



EUROPEAN WOMEN'S
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EWL Recommendations on the Istanbul Convention's 4 Ps (Prevention, Protection, Prosecution and Policies) and how they can be integrated in the Directive on Violence Against Women and Girls

Introduction

Male violence against women and girls (VAWG) 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. It happens across Europe, affecting over 250 million women and girls, and yet due to a lack of European harmonisation of legislation, the remedies and prevention methods taken by governments are haphazard and a lottery for the women and girls experiencing violence. To grant all women in the EU the same level of protection, it is necessary to ensure **harmonisation of existing EU legislative instruments relative to forms of violence against women and girls**, i.e., the Anti-Trafficking Directive, the Victim's Rights Directive and the Digital Services Act. Furthermore, it must be complemented with the adoption of a **horizontal EU Directive with a holistic, gender-sensitive and intersectional approach**. Therefore, the European Women's Lobby (EWL) supports the efforts of the European Commission to introduce a Directive on "Violence against women and domestic violence".

[EWL's key recommendations for the Directive](#) include the **adoption and enhancement of the gold standards of the Council of Europe's Istanbul Convention¹ - to date the most comprehensive international treaty on the topic**. The Directive must address **all forms of violence against women and girls**, including work-related, public sphere online or offline, as well as to explicitly address sexual exploitation, and the situation of women subject to intersecting forms of discrimination.

¹See: [Text of the Convention \(coe.int\)](#)

The EWL recommends including actions in all four key pillars of the Istanbul Convention in this Directive - [prevention, protection, prosecution and integrated policy](#) - to guarantee high legal standards for women and girls in **all EU member states**.

EWL also offers an extensive but not limited list of definitions of forms of violence against women and girls² and advocates to include as legal definitions in the proposed [Directive on Combating Violence against Women and Domestic Violence](#)³, as many forms of VAWG as possible.

This document gives an overview of EWL's policy recommendations on the **four P's** included in the Istanbul Convention and beyond to **enhance the text of the proposed Directive and therefore, the safety of women and girls in Europe**.

1. [Prevention](#)

As the first pillar (of the IC), prevention includes **education in non-violence and equality between women and men, awareness-raising campaigns and challenging gender stereotypes** as well as promoting women's empowerment, training of professionals and programmes for perpetrators.

On top of these key principles listed in the Istanbul convention, [EWL recommends to embrace](#) in the upcoming legislation, [feminist principles in education policies and systems and educators' training](#); in formal curricula across subjects, including feminist sexuality education, and at all levels of education. Moreover, a guaranteed access to information to all women and girls about their rights in a language that is accessible to them should be included. Indeed, awareness-raising campaigns, educational materials and women's empowerment programmes are preventive tools

² See the EWL Glossary on VAWG

³ See Commission Proposal for a Directive: [Proposal for a Directive on combating violence against women and domestic violence | European Commission \(europa.eu\)](#)

that can be efficient only if understood and made easily accessible to women and monitored regularly.

In order to **achieve the successful combatting and challenging of harmful gender stereotypes, professionals** (including social support, education and health) and **law enforcement authorities** (border guards, police, judiciary, etc.) must be trained on the topic of male violence against women and girls. In addition, Media should develop standards for securing professional reporting on violence against women and respecting dignity of the victims. To achieve an efficient prevention, they must especially understand this phenomenon affects women and girls disproportionately and that it is based on the historically unequal power relations between women and men. Trainings must insist on the structural and endemic nature of VAWG and on the intersectional forms of discrimination and they should be maintained even and especially in times of crisis. This is why it is important to include them in the prevention provisions of the upcoming Directive.

2. Protection

Similarly, to the second pillar of the Istanbul Convention, the EU directive proposal should focus on protection by granting women and girls access to comprehensive information, counseling, support services, complaint mechanisms and immediate protection measures. **All the necessary coordinated measures should be taken to protect all women and witnesses of all forms of violence** during all stages of investigation and judicial proceedings. This protection should be easily accessible to be efficient: women should be granted access to justice free from any financial charges and they should be supported by free legal assistance in their language when presenting a complaint and during judicial proceedings.

It also means that no mediation or family conflict approaches should be allowed in cases of violence against women and girls and that the law should take it into consideration when

determining **custody and visitation rights** so that mandatory shared custody or visiting rights are prohibited in such cases.

