, putting them at risk of further stigmatisation and discrimination. In particular, this includes barriers in implementing certain provisions of the Convention for specific groups of women, including women with a migrant background or women with disabilities. As such, these reservations must be strongly discouraged.

## 2.2 Victim blaming attitudes

**According to the EWL Observatory experts, there is a strong trend towards blaming the survivors in 28 of the 31 countries analysed (91%).**<sup>70</sup>

This is often attributed to the lack of adequate understanding of the phenomenon of violence against women and girls and the lack of training of frontline professionals leading to gaps in identification of victims and deficient risk assessments. Article 54 of the Istanbul Convention stipulates that evidence relating to the sexual history and conduct of the victim is permitted only when relevant and necessary, since such evidence is sometimes used to challenge the respectability, credibility and lack of consent of the victim. However, victim blaming attitudes are still persistent in most EU countries, particularly in cases of sexual violence, in which women victims of violence are often disproportionately expected to provide their own solutions for their safety and for the safety of their children. Victim blaming attitudes present huge barriers to women victims of male violence such as when disclosing or reporting cases of violence to relevant authorities. Consequently, this also impacts the low convictions rates across Europe, particularly for cases of sexual violence.

## 2.3 Use of family conflict approach, mediation and dual arrests

**Family conflict approach is used in 23 out of 31 countries (74%),<sup>71</sup> despite its traditional focus on the dispute or conflict rather than on unequal power dynamics, particularly in cases of domestic violence.**

Often, women are treated as if they are equally violent as men which can also lead to charging women victims who defended themselves. In the same vein, mediation in cases of violence against women and domestic violence is used in 21 out of 31 countries (68%) and is prohibited by law in 6 countries,<sup>72</sup> typically during divorce procedures.<sup>73</sup> Such a gender-neutral approach has long-term consequences for women victims of violence who are unable to report cases of violence, and further risk their safety as well as the safety of their children. These harmful attitudes also determine how law enforcement agencies will respond. In some cases, this approach risks diluting the severity of violence to a domestic dispute,<sup>74</sup> placing the expectation on the woman victim to resolve the issue with their abusive partner, further adding to their re-traumatisation.

## 2.4 Custody proceedings and visitation rights

**In cases of custody proceedings and visitation rights, EWL Observatory experts reported that 11 of the 31 countries analysed (35%)<sup>75</sup> have laws that stipulate that violence against women and domestic violence should be taken into account when determining custody.**

Discrimination and the re-victimisation of women victims of violence, specifically intimate partner violence, remains a persistent obstacle. This includes when ensuring the safety of mothers who are victims of domestic violence and their children during the determination of custody and visitation.<sup>76</sup> Often, the perpetrator's right to see the child is placed above the women's and children's right to safety, with

women survivors of violence receiving unfavourable treatment in custody proceedings in 27 out of 31 countries analysed (87%).<sup>77</sup> A gender-sensitive approach that considers the safety of women victims of violence and their children, particularly in custody proceedings, must be sufficiently implemented as per the Convention to mitigate any consequential risks, including femicide and/or infanticide.

## 2.5 Gaps in data collection

**In 19 out of 31 countries analysed (61%), male violence against women cannot be clearly seen from the statistical data.**

Approaches to collecting disaggregated data that captures the circumstances in which situations of male violence against women and girls occur also remains inconsistent across the region, as noted by the European Institute for Gender Equality.<sup>78</sup> Often, most criminal statistics are bound to completely gender-neutral legal definitions of violence. Without a system that consistently captures the extent of male violence against women and girls across Europe and its root causes, there is a risk of compounding the implications of the harmful attitudes and practices mentioned above, and preventing the critical resourcing of women's essential services.

The EWL acknowledges that many of these areas for improvement require that societal attitudes must be uprooted and transformed to recognise women as equal to men rather than as subordinates. These challenges only reinforce the need to fully implement the positive provisions outlined in the Istanbul Convention, to subvert these harmful attitudes and achieve real, tangible change. The EWL welcomes all efforts to ratify and implement the Istanbul Convention and the many improvements that state parties have made in accordance with its provisions. The EWL calls on these state parties to implement the Convention fully by adhering to the principles, spirit and intention of this important international legal instrument. This must include championing a gender-sensitive approach across all four pillars and extend these standards to measures regarding the identification of victims, improved risk analysis and strengthened protection measures more broadly, to accelerate the eradication of male violence against women and girls as a phenomenon.



# III. ADEQUATELY RESPONDING TO MULTIPLE FORMS OF DISCRIMINATION AGAINST WOMEN AND GIRLS



**A holistic approach must be consistently taken across Europe to ensure the root causes of male violence against women and girls are identified and addressed, and that women and girl victims of violence who face other compounding forms of discrimination benefit from specific measures.**



The Istanbul Convention, when ratified and implemented in full, and without reservation, has the potential to address all forms of male violence against women and girl whether online or offline; in other words, to address the full continuum of violence against women and girls. In this light, the Istanbul Convention must be implemented beyond the scope of the private sphere and beyond domestic violence that is committed by an intimate partner or ex-partner. This must include in the work-related and public sphere, including violence committed by other relatives, acquaintances or offenders unknown to the victim, including in the community or by an institutional actor (i.e. health care professionals, in institutional care, in prisons, in detention centres, in religious institutions, educational settings, etc.).

In the section below, the EWL national experts show that most countries do not yet consider intersecting forms of discrimination and vulnerabilities faced by women and girls in the implementation of the Convention. We focus on two specific examples of women exposed to multiple forms of discrimination for which targeted measures are needed.

### 3.1 Addressing sexism as a root cause of male violence against women and girls

Recognising the link between sexism and violence against women and girls is imperative to simultaneously address its root causes, as well as to establish mechanisms to address and prevent these phenomena. In 2019, the Council of Europe issued a Recommendation on preventing and combating sexism (CM/Rec(2019)1)<sup>79</sup> that acknowledges the link between sexism and violence against women and girls. It explains that acts of “everyday” sexism are “part of a continuum of violence that create a climate of intimidation, fear, discrimination, exclusion and insecurity which limits opportunities and freedom”.<sup>80</sup> The implementation of the Istanbul Convention, especially with regards to Chapter III on Prevention, should thus go hand-in-hand with the implementation of the recommendations on sexism, especially when it comes to awareness raising and education.<sup>81</sup>

The implementation of the standards of the Istanbul Convention also has the potential to complement and facilitate the transposition of other legislative instruments at national level. This includes for example Directive 2012/29/EU establishing minimum standards for the rights, support and protection of victims of crime, otherwise known as the Victims’ Rights Directive,<sup>82</sup> which recognises the victims of gender-based violence as a vulnerable group. Furthermore, the EWL’s recommendations from its 2020 Feminist Sexuality Education report<sup>83</sup> are also key in terms of preventing the continuum of male violence in combating sexism, and for the realisation of equality between women and men.

It is therefore imperative that the underlying causes of male violence against women and girls are addressed via the harmonisation of the Istanbul Convention with key national and EU instruments, as well as the recommendations of women’s organisations on the ground. To ensure no one is left behind, this approach must further take into account the compounded impacts of sexism linked with other forms of discrimination against women and girls which exacerbate the risk of male violence.

### 3.2 An intersectional approach to women and girls in all their diversity

Sexism, as well as poverty, ableism, racism, xenophobia, ageism, lesbophobia, biphobia and other forms of discrimination, place women at greater risk of suffering from all the forms of violence covered in the Istanbul Convention. Under Article 12(3), the Convention requires states parties to ensure an approach of non-discrimination and to develop positive actions to address the specific needs of persons that are made vulnerable by particular circumstances and/or are exposed to multiple forms of discrimination. Furthermore, the Convention recognises that “perpetrators often choose to target such persons because they know that they are less likely to be able to defend themselves, or seek prosecution of the perpetrator and other forms of reparation, because of their situation.”<sup>84</sup>

Therefore, to achieve the fullest potential in the implementation of the Istanbul Convention, particular attention must address situations in which women may be subject to multiple and overlapping forms of discrimination. Further steps must be taken to ensure women and girls exposed to multiple forms of discrimination are fully protected.

Furthermore, the Istanbul Convention criminalises specific forms of violence against women and girls that disproportionately affects some groups of women, including those exposed to forced marriage (Article 37), FGM (Article 38), forced sterilisation and forced abortion (Article 39), sexual harassment (Article 40) and the unacceptable justifications for crimes, including crimes committed in the name of so-called ‘honour’ (Article 42).

It is important during the implementation of the Convention to dismantle stereotypical understandings of forms of sexual violence and ‘harmful practices’ that are often linked to ‘cultural norms’ rather than to women’s human rights broadly, particularly in the cases of ethnic minority and racialised women and girls. “Violence directed against black, migrant and refugee women for example, is labelled as a cultural problem requiring a gender- and culture-sensitive approach [...] The same problem arises regarding the selective use of the term ‘harmful practices’ in

relation to black, migrant and refugee communities [...] This reinforces stereotypes that violence against black, migrant and refugee women is a problem stemming from an oppressive collective culture [and] has no relation to traditional gender roles and structural unequal power relationships between women and men.”<sup>85</sup>

It is thus imperative that state parties consistently apply an intersectional and gender-sensitive approach to fulfil the requirements of the Istanbul Convention in full, including positive measures to facilitate in adequate prevention, protection, support and access to justice to women in all their diversity.

