



ICE

ICE PROJECT: INFORMAL CIVIC EDUCATION

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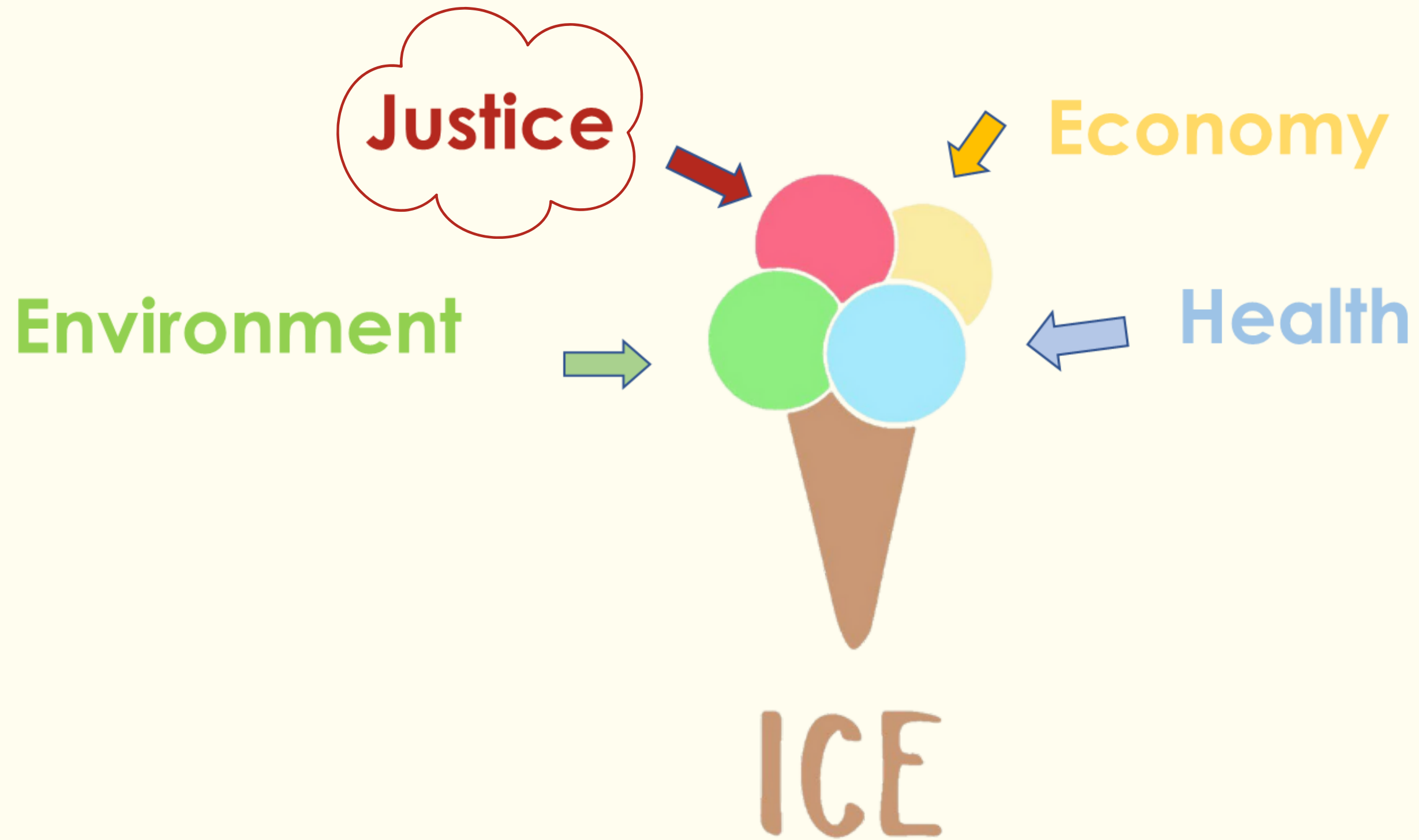
Open Educational Resource

