



## **Submission on the EU initiative on gender based violence and domestic violence**

**13 January 2021**

### **Equality Now welcomes the EU initiative to provide uniform standards for preventing gender-based violence, protecting victims and punishing offenders**

**Equality Now** is an international feminist and human rights organisation working to end violence and discrimination against women and girls across the world. We welcome the opportunity to engage the European Commission's (EC) on this initiative "on preventing and combatting gender-based violence and domestic violence". The initiative is of grave importance and is timely, as it will provide opportunity for EU law to be aligned to and integrate the standards of the Istanbul Convention as well as ensuring a holistic approach to addressing gender based violence and violence against women and girls. It has the potential to protect millions of vulnerable people, especially women and girls, who are disproportionately affected, and prevent trauma and violence in their lives across all countries in Europe.

In its EU Gender Equality Strategy (2020 -2025), the EC committed to propose measures to achieve the same objectives as the Istanbul Convention and to present an initiative intended to extend the list of EU crimes. In 2020, the European Parliament called on the EU to adopt "a Directive on preventing and combating all forms of violence against women" (A9-0234/2020, 25.11.2020, para. 28). The Inception Impact Assessment refers to gender-based violence, including online gender-based violence, as the scope of the initiative. We recommend that the types of violence include at a minimum those should include the ones listed in the Istanbul Convention, as well as reinforcing the prevention and protection of victims of trafficking and sexual exploitation.

Consequently, Equality Now calls on the EC to propose a holistic legislative initiative covering all forms of gender based violence, and adopting an approach that acknowledges that gender based violence occurs on a continuum and is rooted in existing gender and intersecting inequalities and patriarchal notions of male power, privilege and entitlement and the subordination of women, girls and other vulnerable genders. To this end, Equality Now supports Option 3 set out in the Inception Impact Assessment, which we believe is the most viable way to achieve such a comprehensive approach to addressing gender based violence and ensure incorporation of the 4 pillars of the Istanbul Convention (i.e. prevention, protection, prosecution and coordinated policies).

Equality Now draws the EC's attention to sexual exploitation and abuse, as a form of violence experienced by women and girls across EU countries. As the EC acknowledges in the Inception Impact Assessment, "there is a lack of sufficient measures to address gender based violence and domestic violence". The Inception Impact Assessment also concludes that "major discrepancies exist between European countries regarding legal and practical actions to fight violence against

women and girls”. The lack of measures and discrepancies across countries is very much evident in relation to laws and policy measures to address sexual exploitation and abuse, and more so with regards to online sexual exploitation and abuse which is growing exponentially at an alarming pace across Europe. Equality Now calls on the EC to ensure inclusion of sexual exploitation and abuse, whether online or in-person, in the scope of this legislative initiative.

There is a clear legal basis for the inclusion of sexual exploitation and abuse. Article 83(1) of the Treaty of the Functioning of the European Union (TFEU) already clearly includes “trafficking and sexual exploitation of women and children” as a Eurocrime and allows for it to be legislated on. Moreover, prostitution is mentioned as a factor making women and girls vulnerable to violence in the Istanbul Convention. Whilst some legislative action has been taken at the EU to combat trafficking, and sexual exploitation of children, a glaring gap exists regarding sexual exploitation of adult women including when it occurs online or through the use of technology. The inclusion of sexual exploitation and abuse would ensure that the full continuum of gender based violence and violence against women and girls is addressed, and would for sexual exploitation and abuse to be recognised as a Eurocrime to be tackled consistently throughout the EU.