### 3.2.1 Women and girls with disabilities

Women and girls with disabilities are two to five times more likely to be victims of violence than women and girls without disabilities, including sexual and reproductive abuse such as forced sterilisation.<sup>86</sup>

To date, all EU Member States have ratified the UN Convention on the Rights of Persons with Disabilities (UN CRPD).<sup>87</sup> The EU acceded to the UN CRPD in December 2010, making it the first human rights treaty to ever have been ratified by a regional body like the EU. The Convention recognises that women with disabilities are subject to multiple forms of discrimination (Article 6). It acknowledges that women and girls are more vulnerable to violence and requires appropriate measures to prevent all forms of violence that are gender-and-disability sensitive when it comes to assistance, protection and support services (Article 16). In the 2015 UN CRPD Committee’s Concluding Observations to the EU, the Committee called on the EU to accede to the Istanbul Convention as a way to protect women and girls with disabilities from violence.<sup>88</sup>

The Istanbul Convention acknowledges that some groups of women, such as women and girls with disabilities, are often at greater risk of experiencing violence, and calls to ensure non-discrimination and adopt positive action to address their specific needs. Furthermore, the Convention suggests to collect data disaggregated by factors such as disability. Article 39 of the Convention on forced sterilisation establishes that performing surgery which terminates a woman’s capacity to naturally reproduce without her prior and informed consent constitutes a crime.<sup>89</sup>

In ensuring that women with disabilities’ intersecting experiences to violence are accounted for, women’s organisations in their contributions to the GREVIO monitoring process have called for strengthened approaches to: improve the collection of disaggregated data and research on women with disabilities’ experiences of violence and access to protection, support and justice;<sup>90</sup> develop more awareness raising campaigns and preventative actions that include and/or target women with disabilities;<sup>91</sup> ensure the availability of accessible services, including shelters, that consider the specific needs of women with disabilities;<sup>92</sup> provide accessible information on women’s rights and the means of reporting offences for women with psychosocial disabilities, as well as those with intellectual or sensorial disabilities;<sup>93</sup> train staff within the judiciary and police forces to assist women with sensorial or intellectual disabilities that have been subjected to violence, or to provide appropriate communication instruments for these women other than verbal language.<sup>94</sup>

### 3.2.2 Migrant women and girls, undocumented migrant women and women on the move fleeing to or settling in Europe

Migrant women and girls, undocumented migrant women and women on the move fleeing to or settling in Europe are at a higher risk of suffering from male violence, with the situation severely deteriorating in overcrowded, poorly organised ‘hot spots’ where thousands of women and girls endure long periods without protection. The standards laid out in the Istanbul Convention apply to all women and girl victims of violence, regardless of their migrant or legal status, with specific provisions extended to the protection of migrant, refugee and asylum-seeking women in Chapter VII.

This includes ensuring that autonomous residence permits are granted to women whose residence is dependent on their spouses in cases of intimate partner violence (Article 59), recognising gender-based violence against women and girls in asylum claims in-line with the 1951 Convention relating to the Status of Refugees (Article 60), and respecting the principle of *non-refoulement* in which victims of violence against women and girls should not be returned to their country of origin (Article 61). We



note however that five of the 31 countries analysed in this study have made reservations to Article 59 on the residence status of migrants.<sup>95</sup> These reservations must be removed to guarantee that all countries across Europe consistently strengthen their national legislation to align with the Istanbul Convention.

Indeed, women's rights organisations in their contributions to the GREVIO monitoring process have as such remarked that overall the information available for women about their rights is low and in some cases legally inaccurate and not always appropriate to the language of the person. There is also a lack of sufficient and adequate training for staff and/or qualified intercultural mediators and interpreters.<sup>96</sup> In several of these countries, undocumented migrant women face barriers to accessing services or protection measures. For example, when access to services is dependent upon a criminal complaint, this may exclude women who are afraid to press charges out of fear of being detained or deported.<sup>97</sup>

There is still a low number of autonomous residence permits issued in several countries in recent years. This is linked to additional requirements that limit the possibilities of obtaining an independent residence permit in cases of violence;<sup>98</sup> and the fact that some forms of violence are not considered, for example being a victim of trafficking.<sup>99</sup> There is also low number of asylum permits issued for women victims of violence.

Coinciding with GREVIO's assessment,<sup>100</sup> women's rights organisations have reported difficulties in ensuring gender-sensitive asylum procedures and reception facilities to protect women and girls who are seeking asylum or are refugees from male violence. They have alerted that the evaluation criteria is becoming more strict<sup>101</sup> and that screenings and interviews are carried out by untrained staff.<sup>102</sup> The violence that asylum seeking women face while on the move and in reception centres is underreported and not prosecuted.<sup>103</sup>

In working towards a Europe free from male violence against women and girls, it is critical that legislative and policy responses are framed in a gender-sensitive manner and use an intersectional approach, that not only addresses the root causes of women exposed to multiple forms of discrimination, but also proactively prevents these forms from re-emerging.

These approaches must be further mainstreamed across all procedures involving women and girl victims of violence, to ensure that diverse groups of women victims of violence, such as women with disabilities and migrant women, are engaged in a tailored and sensitive manner. Ultimately, this must eliminate structural and deeply entrenched forms of prejudice and discrimination to ensure that all women and girls can exercise their rights to live free from the fear of male violence.

# IV. LOOKING TOWARDS AN EU LAW TO END ALL FORMS OF VIOLENCE AGAINST WOMEN AND GIRLS



**As we see an increase in violence against women and girls in the COVID-19 crisis, we need concerted action from all European countries to put an end to this severe violation of women's rights. We call for the EU and all EU countries to fully adopt the measures in the Istanbul Convention and adopt an EU Directive on preventing and combating all forms of violence against women and girls, including sexual exploitation and online violence.**

To complement the specific forms of violence the Istanbul Convention recognises and criminalises already, and to ensure emerging and/or evolving structural forms of male violence against women and girls are addressed in the coming years, **the EWL further calls for the development of a comprehensive legal and policy framework to disrupt the full continuum of violence against women and girls, both at national and at EU level.**

Such a comprehensive framework would aim at reinforcing EU and national actions to end violence against women and girls and to ensure that all women in the EU are fully and equally protected, wherever they live and whatever their specific situation.

In developing a Directive against all forms of violence against women and girls, the EU should holistically address the full continuum of violence against women and girls, including specific forms of violence that expand beyond the forms of violence outlined in the Istanbul Convention. This includes, but is not limited to, recognising prostitution and obstetric and reproductive violence, whilst also addressing the online space as a facilitator of violence against women and girls.



In the section below, we explain how these forms of violence are attributed to the continuum of violence, highlighting in greater detail why it is thus so

crucial to fully harness the potential of the Istanbul Convention and to take comprehensive legislative action to tackle all forms of violence against women and girls.

#### **4.1 The online space as a facilitator of violence against women and girls**

As the recent EWL [#HerNetHerRights](#) study shows,<sup>104</sup> the online dimension exacerbates and maintains the perpetration of the full continuum of violence against women and girls in all its defined forms.

There has been an increasing recognition of how the “digital dimension” has become a characteristic in the perpetration of violence against women and domestic violence. In 2016, the Council of Europe encouraged the participation of the private sector and media companies in combating violence against women in relation to Article 17 of the Convention, and several European Member States have taken steps to legislate against issues of image-based sexual abuse and sexual violence. Cases in the European Court of Human Rights similarly recognise how digital tools and platforms are used to enact psychological violence against women, often in the case of intimate partner violence, such as the *Volodina v. Russia*<sup>105</sup> and *Buturuga v. Romania*<sup>106</sup> cases.

While the majority of countries analysed still have not incorporated a holistic understanding of the online space as a facilitator of all forms of violence against women and girls, several of them, such as France,<sup>107</sup> Germany,<sup>108</sup> Italy,<sup>109</sup> Spain,<sup>110</sup> and the UK<sup>111</sup> have recognised the existence of certain forms of violence against women and girls that take place online, with regards to image-based sexual abuse in cases of intimate partner violence (so-called ‘revenge porn’), street harassment (so-called ‘upskirting’) and/or sexist hate speech. In Finland, pieces of existing legislation can be used for combating online violence such as the legislation on stalking, sexual harassment, and spreading information that violates privacy, or leads to defamation or identity theft.

In the context of global consumerism, the online space is also serving to reinforce the rape culture, sexualisation and objectification of women and girls, including the propagation of sexist content particularly in advertising and pornography, which are

specific forms of violence against women and girls that should be addressed as part of the continuum of violence. This facilitates in the dehumanisation of women who are continuously recreated as sexual objects, and conveys the message that women’s bodies and sexuality are at the discretion of men’s pleasure. All these factors contribute and reinforce the subordination of women to men, severely harming women’s rights and contributing to increased risks of male violence against women and girls.