Project Result 4

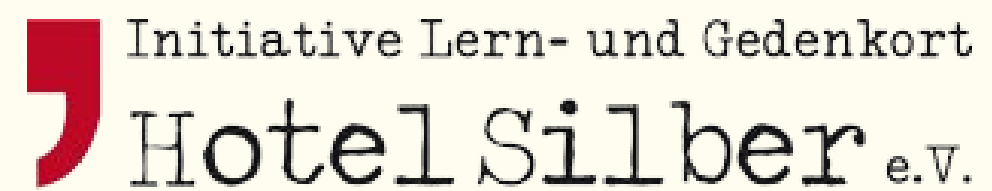
Topic: Justice

Title: Justice: Addressing Gender-Based Violence

By: SYNTHESIS Center for Research and Education



PARTNERS





INFORMAL CIVIC EDUCATION

The ICE Project aims to enhance the learning centers for adults by promoting new activities, in the contents and methods to be used, starting from civic and participatory themes.

Civic Education is among the priorities of European and national educational plans for the coming years as a tool for integration between multicultural communities.

Find out more about the project:

 <https://www.informalciviceducation.eu>



JUSTICE : ADDRESSING GENDER-BASED VIOLENCE



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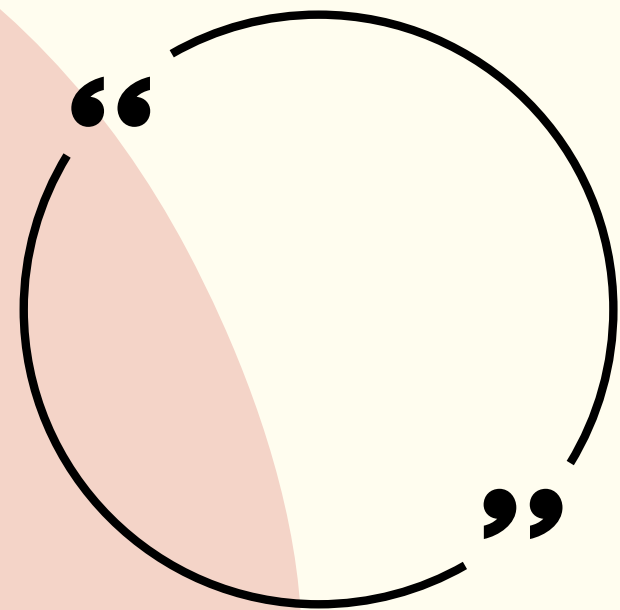
ICE

EXPLORING ASPECTS OF JUSTICE

02

KEY CONCEPTS & DEFINITIONS

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03

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- Legal framework
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01. INTRODUCTION :

WHAT IS GBV ?



DEFINITION OF GENDER BASED VIOLENCE (GBV)

Gender-based violence (GBV) is foremost a **violation** of **human rights**, and a **global health issue**. The cause of the violence is founded in **gender-based power inequalities** and **gender-based discrimination**.

GBV cuts across boundaries of **economic wealth, culture, religion, age,** and **sexual orientation**.

GBV can take the form of **physical, emotional/psychological and sexual violence** or even **denial of resources or access to services**.

GBV refers to any act that is perpetrated against a person's will and is based on gender norms and unequal power relationships.

Gender based violence can be inflicted on **women, girls, men and boys**, it is a **severe violation of human right.**

GBV disproportionately affects women and girls.

Violence includes threats of violence and coercion.

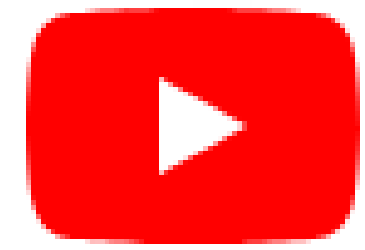
FII

What is Gender-Based Violence? | Feminism in India



#FIIEXPLAINS

WHAT IS GENDER-BASED VIOLENCE?



GBV IS VIOLATION OF HUMAN RIGHTS



Watch on  YouTube

<https://www.youtube.com/watch?v=iSa8HSzyDzE>





02. KEY CONCEPTS & DEFINITIONS

1. **Abuser** is a person who perpetrates Gender-based Violence.
2. **Impacted individuals** may include the target/victim/affected individual as well as witnesses and persons who intervene in the situation involving inappropriate behaviour and possible violence and harassment.
3. **Bystander** is a person who is present at/a witness of an incident of violence or harassment but does not take part. A Bystander approach is used to promote victim empathy and notions of how the workplace community is responsible for preventing sexual harassment.
 - An **empowered bystander** is somebody who observes an act of violence, discrimination or other unacceptable or offensive behaviour and takes action
4. **Report** refers to formal and/or informal reporting unless otherwise specified.
5. **Primary Prevention of Sexual & Intimate Partner Violence** Refers to preventing sexual and intimate partner violence before they occur. Primary prevention efforts exist on a continuum (primary, secondary, and tertiary prevention). These efforts seek to bring about change in individuals, relationships, communities, and society through strategies that:
 - Promote the factors associated with healthy relationships and healthy sexuality, creating a healthier social environment.