Eventually, women's specialised services ensuring **free and long-term care for mental health and trauma recovery** should be granted to women and girls victims of violence, including when it comes to online violence which has been a rising phenomenon over the last years and that was not necessarily foreseen in the Istanbul Convention. To protect women and girls' victims of this specific form of violence, there is not only a need to criminalise the non-consensual dissemination of intimate/sexual images or image based sexual abuse but there is also the necessity to create and implement specific protocols and services in centres of victims to address the particular traumatism resulting from online violence. The creation of a Body such as a European Coordinator or Commissioner dedicated to violations committed on the internet and connected to equality bodies is highly recommended to ensure the best level of protection to victims of online violence.

Additionally, it is crucial to include the **supply of gender-sensitive and intersectional training** for law enforcement agencies, judiciary and public prosecutors and staff working in organisations on the grassroots level to end the prevailing sexist and racist behaviour and views in the justice system.

3. Prosecution

As the third pillar, prosecution contains law enforcement and judicial proceedings and should have a **victim-centred and gender-sensitive approach**. It is crucial that all EU countries have the same high standards, as per Istanbul Convention, when it comes to **dissuasive sanctions for perpetrators, effective public prosecution, consideration of aggravating circumstances, legislation criminalising violence against women and effective police investigation**.



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To do so, the EU directive proposal should adopt a **gender-sensitive as well as an intersectional approach and encompass an extensive list of legal definitions covering all forms of violence against women and girls**. This list - similarly to the articles 33-40 of the Istanbul Convention – should at least include definitions of: psychological violence; stalking; physical violence; sexual violence including rape; forced marriage; female genital mutilation; forced abortion and forced sterilisation; sexual harassment, and online violence. It should also cover common standards for data collection on violence against women and girls to ensure a coherent system with consistently understood definitions, such as femicide.

A **victim-centred and gender-sensitive approach** will ensure the victim's right to privacy and protection as well as the right to information and support during investigation and judicial proceedings. Going beyond the Istanbul Convention and the Victim's Rights Directive, the Directive on VAWG should also remove statutes of limitations to ensure that all women could seek justice for sexual violence they survived as children and put an end to impunity by implementing effective measures to ensure that investigation and judicial proceedings are carried out without delay. For serious crimes, investigation and judicial proceedings shall not depend upon a report filed by victims and upon victim's statement.

We highly encourage a shift in the traditional approach to sexual violence, including rape, as requiring the use of force or threats to coerce the victim. Instead, **the recognition of sexual violence and rape as an offence revolving around the lack of consent of the victim** should be the main element of the crime.

4. Integrated policies

Having coordinated policies is a requirement introduced in the last pillar of the Istanbul Convention. It is essential since it guarantees the effective implementation of all the provisions mentioned in the Convention whether it is through the **collection of data, the introduction of**

laws, the creation of appropriate mechanisms of the funding aspect. Therefore, the EU directive proposal should mirror this field of action and build on it by incorporating similar provisions, adding provisions to fight against sexual exploitation and online violence.

At the EU, such integrated policies would require the EU to access the Istanbul Convention. EWL highly encourages the European Commission as well as the Council to pursue efforts for the European Union to accede the Convention and to do this within the most effective scope of EU competence.

From a legal point of view, this also means **seeking harmonisation of existing EU legislative instruments relative to forms of violence against women and girls**, including: the Directive 2012/29/EU on common minimum standards on the rights, support and protection of victims; the 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; the Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims; the Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography; and relevant provisions of the Digital Services Act and the upcoming legislation on hate speech and crime (inclusion to Eurocrime). It would also mean to include sex/gender and sexual orientation as protected grounds against hate speech.

Another key requirement would be to appoint an **EU Coordinator** on ending violence against women and girls. This EU Coordinator should have a strong political mandate, with sufficient resources and responsibility to coordinate the implementation of the Istanbul Convention and should work closely with women's rights organisations; an EU Action Plan on male violence against women and girls and the implementation of the Directive on Violence against women and girls.



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Eventually the importance of **women's specialised services** should be acknowledged by declaring them 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 and possible future pandemics and crises.

Conclusion

Integrating the 4 P's into the Proposal for a Directive on combating violence against women and domestic violence is a strong signal for a common legal framework to combat violence against women and girls in all EU member states and will insure harmonised and high legal standards for all women and girls in the EU.

We call on the European Commission in its proposal and the European Parliament and European Council as co-legislators, to make sure that the EU Directive on VAWG builds on the great standards in the Istanbul Convention and adopts a text ensuring full protection of all women and girls wherever they are in the EU.



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