The Istanbul Convention should thus be implemented in tangent with adopting a comprehensive and holistic approach to eradicating violence against women, by ensuring that legislative measures recognise the online space as a facilitator of violence against women, as well as criminalising acts of violence explicitly perpetrated in the online space, such as image-based sexual abuse, sexist hate speech and doxing (i.e. the online researching and publishing of private information on the internet to publicly expose and shame the person targeted). A comprehensive legal and policy framework to disrupt the full continuum of violence against women and girls, both at national and at EU level, must therefore include clear provisions to tackle online violence against women and girls.

#### **4.2 Prostitution as a form of violence against women and girls**

Women and girls affected by prostitution is one of the groups of women considered by the Istanbul Convention to have a greater risk of violence due to intersecting forms of discrimination.

Prostitution is often the result of multiple forms of discrimination and vulnerabilities, such as migration status or a history of trauma or violence. Class and poverty are significant push factors into the sex trade, exploited by men as ‘buyers’, pimps and traffickers. Women in prostitution are at higher risk of many forms of violence including physical, verbal, sexual and psychological violence.

The repetition of sexual acts without physical desire, but instead experienced as a result of financial need, inequality and/or as exploitation of vulnerability, constitutes in itself a form of sexual violence. Engagement in prostitution drives lasting

physical and psychological harm from violence, dehumanisation and objectification.<sup>112</sup>

In this regard, the EWL advocates for the adoption of the 'Equality model' when addressing the system of prostitution as a form of male violence against women and girls, sexual violence and exploitation. The Equality Model is based on the adoption of laws, policies and resources which would guarantee decriminalisation of all those directly affected by prostitution, the development of real alternatives and exit programmes for those in prostitution, the criminalisation of all forms of coercive control and exploitation including pimping, trafficking, and the prohibition of the purchase of a sexual act.<sup>113</sup> Several contributions of the EWL's member organisations to GREVIO's monitoring procedure call on the need of adopting this model and considering prostitution as a form of sexual violence.<sup>114</sup>

This model has been adopted in Sweden, France, the Republic of Ireland and Northern Ireland, with other countries in Europe actively reviewing their laws and policies in this area. For example, France adopted a law in April 2016 that provides for the decriminalisation of and support to persons in prostitution, the criminalisation of all forms of pimping and procuring, as well as of the buying of sex, and the introduction of education programmes on equality and respect.

The Irish law on sexual offences, adopted in 2017 while preparing for the ratification of the Istanbul Convention, defines 'sexual consent' for the first time, giving clarity to the legislation. Thanks to the advocacy work of women's organisations, organised in part through the coalition Turn Off the Red Light, the new legislation tackles child pornography, incest, child sexual grooming and removes provisions in Irish law which targeted those affected by prostitution while introducing the criminalisation of the purchase of sexual acts.

Pornography should also be considered an element of the system of prostitution and thus as forming a part of the continuum of male violence against women and girls. Pornography is similar to traditional forms of prostitution and is highly linked to them, with a significant proportion of pornography including some form of violence against women and girls, and victims of trafficking and those affected by prostitution also being groomed or further exploited through pornography. The role of the consumer or 'buyer' is

also similar, but perceived as one step removed from the violence, given their observer status; however, their accountability for driving the perpetuation of this violence should be similarly accounted for. The additional role of third party hosting sites makes internet regulation all the more crucial for tackling this online form of prostitution.

As such, to put an end to prostitution and sexual exploitation, the Equality Model must be adopted both at national and at EU level, through its inclusion in a comprehensive legal and policy framework to disrupt the full continuum of violence against women and girls.

### **4.3 Institutional violence, including obstetric and reproductive violence**

Violence against women and girls regarding their reproductive health and rights should be considered as violence, with a concrete focus on obstetric violence and surrogacy practices.

As stated in the Shadow NGO report to GREVIO by Portuguese women's rights organisations in 2017, policies are needed to bring more attention 'when it comes tackling violence against women regarding their reproductive life. Obstetric Violence is defined by the appropriation of the body and reproductive processes of women by health personnel, which is expressed as dehumanized treatment, an abuse of medication, and to convert the natural processes into pathological ones, bringing with it loss of autonomy and the ability to decide freely about their bodies and sexuality, negatively impacting the quality of life of women'.<sup>115</sup>

Many women's organisations across Europe, including the Czech Women's Lobby, are raising the alert on the high prevalence of obstetric violence against women during the provision of childbirth care. "Probably up to 25,000 women per annum in the Czech Republic experience a perineum cut that has no medical justification. Women are often treated with drugs and subject to other interventions without informed and free consent. Separation of babies from their mothers is still the norm in many maternity hospitals. Data on the quality of care provided is not publicly available. Competencies are denied to community midwives. There are no midwifery unit led centres in the Czech Republic".<sup>116</sup>

There remains a significant lack of harmonisation of laws relating to surrogacy practices across Europe, ranging from a complete lack of regulation, the enabling of so-called 'altruistic' surrogacy to the regulation of all types of surrogacy practices. The European Parliament resolution 2010/2209(INI) defines surrogacy as an exploitation of women's bodies and reproductive organs.<sup>117</sup> Commercial surrogacy in particular risks the life and health of women under a system of profit and exploitation, utilising vulnerabilities of women such as poverty as a means to coerce them into pregnancy. Surrogate mothers may lose their abortion rights and go through all risks associated with pregnancy. The next step of giving away a baby is a loss that many never recover from. The COVID-19 pandemic has facilitated in new ways in which women and children can be harmed, highlighting the risks that are intrinsically linked with the system of surrogacy. To sufficiently and urgently respond to these cases of male violence against women and the exploitation of women's bodies and reproductive rights, a comprehensive legal and policy framework is needed at both national and EU level to address forms of violence that extend to women's sexual reproductive health and rights.

As such, in building on the specific forms of violence listed in the Istanbul Convention, it is imperative that violence against women and girls, both online and offline, prostitution, and institutional violence including obstetric and reproductive violence, are recognised as part of the continuum of male violence against women and girls. The provisions outlined in the Convention across the four pillars must be extended to these forms of violence. Furthermore, these ongoing and evolving forms of violence must be comprehensively addressed through concerted legislative and policy measures, such as an EU-wide strategy and national Action Plans, that are in-line with the standards of the Convention.



## V. THE EWL'S RECOMMENDATIONS TO PAVE THE WAY TOWARDS A EUROPE FREE FROM MALE VIOLENCE AGAINST WOMEN AND GIRLS

**WE CALL** for the ratification and full implementation of the Istanbul Convention, alongside the adoption of a comprehensive EU legislative framework on preventing and combating all forms of violence against women and girls, including sexual exploitation and online violence, protecting and supporting victims, prosecuting perpetrators, and addressing all structural issues that fuel this violence.

The responsibility to oversee the accession/ratification and implementation of the Istanbul Convention primarily lies with the EU institutions and its Member States to address the continuum of male violence against women and promote a society of

peace and safety for all women and girls. Our recommendations are thus outlined.

We recognise the crucial role that women's rights organisations, academics, educators and campaigners have in ensuring that women's intersectional voices and experiences are embedded across the design, implementation and monitoring phases of key policy and legislative development cycles. As such, while the policy recommendations below are primarily addressed to the EU, its Member States, as well as state parties to the Istanbul Convention across Europe, relevant authorities, civil society advocates, educators and campaigners are invited to use these recommendations for their own advocacy.

## 5.1 Recommendations to the Council of the European Union and the European Commission



The European Commission and the Council of the EU should pursue ongoing efforts for the EU to accede to the **Istanbul Convention**, within the most effective scope of EU competence.



In addition, the EU should adopt a **comprehensive EU-wide strategy, action plan and legislation** on preventing and combating all forms of violence against women and girls in Europe. This plan must:

- Recognise the need to **combat all forms of violence against women and girls** as a **eurocrime listed in Article 83(1) of the TFEU**.
- Develop an **assessment of the legal framework** existing and needed to ensure all women in Europe are protected from all forms of violence, including sexual exploitation and online violence, and ensure compliance with relevant international standards.
- **Review of existing legislation** touching upon women's and girls' rights to be protected against violence, as for example the Victims' Rights Directive 2012/29/EU, the Equal Treatment Directive (Recast) 2006/54/EC and EU migration policies, to ensure compliance with the standards of the Istanbul Convention and other relevant International Standards such as the 2019 ILO Convention No. 190 on Eliminating Violence and Harassment in the World of Work.
- Adopt a **Directive** on all forms of violence against women and girls introducing common provisions to strengthen the prevention of these crimes and the protection of the victims thereof, adopting a strong gender perspective, and taking into due consideration CEDAW and other international conventions and instruments in relation to women's and girl's rights. The Directive should:
  - Address **all forms of violence against women and girls**, including in the work-related and public sphere online or offline.
  - Expand on the forms of violence laid out in the

Istanbul Convention, and include, as per Article 83(1) of the TFEU, a legal definition of **sexual exploitation** and aligning with existing relevant Directives. This includes: Directive 2006/54/EC on the principle of equal treatment for women and men, and the definition of harassment and sexual harassment as a form of violence against women; Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims; Directive 2011/93/EU combating the sexual abuse and sexual exploitation of children and child pornography; and Directive 2012/29/EU on common minimum standards on the rights, support and protection of victims.