6. Sexual harassment is any unwelcome conduct of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation. While typically involving a pattern of conduct, sexual harassment may take the form of a single incident. In assessing the reasonableness of expectations or perceptions, the perspective of the person who is the target of the conduct shall be considered. Sexual harassment can take a variety of forms – from looks and words though to physical contact of a sexual nature.

Examples of sexual harassment (include but not limited to):

- Unwelcome touching, including pinching, patting, rubbing, or purposefully brushing up against another person
- Repeatedly asking a person for dates or asking for sex
- Making sexual comments about appearance, clothing, or body parts
- Name-calling or using slurs with a gender/sexual connotation
- Making derogatory or demeaning comments about someone's sexual orientation or gender identity
- Sending sexually suggestive communications in any format
- Sharing sexual or lewd anecdotes or jokes
- Making inappropriate sexual gestures
- Sharing or displaying sexually inappropriate images or videos in any format
- Attempted or actual sexual assault



03. LEGAL ASPECTS

Introducing legality

Gender-based violence (GBV) is a pervasive and deeply rooted issue that affects individuals of all genders worldwide. To address this problem, various aspects must be considered, including:



- Legal framework
- Istanbul Convention
- EU Victims' Rights Directive
- Mutual protection measures

LEGAL FRAMEWORK

Gender-based violence is often exacerbated by the absence of or weaknesses in legal frameworks. Effective legal frameworks are essential to preventing and addressing GBV.



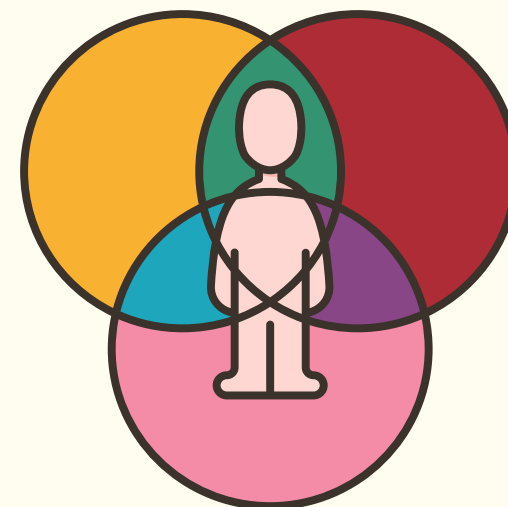
EUROPEAN UNION

The European Union (EU) is committed to addressing gender-based violence (GBV) and has developed legal positions and strategies to tackle this issue effectively.

Initiatives towards the eradication of gender-based violence have gathered momentum in an international and an EU context over the past 50 years.

As regards the European Union institutions, getting violence against women on the EU's agenda took a long time because the issue was considered to be outside the sphere of the EU Commission and **there was no explicit legal basis in the EU for intervening in the issue of violence against women.**

This means that EU commitment to combating gender-based violence is relatively recent in comparison to other international bodies.



KEY ASPECTS OF THE EU'S LEGAL POSITION ON LEGAL FRAMEWORKS INCLUDE:

Istanbul Convention: The Convention creates a binding legal framework to protect women against violence. It covers a broad range of measures, from data collection and awareness raising to legal measures on criminalising different forms of violence against women. It includes measures for the protection of victims and the provision of support services, and addresses the gender-based violence dimension in matters of asylum and migration.

As of June 2023, the treaty has been ratified by 38 Parties (37 States and the European Union). It is signed by all EU Member States, and ratified by 21 (Austria, Belgium, Croatia, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovenia, Spain, and Sweden).

All States that ratified the Convention need to apply it through “implementation”. This means that they have to adopt laws, policies and measures to apply the Convention.

The Convention will enter into force as regards the European Union on 1st October 2023.

