



Women in Development Europe+ (WIDE+)
Position Statement on the Proposal For a
Directive on Combating Violence against Women and Domestic Violence
January 2023

Addressed to the Rapporteurs of the Legislative Report on Combating
Violence against Women and Domestic Violence
CC: Shadow Rapporteurs of the Legislative Report

Dear Evin INCIR, Frances FITZGERALD,
Dr. Sylwia SPUREK, Lucia ĎURIŠ NICHOLSONOVÁ, Nathalie COLIN-OESTERLÉ,
María Soraya RODRÍGUEZ RAMOS, Pina PICIERNO, and Eugenia RODRÍGUEZ PALOP,

Women in Development Europe+ (WIDE+) welcomes the proposal for an [EU Directive on combating violence against women \(VAW\) and domestic violence \(DV\)](#) by the European Commission and your work to improve the proposal. WIDE+ is a European network of feminist activists, scholars, and women's rights organisations that reaches out to 300 associations, through its national membership-based networks and organisations across Europe. It promotes women's rights by analysing the systemic causes of inequality and advocating for transformative change. WIDE+ comes from a collaboration between feminists in the Global South and feminist economists spanning close to 40 years. In the last 10 years, WIDE+ has been able to connect this global expertise with feminist activism in Europe, in particular migrant women groups and associations.

First and foremost, we would like to thank the FEMM and LIBE committees for your work towards improving this important legislative report. We believe it is a crucial step for gender equality in the EU and its Member States. Given that the Istanbul Convention has yet to be ratified by all Member States, a directive on violence against women (VAW) and domestic violence (DV) is crucial to put in place minimum standards for policies that can protect, prevent and prosecute gender-based violence across the EU. As such, we would like to submit our network's recommendations that can strengthen the legislative report for your consideration as you work towards submitting another round of amendments for the proposed Directive.

As we know, gender-based violence (GBV) in the public and private sphere including online GBV is a serious violation of human rights and a form of structural gender discrimination. It intersects with other forms of systemic discrimination, such as discrimination against age, race, nationality, sexuality and gender identity. These discriminations are multiplied for groups of women, girls and gender-nonconforming persons (in short women*), such as migrant women*, young women*, women* from ethnic minorities and indigenous and racialized women*, women from LGBTIQ+ communities and/or women with disabilities. These groups of women are at greater risk and are often the least protected and supported from GBV.

Our network has a very active migration and gender working group comprising self-organised migrant women from across Europe and we advocate for migrant women's rights based on our collective lived experiences, expertise and evidence-based research. In this position statement, we want to stress the importance of language when addressing the increased incidence of violence and barriers faced by migrant women.

Migrant women*, including refugees, migrant women workers, undocumented persons and trafficked women and girls, are more disproportionately affected by GBV compared to non-migrant women. The first and currently only [EU-wide survey carried out by the Fundamental Rights Agency in 2014](#), finds that 27 % of women ‘non-citizens of the country of residence’, and to a lesser extent women with a residence permit having lived in the country for less than 30 years, experience physical or sexual violence (current or previous) since the age of 15. This is compared to 20-22 % of women living as citizens longer than 30 years in their country, or never having left it. Some of our network’s members, such as [Red Latinas](#), a Latin American and Caribbean network in Spain, have done [extensive work in researching GBV](#) against migrant women and support services for migrant women victims. They found that there is over-representation of migrant women in the GBV data in Spain. Murders of foreign women due to GBV affected 29 per 1 million foreign women residing in the country, while murders of Spanish women for the same reason affected 5 per 1 million women between 2003 and 2019. Similarly in the Netherlands, the “[Emancipatie Monitor](#)” (Emancipation Monitor) of the Dutch Social Cultural Plan Bureau for the 2020 shows that migrant women are more often victims of violent crimes compared to non-migrant women.

We would like to highlight the importance of a stronger intersectional approach when tackling gender-based violence. Below are our recommendations that can strengthen the legislative report so that it does not leave anyone behind.