– Include, as per Articles 33-40 of the Istanbul Convention, minimum **definitions** of psychological violence, stalking, physical violence, sexual violence including rape, forced marriage, female genital mutilation, forced abortion and forced sterilisation, and sexual harassment.

– Recognise the **online space as a facilitator** of violence against women and girls, and criminalise acts of violence explicitly perpetrated in the online space such as image-based sexual abuse, sexist hate speech and doxing.

– Include common standards for **data collection on violence against women and girls** to ensure a coherent system with consistently understood definitions, such as femicide.

– Refer to the Directive 2012/29/EU on common minimum standards on the **rights, support and protection of victims**; and as a minimum, complement the Istanbul Convention's provisions regarding protection, early identification of victims, access to justice, compensation and reparation.

– Ensure the rights of **migrant women and girls** are protected, specifically in granting autonomous residency status. Provisions should ensure that gender-based asylum claims are considered, that reception procedures are gender-sensitive, and that the principle of *non-refoulement* is applied to victims of violence against women and girls.

— Call on EU Member States to work closely with **women’s civil society organisations**, including specialised organisations working with survivors of violence against women and girls with a gender-sensitive approach, in particular on awareness-raising campaigns, research and education programmes, training, and the monitoring and evaluation of prevention measures.

- **Appoint an EU Coordinator** on ending violence against women and girls. The EU Coordinator should have a strong political mandate, with sufficient resources and responsibility to coordinate the implementation of the Istanbul Convention, an EU Action Plan on male violence against women and girls and the implementation of the Directive on Violence against women and girls.
- **Ensure the continued mandate** of a standalone, full-time Anti-Trafficking Coordinator to ensure the implementation of the Anti-Trafficking Directive and extend their mandate following the introduction of legislation on sexual exploitation to also oversee the implementation of all aspects related to combating trafficking and the sexual exploitation of women and children as per Article 83(1) of the TFEU.
- **Reinforce the financial capacity** of women’s civil society organisations and create alliances/coalitions between progressive forces in the civil society sector, as well as in academia, media, political parties, and local governments.
- **Monitor the implementation of the Victims’ Rights Directive 2012/29/EU** and support legislative changes to address violence against women and girls from a gendered perspective in-line with the Istanbul Convention.
- Enhance EU-wide awareness raising **campaigns** to end violence against women and girls in consultation and cooperation with women’s rights organisations.
- Allocate **EU funds** to develop feminist research on violence against women, including sexual exploitation and pornography and their impact on women and girls, men and boys.

 **Allocate sustainable financing** to support the promotion of women’s rights, the elimination of discrimination against women including male violence, and the work of women’s organisations, including through the implementation of the Citizens, Equality, Rights and Values programme of the Multiannual Financial Framework (MFF) 2021-2027 and its Daphne strand.

—  
 Ensure **gender mainstreaming** of all EU policies, including digital policies such as the **Digital Services Act** are in alignment with the EU Crimes framework and hold online platforms to account for any illegal content and activities they host and/or facilitate.

—  
 All programmes under the **MFF 2021-2027 and Next Generation EU** must consider and mainstream women’s and girls’ experiences, including with the use of gender impact assessments and gender budgeting, and by regularly consulting women’s specialised organisations from the design to monitoring phase.

—  
 In addressing violence against women and girls, the **human rights and safety** of the victims shall be placed at the centre of all related actions, at all phases and levels.

## 5.2 Recommendations to European Countries, including EU Member States

—  
 All European countries and EU Member States, must **ratify and implement the Istanbul Convention** in its entirety without any reservations, addressing violence against women and girls as a **gendered phenomenon** in policies and practice.

—  
 Those European countries that have ratified the Istanbul Convention with reservations should work towards removing them to ensure implementation of the entirety of the Convention.





## COMPREHENSIVE POLICIES TO END ALL FORMS OF VIOLENCE AGAINST WOMEN



Create **national action plans and strategies** for the implementation of the Istanbul Convention, that addresses the increased inequalities caused by COVID-19. These measures shall allocate adequate financial/human resources and adopt a gender-sensitive approach, ensuring that the survivor's rights, safety and needs are at the centre.



Recognise **women's civil society organisations** as equal partners in policy development and implementation and include women's civil society experts in the work of government bodies/committees dealing with violence against women and girls, and the recovery from the COVID-19 pandemic.



Declare women's specialised services as **essential services** to ensure their continued operations whilst removing barriers to access. Urgent funding should be provided given the increase in harm during and after the COVID-19 crisis.



**Criminalise all forms of violence against women and girls** in the Criminal Codes. In particular:

- The application of the Istanbul Convention should cover the work-related sphere and the public sphere, including violence committed by other relatives, acquaintances or offenders unknown to the victim and community or institutional actors (i.e. health care professionals, in institutional care, in prisons, in detention centres, in religious institutions, etc.).
- Align the definition of violence against women and girls with the Istanbul Convention. This should include sexual violence being defined through a lack of consent, regardless of the use/threat of force, intimidation etc.
- Recognise sexual exploitation and prostitution

as a form of violence against women and girls, and criminalise paying for sex and pimping. Adopt the 'Equality model' by developing laws, policies and resources to guarantee decriminalisation of all those directly affected by prostitution, the development of real alternatives and exit programmes for those in prostitution, the criminalisation of all forms of coercive control and exploitation including pimping, trafficking, and the prohibition of the purchase of a sexual act.

- Acknowledge the online space as a facilitator of all forms of violence against women and girls to hold tech companies to account in combating harmful content, and hosting or facilitating any illegal content and illegal activities. The specific forms of violence that take place exclusively online such as image-based sexual abuse, sexist hate speech and doxing should be criminalised. Perpetrators and re-transmitters should be held responsible for the re-transmission of violating materials, including the platforms holding the content.



All laws and policies implementing the Istanbul Convention should be based on the principles of non-discrimination and include positive measures to ensure **women who experience intersecting forms of discrimination** can access protection services and justice at all times.



**Remove statutes of limitation** to ensure that all women can seek justice for sexual violence they survived as children.



Ensure **transparency** in processes of legislative change through meaningful consultations and public debates that includes a broad representation of different stakeholders, in particular women's civil society organisations.



Establish a system to regularly collect **data**, undertake surveys in relation to all forms of violence against women and girls, and conduct and facilitate in **qualitative studies and critical feminist analysis** of all justice systems in collaboration with women's civil society organisations and academic.



## PREVENTION



Embed the implementation of the Council of Europe Recommendation on preventing and combating sexism (CM/Rec(2019)1), that acknowledges the link between **sexism** and violence against women and girls, as well as the Istanbul Convention when it comes to prevention, awareness raising and education policies.



Feminist principles, as per the EWL recommendations,<sup>118</sup> should be adopted in **education** policies, the education system and educators' trainings, in formal curricula across subjects, including feminist sexuality education, and at all levels of education.



Develop awareness raising **campaigns** on violence against women and girls, to promote changes in mentalities and attitudes and support women victims and survivors. Special campaigns are needed during the COVID-19 crisis. They must all aim at ending multiple forms of discrimination faced by women and girls.



Guarantee **access to and provide information** to all women and girls about their rights in a language that is accessible to them.



**Train** professionals (including social support, education and health) and law enforcement authorities (border guards, police, judiciary, etc.) on male violence against women and girls as a phenomenon that affects women and girls disproportionately, that is based on the historically unequal power relations between women and men and has a structural and endemic nature, and is based on the intersectional forms of discrimination, ensuring they continue operating in times of crisis.



## PROTECTION



Take necessary **coordinated measures** to protect all women and witnesses of all forms of violence during all stages of investigation and judicial proceedings.



Conduct a risk assessment to factor in **specific vulnerabilities** faced by women and girls.



Grant **women's access to justice** free from any financial charges on all forms of male violence against women and girls and supported by free legal assistance to victims when presenting a complaint and during judicial proceedings, in the language of the woman or the girl.



Ensure that **mediation and family conflict approaches are forbidden** in cases of violence against women and girls.



Ensure by law that violence women and girls is taken into account when determining **custody and visitation**, and prohibit mandatory shared custody and/or visiting rights in cases of violence or suspected violence. Prohibit the use of parental alienation or any related concept in cases of violence, when determining custody and visitation.



Provide free **long-term care** for mental health and trauma recovery.



## PROSECUTION



Put an end to impunity by implementing effective measures to ensure that **investigation and judicial proceedings** are carried out without delay.



Provide **gender sensitive training** for law enforcement agencies, judiciary and public prosecutors to end the prevailing sexist and racist behaviours and views in the justice system.



Implement **protection orders**, including measures related to the European Protection Order, and which should still be issued during the COVID-19 pandemic or other crises. Law enforcement units should be especially attentive to early identification of women victims during these crises.



