



Funded under the 'Rights, Equality and Citizenship Programme 2014-2020' of the European Commission

European Commission Gender Equality

Carla Pambianco

Gender Equality Unit, DG Justice and Consumers

15/05/2020

*Justice and
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Violence against Women and Domestic Violence:

The EU Legal Framework



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The Treaties and the Charter of Fundamental Rights

- The Treaty on European Union (TEU) affirms the principle of gender equality and non-discrimination (Articles 2, 3 and 19);
- The Charter of Fundamental Rights guarantees people's right to dignity (Title I) and equality (Title III);



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- It also includes specific provisions on people's right to physical and mental integrity, and bans any form of discrimination on the grounds of sex;
- Declaration 19 on Article 8 of the Treaty on the Functioning of the European Union (TFEU) affirms the political commitment of Member States to combat all forms of domestic violence.



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- The EU is tackling Violence against Women in various ways, but has no binding instrument designed specifically to protect women from violence.
- There are several legislative instrument which also cover violence against women



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Violence Against Women in EU Law:

A form of discrimination

Forms of crime

Ground for protection



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Rights of Victims of Crime:

- Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime;
- Council Directive 2004/80/EC relating to compensation to crime victims;



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Protection Measures:

- Directive 2011/99/EU on the European protection order;
- Regulation (EU) No 606/2013 on mutual recognition of protection measures in civil matters;



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Crime Prevention:

- Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims;
- Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography;



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Harassment:

- Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation;
- Council Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services;



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Harassment:

- Directive 2010/41/EU on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity;



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Asylum:

- Directive 2013/33/EU laying down standards for the reception of applicants for international protection;
- Directive 2013/32/EU on common procedures for granting and withdrawing international protection (recast) asylum procedures directive;



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Asylum:

- Returns Directive 2008/115/EC on common standards and procedures;
- Directive 2011/95/EU on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection;



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The International Framework:

Benchmark documents in the field:

I. The Convention on the Elimination of All Forms of Discrimination against Women(1979);

II. The Declaration on the Elimination of Violence against Women(1993);



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III. Beijing Platform for Action;

IV. The Commission on the Status of Women;

V. The Council of Europe Convention on preventing and combating violence against women and domestic violence ('Istanbul Convention').



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The Istanbul Convention:

- The first instrument in Europe to set legally binding standards on violence against women and domestic violence;
- The most far-reaching international treaty on the topic;
- Article 75(1): the Convention is opened for signature by the EU;



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Definitions: Violence Against Women

- “violence against women”: violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life;



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Definitions: Domestic Violence

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



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Definitions: Gender

- “gender”: socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men;
- “gender-based violence against women”: violence that is directed against a woman because she is a woman or that affects women disproportionately;



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EU's Accession to the Istanbul Convention

- The EU signed the Convention in June 2017;
- All EU MS have signed it;
- 21 MS have ratified it;
- CJEU pending Opinion on the compatibility between the Treaties and the legal bases chosen by the Council; the split of the accession in two decisions; and the practice of the 'common accord'.



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Stakeholders' calls:

- EU's accession to the Istanbul Convention;
- Directive on violence against women (prevention);
- Directive on specific forms of violence against women (cyber violence; harassment; sex trafficking ...);
- Criminalisation of violence against women (passerelle, Article 83 TFEU);



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The way forward: The Gender Equality Strategy 2020-2025

Should the EU's accession to the Istanbul Convention remain blocked:

- Measures to achieve the same objectives as the Convention;

Additional measures:

- Victims' Rights Strategy addressing specific needs of victims of gender-based violence, including domestic violence;



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- EU network on prevention of gender-based violence and domestic violence, bringing together Member States and stakeholders.



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33% of women in the EU have experienced physical and/or sexual violence.



22% of women in the EU have experienced violence by an intimate partner.



55% of women in the EU have been sexually harassed.

Thank you for your attention!