The proposed legislative report should:

1. Adopt a Stronger Intersectional Approach in the EU Directive

An intersectional approach is crucial as GBV disproportionately impacts women* that face multiple discriminations. Groups of women at higher risk of GBV includes as migrant women, young women, women from ethnic minorities and indigenous and racialized women, LGBTIQ+ people, women with functional diversity and women from other vulnerable and marginalised groups.

In July 2022, the European Parliament adopted the resolution, “[Intersectional discrimination in the European Union: the socio-economic situation of women of African, Middle-Eastern, Latin-American and Asian descent](#)” which urges policymakers to address intersectional discrimination, especially when it comes to tackling issues like VAW, poverty and socio-economic exclusion. Intersectionality is also a “cross-cutting principle” for the EU’s Gender Equality Strategy, hence there is no shortage of reference points in terms of fully integrating an intersectional approach into a legislative report as important as this proposed Directive.

An intersectional approach means going beyond considering including more identities and representation, but very importantly also interrogating the structural and institutional nature of power, oppression, and inequalities. To bring this back to the proposed Directive, this means that it is not enough for the legislative report to simply mention “victims with specific needs and groups at risks of violence against women or domestic violence” (p.31) without a strong set of

provisions to protect their rights. While Article 35 outlines targeted support for these groups, the provisions are insufficient.

To this end, the Istanbul Convention remains an important reference document as it provides specific and detailed measures to protect migrant women, considering the particular difficulties migrant women face in accessing support and justice when facing violence due to their resident status. Articles 4, 59 and 60 of the Istanbul Convention outline provisions that consider and account for these specificities. For example, the Istanbul Convention explicitly outlines the possibility of granting a migrant woman a residence status if they are trapped in a violent and abusive relationship - this allows victims to leave the relationship without fear of deportation. This is where the proposed Directive differs as it does not guarantee this right to migrant women facing violence. Our network would like to urge you to include this right, as it is an absolute barrier to access support and protection.

Another grave concern that WIDE+ would like to raise is the proposed amendments by the co-rapporteurs to replace the use of the term 'sex worker' with 'women in prostitution'. Any term with 'prostitution' points to the criminality of sex work and demeans all sex workers, further pushing them into marginalisation and exclusion. The European Sex Workers Rights Alliance (ESWA) has outlined the harms of criminalising sex work in [their letter to the European Parliament](#)¹. While in our network opinions differ on whether sex work should be criminalised or not, the central role of the Directive is to protect ALL women from violence and enshrine our rights to live free from violence. The Directive should not be used to propose a particular political view on the legal framework of sex work. We hope that the co-rapporteurs seriously consider retaining the term 'sex workers' as originally proposed in the Directive.

2. Strengthen Preventive Action to Stop the Cycle of Violence

Gender-based violence inflicts harm not only on individuals, but also on society as a whole and its parts. The direct and indirect forms of violence are systemic and are closely intertwined with other forms of oppression. GBV and DV are a major obstacle to achieving a gender-equitable Europe. The goal of the Directive should be to eliminate all forms of violence. To achieve this, gender-based violence must be addressed at its roots.

The draft Directive contains constructive measures for the prosecution of perpetrators. Although prosecution of violence is extremely important, the vicious circle of violence can only be broken if violence is prevented in the first place, as the Istanbul Convention outlines in Article 16. Therefore, we propose an intersectional holistic approach within violence prevention. It requires rehabilitating perpetrators to prevent repeat offences and shift behaviours and mindsets away from violence in the long term. And it includes promoting policies and actions that have proven to address violence as a systemic problem requiring a broad range of interventions, as UN Women

¹ As WIDE+ members have not come to a consensus on the network's position on criminalising sex work, the network is not a signatory to ESWA's letter.

has laid out in their [GBV prevention frameworks](#). These include changing underlying norms, beliefs, attitudes, behaviours, and policies.

Community-based restorative and transformative justice are part of this intersectional holistic approach. Incorporating transformative justice approaches into the Directive's policies could significantly improve the effectiveness, efficiency, and quality of justice and make an important contribution to violence prevention. A UK government-funded randomised control trial found that [restorative justice reduced recidivism by 14%](#). The model offers a set of practices and philosophical guidelines that centre the needs of the person affected by violence. The Amendment 162 of article 37 has included restorative justice services as a service that is likely to be involved with the victim and perpetrator. We suggest a separate article that includes restorative justice services into the Directive, under Chapter 3 (protection of victims and access to justice) as well as Chapter 4 (victim support) to ensure a supportive, victim centred legal process with sustainable and just outcomes.