# ANNEX I – POSITIVE DEVELOPMENTS PER COUNTRY

Below is the full table of positive developments across the 23 European countries analysed by the EWL Observatory on Violence against Women and Girls. This is based on the points outlined below that correlate with relevant provisions and articles of the Istanbul Convention:

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## Policies

- Cooperation with NGOs (Art 8 and 9)
- Changes in civil and/or criminal law on violence against women and girls (VAWG) and domestic violence (DV)
- Amendments in criminal law on sexual violence and rape
- National Action Plan on VAWG created
- Improved data collection (Art 11)

## Protection

- Specialised services for survivors of sexual violence set up (Art 25)
- Helplines, shelters and women's centres strengthened (Art 22, 23 and 24)
- Common standards for service provision created
- Financial, economic and housing support to victims provided

## Prosecution

- Positive developments in investigation and prosecution of VAWG and DV
- Protection orders for victims of DV or VAWG identified and/or improved
- Improved risk assessments
- Increase of perpetrators brought to justice
- Cooperation between different stakeholders during prosecution in place

## Prevention

- Awareness raising of VAWG and DV (Art 13) and training of professionals intensified (Art 15)
- School education programmes on the topics of gender equality and VAWG (Art 14)
- Early detection and intervention programmes

	<b>Policies</b>	<b>Protection</b>	<b>Prosecution</b>	<b>Prevention</b>
<b>Austria</b>	<p>Cooperation with NGOs (Art 8 and 9)</p> <p>Changes in civil and/or criminal law on VAWG and DV</p> <p>Amendments in criminal law on sexual violence and rape</p> <p>National Action Plan on VAWG created</p>	<p>Specialised services for survivors of sexual violence set up (Art 25)</p> <p>Helplines, shelters and women's centres strengthened (Art 22, 23 and 24)</p> <p>Common standards for service provision created</p> <p>Financial, economic and housing support to victims provided</p>	<p>Positive developments in investigation and prosecution of DV</p> <p>Protection orders for victims of DV or VAWG identified and/or improved</p> <p>Improved risk assessments</p> <p>Cooperation between different stakeholders during prosecution in place</p> <p>Increase of perpetrators brought to justice</p>	<p>Awareness raising of VAWG and DV (Art 13), and training of professionals intensified (Art 15)</p>
<b>Belgium</b>		<p>Increased funding for shelters and other support services</p> <p>Helplines, shelters and women's centres strengthened (Art 22, 23 and 24)</p>	<p>Protection orders for victims of DV or VAWG identified and/or improved</p>	
<b>Croatia</b>	<p>Changes in civil and/or criminal law on VAWG and DV</p> <p>Amendments in criminal law on sexual violence and rape</p>	<p>Increased funding for shelters and other support services</p>	<p>Protection orders for victims of DV or VAWG identified and/or improved</p>	
<b>Cyprus</b>	<p>Changes in civil and/or criminal law on VAWG and DV</p>	<p>Increased funding for shelters and other support services</p>	<p>Positive developments in investigation and prosecution of VAWG and DV</p> <p>Protection orders for victims of DV or VAWG identified and/or improved</p>	

	<b>Policies</b>	<b>Protection</b>	<b>Prosecution</b>	<b>Prevention</b>
<b>Denmark</b>	<p>Improved data collection (Art 11)</p> <p>Changes in civil and/or criminal law on VAWG and DV</p>	<p>Specialised services for survivors of sexual violence set up (Art 25)</p>	<p>Positive developments in investigation and prosecution of VAWG and DV</p> <p>Protection orders for victims of DV or VAWG identified and/or improved</p> <p>Cooperation between different stakeholders during prosecution in place</p>	<p>Awareness raising of VAWG and DV (Art 13), and training of professionals intensified (Art 15)</p> <p>School education programmes on the topics of gender equality and VAWG (Art 14)</p>
<b>Finland</b>	<p>Improved data collection (Art 11)</p> <p>Changes in civil and/or criminal law on VAWG and DV</p>	<p>Increased funding for shelters and other support services</p> <p>Specialised services for survivors of sexual violence set up (Art 25)</p> <p>Helplines, shelters and women's centres strengthened (Art 22, 23 and 24)</p>	<p>Positive developments in investigation and prosecution of VAWG and DV</p> <p>Protection orders for victims of DV or VAWG identified and/or improved</p>	<p>Awareness raising of VAWG and DV (Art 13), and training of professionals intensified (Art 15)</p>
<b>France</b>	<p>Changes in civil and/or criminal law on VAWG and DV</p>		<p>Protection orders for victims of DV or VAWG identified and/or improved</p>	<p>Awareness raising of VAWG and DV (Art 13), and training of professionals intensified (Art 15)</p>
<b>Greece</b>	<p>Changes in civil and/or criminal law on VAWG and DV</p> <p>Amendments in criminal law on sexual violence and rape</p>	<p>Helplines, shelters and women's centres strengthened (Art 22, 23 and 24)</p>	<p>Protection orders for victims of DV or VAWG identified and/or improved</p>	<p>Awareness raising of VAWG and DV (Art 13), and training of professionals intensified (Art 15)</p>

	<b>Policies</b>	<b>Protection</b>	<b>Prosecution</b>	<b>Prevention</b>
<b>Iceland</b>	<p>Changes in civil and/or criminal law on VAWG and DV</p> <p>Amendments in criminal law on sexual violence and rape</p>	<p>Helplines, shelters and women's centres strengthened (Art 22, 23 and 24)</p>	<p>Positive developments in investigation and prosecution of VAWG and DV</p> <p>Protection orders for victims of DV or VAWG identified and/or improved</p>	<p>Awareness raising of VAWG and DV (Art 13), and training of professionals intensified (Art 15)</p>
<b>Ireland</b>	<p>Changes in civil and/or criminal law on VAWG and DV</p> <p>Amendments in criminal law on sexual violence and rape</p>	<p>Increased funding for shelters and other support services</p>	<p>Positive developments in investigation and prosecution of VAWG and DV</p> <p>Protection orders for victims of DV or VAWG identified and/or improved</p> <p>Increase of perpetrators brought to justice</p>	
<b>Italy</b>	<p>Improved data collection (Art 11)</p> <p>National Action Plan on VAWG created</p>		<p>Positive developments in investigation and prosecution of VAWG and DV</p> <p>Protection orders for victims of DV or VAWG identified and/or improved</p> <p>Cooperation between different stakeholders during prosecution in place</p> <p>Increase of perpetrators brought to justice</p>	<p>Awareness raising of VAWG and DV (Art 13), and training of professionals intensified (Art 15)</p> <p>School education programmes on the topics of gender equality and VAWG (Art 14)</p>
<b>Luxembourg</b>			<p>Positive developments in investigation and prosecution of VAWG and DV</p>	<p>Awareness raising of VAWG and DV (Art 13), and training of professionals intensified (Art 15)</p>

**Policies****Protection****Prosecution****Prevention****Malta**

Changes in civil and/or criminal law on VAWG and DV

Amendments in criminal law on sexual violence and rape

National Action Plan on VAWG created

Positive developments in investigation and prosecution of VAWG and DV

Protection orders for victims of DV or VAWG identified and/or improved

Increase of perpetrators brought to justice

**Republic of North Macedonia**

Changes in civil and/or criminal law on VAWG and DV

National Action Plan on VAWG created

Specialised services for survivors of sexual violence set up (Art 25)

Helplines, shelters and women's centres strengthened (Art 22, 23 and 24)

Protection orders for victims of DV or VAWG identified and/or improved

School education programmes on the topics of gender equality and VAWG (Art 14)

**Netherlands**

Changes in civil and/or criminal law on VAWG and DV

Financial, economic and housing support to victims provided

Positive developments in investigation and prosecution of VAWG and DV

Protection orders for victims of DV or VAWG identified and/or improved

Cooperation between different stakeholders during prosecution in place

School education programmes on the topics of gender equality and VAWG (Art 14)

Awareness raising of VAWG and DV (Art 13), and training of professionals intensified (Art 15)

**Poland**

Protection orders for victims of DV or VAWG identified and/or improved



**Policies****Protection****Prosecution****Prevention****Portugal**

Changes in civil and/or criminal law on VAWG and DV

Amendments in criminal law on sexual violence and rape

National Action Plan on VAWG created

Increased funding for shelters and other support services

Specialised services for survivors of sexual violence set up (Art 25)

Common standards for service provision created

Positive developments in investigation and prosecution of DV

Protection orders for victims of DV or VAWG identified and/or improved

Improved risk assessments

Awareness raising of VAWG and DV (Art 13), and training of professionals intensified (Art 15)

School education programmes on the topics of gender equality and VAWG (Art 14)

**Romania**

Changes in civil and/or criminal law on VAWG and DV

Increased funding for shelters and other support services

Helplines, shelters and women's centres strengthened (Art. 22, 23 and 24)

Positive developments in investigation and prosecution of VAWG and DV

Protection orders for victims of DV or VAWG identified and/or improved

Improved risk assessments

Increase of perpetrators brought to justice

School education programmes VAWG (Art 14) on the topics of gender equality and VAWG (Art 14)

Awareness raising of VAWG and DV (Art 13), and training of professionals intensified (Art 15)

**Serbia**

Changes in civil and/or criminal law on VAWG and DV

Common standards for service provision created

Positive developments in investigation and prosecution of VAWG and DV

Protection orders for victims of DV or VAWG identified and/or improved

**Slovenia**

Changes in civil and/or criminal law on VAWG and DV

Protection orders for victims of DV or VAWG identified and/or improved

**Policies****Protection****Prosecution****Prevention****Spain**

Changes in civil and/or criminal law on VAWG and DV

National Action Plan on VAWG created

Increased funding for shelters and other support services

Helplines, shelters and women's centres strengthened (Art 22, 23 and 24)

Financial, economic and housing support to victims provided

Positive developments in investigation and prosecution of VAWG and DV

Protection orders for victims of DV or VAWG identified and/or improved

Improved risk assessments

Cooperation between different stakeholders during prosecution in place

Awareness raising of VAWG and DV (Art 13), and training of professionals intensified (Art 15)

Early detection and intervention programmes

**Sweden**

Changes in civil and/or criminal law on VAWG and DV

Protection orders for victims of DV or VAWG identified and/or improved

Awareness raising of VAWG and DV (Art 13), and training of professionals intensified (Art 15)

**Turkey**

Changes in civil and/or criminal law on VAWG and DV

National Action Plan on VAWG created

Helplines, shelters and women's centres strengthened (Art 22, 23 and 24)

Positive developments in investigation and prosecution of VAWG and DV

Protection orders for victims of DV or VAWG identified and/or improved

Improved preventive measures

Awareness raising of VAWG and DV (Art 13), and training of professionals intensified (Art 15)

# CREDITS

We thank all of EWL's Observatory experts who participated in the research phase of this project and in the review of this report.

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## EWL OBSERVATORY EXPERTS:

### **Austria**

Sophie Hansal

### **Belgium**

Viviane Teitelbaum

### **Bulgaria**

Iliana Balabanova

### **Croatia**

Valentina Andrašek

### **Cyprus**

Panayiota Gregoriou

### **Czech Republic**

Johanna Nejedlová

### **Denmark**

Lisa Homfjord

### **Estonia**

Eha Reitelmann

### **Finland**

Anna Nuotio

### **France**

Isabelle Trimaille

### **Greece**

Irene Fereti

### **Hungary**

Enikő Pap

### **Iceland**

Hildur Fjóra Antonsdóttir

### **Ireland**

Mary Crilly

### **Italy**

Siusi Casaccia

### **Latvia**

Edite Kalnina

### **Lithuania**

Dovilė Masalskienė

### **Luxembourg**

Andrée Birnbaum

### **Malta**

Lara Dimitrijevic

### **Netherlands**

Essa Reijmers

### **Republic of North Macedonia**

Liljana Popovska

### **Poland**

Małgorzata Tarasiewicz

### **Portugal**

Alexandra Silva

### **Romania**

Laura Albu

### **Serbia**

Vanja Macanović

Dijana Malbaša

### **Slovak Republic**

Barbora Holubová

### **Slovenia**

Špela Veselič

### **Spain**

Elvira Cecilia Mustlera Canclini

### **Sweden**

Marie Unander-Scharin

### **Turkey**

Nuray Ozbay

### **Ukraine**

Marta Chumalo

### **United Kingdom**

Gwendolyn Sterk

### **European Disability Forum (EDF)**

Pirkko Mahlamäki

### **European Network of Migrant Women (ENoMW)**

Salome Mbugua Henry

### **International Alliance of Women (IAW)**

Jocelynne Scutt

### **European Centre of the International Council of Women (ECICW)**

Neus Pociello Cayuela

## ENDNOTES

1. Council of Europe Convention on preventing and combating violence against women and domestic violence, the Istanbul Convention. [www.coe.int/en/web/istanbul-convention/home](http://www.coe.int/en/web/istanbul-convention/home)
2. The EWL Observatory was established in 1997, two years after the adoption of the Beijing Declaration and Platform for Action in 1995, when the states committed to take action to combat violence against women. The Observatory's main objectives are to identify critical and emerging issues, and to advocate for improved prevention and support policies and service provision for women victims of male violence. It brings together 39 experts from 32 European countries and seven international women's organisations to bring additional political pressure to end male violence. <https://womenlobby.org/-EWL-Observatory-on-Violence-against-Women-219-?lang=en>
3. See 'Methodology' for the countries and EU-wide organisations assessed.
4. This research is a follow up to and expansion of the study developed in 2018 on "Integrated policies - Integrated approach: Mapping of policies and legislation on violence against women and the Istanbul Convention in the Western Balkans and Turkey." <https://www.womenlobby.org/Regional-Analysis-of-Policies-and-Legislation-on-Violence-against-Women-and-the?lang=en>
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7. Professor Liz Kelly established the concept of a 'continuum of violence' in her book "Surviving Sexual Violence", (1998).
8. Article 3(c) of the Istanbul Convention defines 'gender' as 'the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men'.
9. As stated in the EWL's 2010 position paper, women's unequal access to power, prosperity and safety, constrains and undermines their space for action (poverty of time and money; diminished voice in public and private decisions; constrained personal autonomy; lack of safety across private and public spheres).
10. Gendered myths and stereotypes about male and female sexuality and sexual behaviour are still prevalent in Europe. The Special Eurobarometer 449 showed that almost 1 in 2 (47%) Maltese think that women often make up or exaggerate claims of abuse or rape. More than 1 in 2 persons (55%) in Romania believe that having sexual intercourse without sexual consent can be justified in certain situations such as being drunk or wearing revealing clothing. Available at: <https://ec.europa.eu/comfrontoffice/publicopinion/index.cfm/ResultDoc/download/DocumentKy/75837>
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17. European Women's Lobby, "EWL Observatory on Violence Against Women". [womenlobby.org/-EWL-Observatory-on-Violence-against-Women-219-?lang=en](http://womenlobby.org/-EWL-Observatory-on-Violence-against-Women-219-?lang=en)
18. See 'Methodology' for the countries assessed.
19. Including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which entered into force 3 September 1981. CEDAW General recommendation No. 19 (1992) asserts that violence against women is a form of discrimination, and CEDAW General recommendation No. 35 (2017) recognises that the prohibition of violence against women has evolved into a principle of customary international law.
20. The EWL convenes the European Coalition to End violence against women and girls, an extensive strategic alliance of more than 25 European-wide social justice and human rights

civil society organisations and trade unions. Concretely, we call for the EU's accession to the Istanbul Convention and a comprehensive EU strategy to address all forms of violence. <https://www.womenlobby.org/European-Coalition-to-end-violence-against-women-and-girls>

21. Articles 8, 9 and 13 of the Istanbul Convention.

22. On 19 November 2014, the Committee of Ministers adopted Resolution (CM/Res(2014)43) on rules of the election procedure of the members of the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO).

23. With the exception of Azerbaijan and the Russian Federation. More information on the status of signatures and ratifications can be found here: <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures>

24. Council of Europe, (29 April 2020), "Kazakhstan and Tunisia invited to accede to the Istanbul Convention". <https://www.coe.int/en/web/istanbul-convention/-/kazakhstan-and-tunisia-invited-to-accede-to-the-istanbul-convention>

25. Council of Europe, "Chart of signatures and ratifications of Treaty 210". <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures>

26. Bulgaria, Czech Republic, Hungary, Latvia, Lithuania, Slovakia and Ukraine.

27. European Women's Lobby, (2019), "Time for Women's Rights, Time for a United Feminist Europe: The state of women's rights in Central Eastern Europe, the Balkans and the Baltic States: Under Attack and Under Resourced". <https://www.womenlobby.org/The-time-is-now-for-a-Feminist-Europe>

28. In Croatia, since 2018, punishment for domestic violence and rape has increased, and sexual acts without consent have been redefined to constitute rape. Additional funding has been made available to women's counselling centres. The rate of dual arrests, where the police would arrest both the perpetrator and the victim for defending herself have significantly decreased. Cases of violence in which mediation is used despite violence are less frequent.

29. In Poland, there have been attempts to consider withdrawal from the Convention, as recently announced by the Minister of Justice in July 2020. <https://www.womenlobby.org/EWL-rejects-attempt-to-withdraw-Poland-from-Istanbul-Convention>  
See also the situation in Hungary, which has only signed the Istanbul Convention: The Guardian, (5 May 2020), "Hungary's parliament blocks domestic violence treaty". <https://www.theguardian.com/world/2020/may/05/hungarys-parliament-blocks-domestic-violence-treaty>

30. European Parliament resolution of 4 April 2019 on Seeking an opinion from the Court of Justice relating to the EU accession to the Convention on preventing and combating violence against women and domestic violence, P8\_TA(2019)0357. <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//>

[NONSGML+TA+P8-TA-2019-0357+0+DOC+PDF+V0//EN](https://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P8-TA-2019-0357+0+DOC+PDF+V0//EN)

31. CDL-AD(2019)018-e Armenia - Opinion on the constitutional implications of the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) adopted by the Venice Commission at its 120th Plenary Session (Venice, 11-12 October 2019). [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2019\)018-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2019)018-e)

32. European Parliament resolution of 28 November 2019 on EU accession to the Istanbul Convention and other measures to combat gender-based violence, 2019/2855(RSP), Article 6. [https://www.europarl.europa.eu/doceo/document/TA-9-2019-0080\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2019-0080_EN.html)

33. Council of Europe, "The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention): Questions and answers". <https://rm.coe.int/prems-122418-gbr-2574-brochure-questions-istanbul-convention-web-16x16/16808f0b80>

34. European Commission, "What is the Istanbul Convention? Who is it for? Why is important?". <https://ec.europa.eu/justice/saynostopvaw/downloads/materials/pdf/istanbul-convention-leaflet-online.pdf>

35. Countries like Czech Republic and Lithuania are already introducing reforms in their laws and policies influenced by the standards of the Istanbul Convention, despite some political obstacles preventing its ratification.