In reference to Articles 36, 41, 61 of the Directive, we would like to point out that the simple act of suing a person for GBV falls short when it comes to addressing the complex causes of GBV and DV. Not only is there a very low reporting rate for GBV, but the prison system has proven to be an ineffective measure in preventing further acts of violence. Addressing the social environment around a person will identify the multiple interwoven origins and risk factors of violence and thus be a gateway to developing [appropriate prevention measures](#). It is therefore advised to ensure a close collaboration between law enforcement and the public health, education and social services sectors. This has been partly incorporated in the FEMM and LIBE amendments.

Addressing these underlying issues through education is an [effective measure at the personal, relational and institutional levels](#). Subjects like gender equality, consent, harmful attitudes towards GBV, and digital citizenship should be mainstreamed into education over the life course. We encourage a more specific outline for how the preventive measures listed under Article 36 could be mainstreamed into formal and informal education. In particular, civil society organisations that put these approaches into practice should be supported more strongly. Misogyny, male dominance, unequal power relations and rigid binary gender norms established by the dominant culture must be addressed, thereby [driving change toward gender equality](#). The [promotion of gender equality must be embedded into efforts](#) that aim to prevent GBV. More research, effective prevention programs and evidence-based approaches are needed for the future and should be more strongly promoted through the Directive.

3. Increase Funding and Partnership with Women's Rights Organisations

The Directive should provide recommendations, which can be a non-legislative option, to increase funding and partnership with civil society, in particular women's rights and migrant women-led organisations, in the fight against GBV. Existing programmes like the Daphne strand under the Citizens, Equality, Rights and Values (CERV) programme need to have larger amounts of funding and should be structured in a way that allows financially smaller women's led associations to equally participate. Our own report that reviews [EU funding for migrant women's associations](#) finds that women's-led, grassroots associations, often being smaller in size, face

additional barriers and are under-represented in current programmes as grantees (whether as the lead beneficiary or as partner). Funding is necessary to acknowledge and support the important work that these organisations do in responding to all forms of GBV. Yet they remain under-funded. Women-led civil society groups have raised concerns around the reduction of funds under this programme, on top of complex processes to access these funds.

Feminist civil society is at the forefront of supporting victims of gender-based violence. Their work is critical and the driving force in the fight against gender-based violence. Women's civil society organisations have decades of experience supporting victims, raising awareness, and developing educational programs to prevent gender-based violence. Women's specialised services are the first point of contact for victims and provide comprehensive support and professional care in critical situations. Nevertheless, the term civil society appears only twice in the draft directive. Community-based and civil society organisations provide unique and important opportunities/spaces to address the social ecology and direct support to GBV survivors and are therefore logical partners in combating GBV and decreasing its occurrence directly.

The Directive identifies in Article 41 cooperation with civil society organization to combat GBV and DV effectively, as well as briefly under Article 36. Herein the importance of Women's Organisations and specialised services is mentioned. We are in support of FEMM and LIBE's amendment 168 that include organisations for rehabilitation of perpetrators and women's civil society in policy making and implementation. We would like to put emphasis on the [recommendation by Women Against Violence Europe \(WAVE\)](#) to specifically acknowledge the importance of Women Specialist Services (WSS). Comprehensive, victim-centred, and gender-specific support systems are in need of funding and should be key partners in implementing the Directive. Moreover, we recommend an acknowledgement of the diverse needs of GBV survivors. Services that specialise in supporting migrant women and LGBTQI+ individuals should be explicitly highlighted herein.

The Istanbul Convention attaches utmost importance to cooperation with civil society at all levels in Article 9. The Directive should outline how the effective cooperation with these organisations will be ensured. A crucial step in this regard is accessible and sufficient funding. Article 8 of the Istanbul Convention highlights the need for "appropriate and financial resources". How a sufficient and gender-responsive budget looks like must be outlined in conversation with civil society.

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