36. Belgium has not been included in this assessment as its baseline report was published in 2020, outside the scope of this report's methodology.

37. Several countries adopted special laws after ratifying the Istanbul Convention, including Cyprus, Ireland and Turkey. The Republic of North Macedonia is preparing a comprehensive law on gender-based violence. Specialised laws on domestic violence have been passed in Serbia and Romania. Austria, Croatia, Denmark, France, Iceland, Italy, Malta, Portugal, Slovenia, Spain and Sweden have amended their laws to either recognise or strengthen definitions on certain forms of violence.

38. Data availability and comparability on intimate partner violence has been improving since 2014, even if there is still a long way to go. <https://eige.europa.eu/gender-statistics/dgs/data-talks/eu-inching-towards-comparable-data-intimate-partner-violence> The 1st report of GREVIO's Activities also acknowledges some improvements in increasingly establishing systems to disaggregate data by: type of violence, sex, age and relationship of the perpetrator to the victim.

39. Nine countries have amended their criminal legislation on sexual violence and rape to align further with the Istanbul Convention: Austria, Croatia, Germany, Greece, Iceland, Ireland, Malta, Portugal, and Sweden. Two of the most promising amendments to fully align the definitions of sexual violence are the reforms introduced in Sweden and Ireland. The process to

review the criminal code and definition of rape has also started in Denmark, Finland, Slovenia and Spain.

40. Austria, Ireland, Italy and Spain.

41. Denmark, Malta, Spain, and UK.

42. France, Portugal and Serbia.

43. France, Portugal and Serbia.

44. Serbia.

45. Portugal, Serbia and UK.

46. The new Programme for the 'Vivaldi' Coalition Government states that the Istanbul Convention will serve as a tool to guide Government priorities on ending gender-based violence. RTBF, (1 October 2020), "Accord de gouvernement: il reste des questions concernant les droits des femmes". [https://www.rtb.be/info/dossier/les-grenades/detail\\_accord-de-gouvernement-il-reste-des-questions-concernant-les-droits-des-femmes?id=10598153](https://www.rtb.be/info/dossier/les-grenades/detail_accord-de-gouvernement-il-reste-des-questions-concernant-les-droits-des-femmes?id=10598153)

47. Measures to end male violence in section 7.2 of the Coalition Government include ensuring transposition of the provisions of the Istanbul Convention in the Spanish legal order.

48. Belgium, Croatia, Cyprus, Finland and Ireland.

49. Austria, Denmark, Finland, Portugal and Republic of North Macedonia.

50. Austria, Belgium, Finland, Iceland, Republic of North Macedonia, Spain and Turkey.

51. Austria, Portugal and Serbia.

52. Austria, Netherlands and Spain.

53. Including Austria, Cyprus, Denmark, Finland, Iceland, Ireland, Italy, Luxembourg, Malta, Netherlands, Portugal, Romania, Serbia, Spain and Turkey.

54. Austria, Denmark, Finland, France, Iceland, Italy, Luxembourg, Netherlands, Portugal, Republic of North Macedonia, Romania, Spain, Sweden and Turkey.

55. Austria, Italy and Portugal.

56. Denmark, Italy, Netherlands, Republic of North Macedonia, Portugal and Romania.

57. Examples of these types of interventions can be seen in Austria, Finland, Italy, Netherlands, Portugal, Romania, Spain and Sweden.

58. European Women's Lobby, (2020), "Women must not pay the price for COVID-19! Putting equality between women and men at

the heart of the response to COVID-19 across Europe". [https://womenlobby.org/IMG/pdf/ewl\\_policy\\_brief\\_on\\_covid-19\\_impact\\_on\\_women\\_and\\_girls-2.pdf](https://womenlobby.org/IMG/pdf/ewl_policy_brief_on_covid-19_impact_on_women_and_girls-2.pdf)

59. Der Frauenring, (23 March 2020), "Opferschutz Wird Während Der Corona-Krise Ausgebaut". <https://www.frauenring.at/opferschutz-corona-krise-ausgebaut>

60. BMFSFJ, (27 March 2020), "Konkrete Hilfsmaßnahmen mit den Bundesländern verabredet". <https://www.bmfsfj.de/bmfsfj/aktuelles/alle-meldungen/konkrete-hilfsmassnahmen-mit-den-bundeslaendern-verabredet/154102>

61. La Moncloa, (17 March 2020), "Igualdad impulsa un Plan de Contingencia contra la violencia de género ante la crisis del COVID-19". <https://www.lamoncloa.gob.es/serviciosdeprensa/notasprensa/igualdad/Paginas/2020/170320-covid-viogen.aspx>

62. For example, the Mask-19 campaigns run in Spain and France, in which women could use a code word to seek help in pharmacies as one of the few social spaces women in abusive situations could access. See: La Hora Digital, (18 December 2020), "'Mascarilla-19' la palabra clave que pueden usar las víctimas de violencia de género en las farmacias". <https://lahoradigital.com/noticia/26266/sanidad/mascarilla-19-la-palabra-clave-que-pueden-usar-las-victimas-de-violencia-de-genero-en-las-farmacias.html>; Le Monde, (27 March 2020), "Confinement : les violences conjugales en hausse, un dispositif d'alerte mis en place dans les pharmacies". [https://www.lemonde.fr/societe/article/2020/03/27/confinement-un-dispositif-d-alerte-dans-les-pharmacies-pour-les-femmes-violentees\\_6034583\\_3224.html#xtor=AL-32280270](https://www.lemonde.fr/societe/article/2020/03/27/confinement-un-dispositif-d-alerte-dans-les-pharmacies-pour-les-femmes-violentees_6034583_3224.html#xtor=AL-32280270)

63. Irish Examiner, (1 April 2020), "Gardaí announce Operation Faoisimh to ensure victims of domestic abuse are supported during crisis". <https://www.irishexaminer.com/news/arid-30991403.html>

64. In France, emergency barring orders, restraining and protection orders against the perpetrators continued to be issued despite the lockdown measures. Ministre chargée de l'Égalité entre les femmes et les hommes, de la Diversité et de l'Égalité des chances, "CP – Confinement et Femmes Victimes de Violences Conjugales". <https://www.egalite-femmes-hommes.gouv.fr/cp-confinement-et-femmes-victimes-de-violences-conjugales/>

65. Council of Europe Convention on preventing and combating violence against women and domestic violence, Preamble, available at: <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008482e>

66. "Such a[n] [gender neutral] approach deflects the focus away from persisting challenges to the safety of women and children who predominantly suffer domestic violence at the hands of male perpetrators. Moreover, the gender-neutral approach fails to recognise domestic violence as a social mechanism that helps keep women in a subordinate position to men, thus countering

the convention's fundamental emphasis on the need for a comprehensive, holistic approach and coordinated policies to effectively combat violence against women". Council of Europe, (2020), 1st General report on GREVIO's activities. <https://rm.coe.int/1st-general-report-on-grevio-s-activities/16809cd382>

67. Dutch CEDAW Network, (2018), "Joining Forces to Break the Circle of Violence against Women". <https://www.coe.int/en/web/istanbul-convention/netherlands>

68. Croatia, Cyprus, Denmark, Finland, France, Greece, Ireland, Malta, Republic of North Macedonia, Poland, Romania, Serbia, Slovenia, and Sweden.

69. In countries such as Cyprus, Republic of North Macedonia and Serbia.

70. Excluding France (which was not assessed), Republic of North Macedonia and Spain.

71. Austria, Belgium, Croatia, Cyprus, Denmark, Finland, France, Greece, Hungary, Ireland, Italy, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Serbia, Slovakia, Slovenia, Sweden, UK and Ukraine.

72. Bulgaria, Greece, Portugal, Romania, Slovenia and Spain.

73. Key protection measures of the Istanbul Convention that are not being implemented include the prohibition of mandatory alternative dispute resolution, including mediation and conciliation (Article 48). The Convention prohibits mediation in both criminal and civil law, given that: "Victims of such violence can never enter the alternative dispute resolution processes on a level equal to that of the perpetrator. It is in the nature of such offences that such victims are invariably left with a feeling of shame, helplessness and vulnerability, while the perpetrator exudes a sense of power and dominance." Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence, Article 252. <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016800d383a>

74. Danish NGO Shadow Report to GREVIO, (2017). <https://www.coe.int/en/web/istanbul-convention/denmark>

75. Bulgaria, Croatia, Iceland, Italy, Latvia, Republic of North Macedonia, Poland, Portugal, Spain, Ukraine, United Kingdom.

76. Article 31 of the Istanbul Convention obliges states to ensure that exercising visitation rights does not endanger the safety of the survivors of violence and her children, including factoring in violence against the non-abusive parent and any direct violence towards the child. In determining any visitation rights, the survivor and her children must be protected from any further harm, particularly after separation in cases of intimate partner violence whereby children are often the only point of contact between the survivor and perpetrator. This puts the victim and children at risk of further, sometimes even

fatal, harm if a contact order is given. Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence, Articles 175-176. <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016800d383a>

77. In most countries, 22 out of 31 (71%), shared custody is mandated, favoured and/or regularly enforced, even in cases of violence against women. Forced visitation, meaning visitation against the wishes of the child, is enforced in 22 out of 31 (71%) countries. If the mother refuses to give contact to the violent father or if the child refuses contact, the mothers are blamed in an alarming 84% of the countries (26 out of 31). There are cases and provisions in at least three countries where perpetrators who killed his partner will obtain custody over their children and/or the widower's pension rights.

78. EIGE, (2020), "Gender Equality Index". <https://eige.europa.eu/gender-equality-index/2020/domain/violence>. Furthermore, Article 11 of the Istanbul Convention directs state parties to collect disaggregated data on all forms of violence covered by the Convention, including data on the victim and perpetrator that is disaggregated by sex, age, type of violence, relationship of the perpetrator to the victim, geographical location, and other factors such as disability. We have also heard in the UK of the difficulties when it comes to the prosecution of rape. While figures had initially improved, it was discovered that there were problems in the forensic science lab and also failure to disclose some evidence to the accused/defence counsel. As such, statistics on prosecution have regressed.

79. Available at: <https://rm.coe.int/168093b26a>

80. Ibid, p 1.

81. Article 14(1) of the Istanbul Convention on education stipulates that "Parties shall take, where appropriate, the necessary steps to include teaching material on issues such as equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, gender-based violence against women and the right to personal integrity, adapted to the evolving capacity of learners, in formal curricula and at all levels of education".

82. Directive 2012/29/EU of 25 October 2012 establishing minimum standards on rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32012L0029>

83. European Women's Lobby, 2020, "EWL's Feminist Sexuality Education". <https://womenlobby.org/Feminist-SEXuality-Education>

84. Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence, Article 87. <https://>

85. Dutch CEDAW Network, (2018), "Joining Forces to Break the Circle of Violence against Women". <https://www.coe.int/en/web/istanbul-convention/netherlands>

86. European Disability Forum and Fundación CERMI, 2017, "Ending forced sterilisation of women and girls with disabilities". <https://www.eud.eu/news/ending-forced-sterilisation-women-and-girls-disabilities/>

87. Convention on the Rights of Persons with Disabilities of 13 December 2006, U.N. Doc. A/RES/61/106. Available at: <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/convention-on-the-rights-of-persons-with-disabilities-2.html>

88. UN CRPD, Concluding observations on the initial report of the European Union, 2 October 2015, CRPD/C/EU/CO/1, Para 21. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2FC%2FEU%2FCO%2F1](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2FC%2FEU%2FCO%2F1)

89. Article 39 of the Istanbul Convention states: "Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalized: a) performing an abortion on a woman without her prior and informed consent; b) performing surgery which has the purpose or effect of terminating a woman's capacity to naturally reproduce without her prior and informed consent or understanding of the procedure."

90. Denmark and Finland.

91. Italy and Spain

92. Finland, Italy, Portugal, Serbia, Spain, and Turkey.

93. Italy and Spain.

94. Italy.

95. Cyprus, Malta, Republic of North Macedonia, Romania and Slovenia.

96. Denmark, Italy, Netherlands, Portugal and Spain.

97. Portugal (in particular, in the case of shelters).

98. Italy and the Netherlands.

99. Finland and Spain.

100. GREVIO's 1st General report of activities points at the "difficulties experienced by states parties in ensuring gender-sensitive asylum determination procedures and gender-sensitive reception facilities" and notes that "women who lodge asylum requests are often ill-informed about the procedure, their

rights, the support available to them and about how to bring a successful case". GREVIO reports have found that "cultural and gender bias are still a reality and training of asylum case managers on the different forms of violence against women and gender-based persecution is necessary".

101. Belgium.

102. Denmark.

103. Women refugees and asylum seekers "face rape, sexual assault, sexual harassment, from different perpetrators; they have to resort to prostitution in order to get access to food, housing or transport; they face domestic violence; girls are being sold for marriage or trafficked for sexual exploitation". European Women's Lobby, (2016), "From conflict to peace? Women's and girls' voices on the move" in partnership with Women's Refugee Commission. [https://www.womenlobby.org/IMG/pdf/\\_womensvoicesfinalforweb.pdf](https://www.womenlobby.org/IMG/pdf/_womensvoicesfinalforweb.pdf)

104. European Women's Lobby, (2017), "#HerNetHerRights Report: Mapping the state of online violence against women and girls in Europe". [https://www.womenlobby.org/IMG/pdf/hernetherights\\_report\\_2017\\_for\\_web.pdf](https://www.womenlobby.org/IMG/pdf/hernetherights_report_2017_for_web.pdf)

105. European Court of Human Rights, (9 July 2019), *Volodina v. Russia* (Application no. 41261/17). The Court recognises as domestic violence that the fact that the perpetrator used a GPS tracking device to harass the victim and published private photographs on a social network without her consent, further undermined her dignity, conveying a message of humiliation and disrespect, against Article 3 of the European Convention on Human Rights. Sentence available at: [https://hudoc.echr.coe.int/eng#\\_ftn2](https://hudoc.echr.coe.int/eng#_ftn2)

106. European Court of Human Rights, (11 February 2020), *Buturugă v. Romania* (application no. 56867/15). The Court pointed out that cyberbullying was currently recognised as an aspect of violence against women and girls, and that it could take on a variety of forms, including cyber breaches of privacy, intrusion into the victim's computer and the capture, sharing and manipulation of data and images, including private data. Sentence available at: <http://hudoc.echr.coe.int/eng?i=002-12715>

107. The 2016 law for a Digital Republic amended the French Penal Code to prohibit the unauthorised dissemination of sexually-explicit recordings (so-called "revenge porn"). Such acts are now punishable by up to two years in jail and/or a fine of up to €60,000.

108. Network Enforcement Act Law to tackle online hate speech.

109. In Spain, the Penal Code was reformed in 2015, introducing new types of penalties related to online violence against women: Cyberbullying or sexting, consisting of disseminating, revealing or giving a third party images or audio-visual recordings of a person without their authorisation and obtained in a private setting.



110. The 2019 so-called Red Code Law amended the Italian Penal Code, including Article 612 which prohibits the unauthorised distribution of sexually-explicit images or recordings (i.e. revenge porn). Punishment can be up to 6 years in jail, with a fine of up to 15.000,00 euros.

111. Criminal Justice and Courts Act (2015) and The Voyeurism Act (2019): “Revenge porn” (sexual based image abuse in the context of intimate partner violence) is classified as a sexual offense and comes with a sentence of two years. The Voyeurism Act outlaws ‘upskirting’ where the purpose is to obtain sexual gratification, or to cause humiliation, distress or alarm and is classified under crimes related to violence against women and girls. Available at: <http://www.legislation.gov.uk/ukpga/2015/2/contents/enacted> and <http://www.legislation.gov.uk/ukpga/2019/2/contents/enacted>

112. More than two out of three women in prostitution reported trauma on par with soldiers returning from war. Brussels Call Brochure: “Together for a Europe free from prostitution”. [https://www.womenlobby.org/IMG/pdf/brussels\\_call\\_brochure\\_8\\_pages.pdf](https://www.womenlobby.org/IMG/pdf/brussels_call_brochure_8_pages.pdf)

113. Ibid. “Purchase” can refer to financial payment or exchange for essentials such as shelter, food, medicine, etc.

114. Belgium, Finland, Portugal and Spain.

115. “The Portuguese Association for Women’s Rights in Pregnancy and Birth has monitored the treatment of pregnant women in hospitals, through collecting testimonials and surveys. APDMGP’s Survey raises concerns as to whether medical professionals are sometimes failing to adhere to the principle of full and informed consent when treating pregnant women. Many women reported that medical interventions were carried out contrary to their wishes. The data also reveals highly medicalized births, raising questions about the need for interventions practiced, that greatly exceed the World Health Organization’s recommendations, some of which are consensually condemned by the scientific community. (...) Often women report physical and mental trauma and harm because of such practices and their autonomy and decision-making capacity is heavily undermined”. Shadow NGO report to GREVIO by Portuguese women’s organisations, available at: <https://rm.coe.int/ngo-shadow-report-portugal/168075dd8a>

116. Czech Women’s Lobby, (4 October 2017), “Obstetric violence faced by women in Czech Republic - letter from EWL”. <https://czlobby.cz/en/news/obstetric-violence-faced-women-czech-republic-letter-ewl>

117. European Parliament resolution of 5 April 2011 on priorities and outline of a new EU policy framework to fight violence against women (2010/2209(INI)). [https://www.europarl.europa.eu/doceo/document/TA-7-2011-0127\\_EN.pdf](https://www.europarl.europa.eu/doceo/document/TA-7-2011-0127_EN.pdf)

118. European Women’s Lobby, (2020), “EWL’s Feminist Sexuality Education”. <https://womenlobby.org/Feminist-SEXuality-Education>