Istanbul Convention: MEPs take steps to combat violen...

Share

Fighting violence:

MEPs about women's freedom

Watch on YouTube

https://www.youtube.com/watch?v=X_wUtot2aQ4

ISTANBUL CONVENTION

The EU's accession to the Istanbul Convention represents a **significant achievement** in the EU's pursuit of gender equality. It serves as a clear demonstration of the EU's dedication to intensifying its **efforts against gender-based violence** throughout its 27 Member States and in support of all victims of violence against women and domestic violence.

The **European Commission**, in its role of **coordinating body** (Article 10 of the Istanbul Convention), will coordinate and **monitor** the implementation of the Convention in the areas of EU accession.



EU LEGAL INSTRUMENTS

No specific legal instrument currently addresses violence against women and domestic violence at EU level. The topic is nevertheless **covered by several directives and regulations** in particular in the areas of judicial cooperation in criminal matters (especially as regards crime prevention and the rights of victims of crime), equality between women and men and asylum policy.

For instance, victims' rights are reinforced at all stages of the criminal process through an EU **directive 2012/29/EU** establishing minimum standards on the rights, support and protection of all victims of all crime.

KEY ASPECTS OF THE EU'S LEGAL POSITION ON LEGAL FRAMEWORKS INCLUDE:

EU Victims' Rights Directive: Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime and ensures that persons who have fallen victim to crime are recognised and treated with respect. They must also receive proper protection, support and access to justice.

The Directive considerably strengthens the rights of victims and their family members to information, support and protection. It further strengthens the victims' procedural rights in criminal proceedings. The Directive also requires that EU countries ensure appropriate training on victims' needs for those officials who are likely to come into contact with victims. EU countries had to implement the provisions of the Directive into their national laws by 16 November 2015.

On 24 June 2020, the Commission adopted its first-ever EU strategy on victims' rights (2020-2025) to ensure that all victims of all crime in the EU can fully benefit from their rights. The Strategy provides for actions for the European Commission, Member States and civil society for a period of 5 years (2020 – 2025).

MUTUAL PROTECTION MEASURES

The EU has also set up instruments for the mutual recognition of protection measures.

These ensure that **measures such as restraining or barring orders issued in one Member State are recognised in another with minimum bureaucracy.**

Member States are also required to **prohibit sex-based harassment in employment and in the access to and supply of goods and services.**



04. EU's Limitations





Impact assessment: European Commission, March 2022

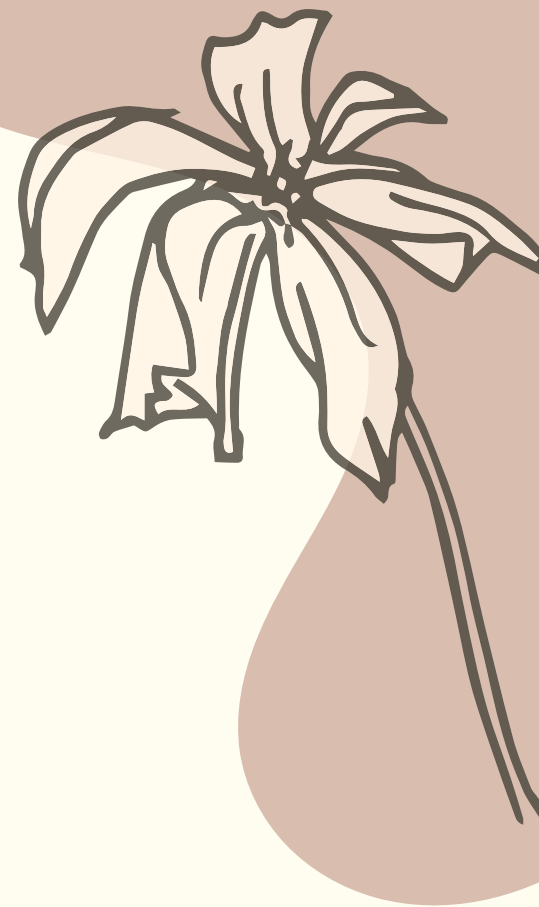
The “existing provisions at EU and national levels have been **insufficient** to **combat** and **prevent** violence against women and domestic violence **effectively**.”

Impact assessment: European Commission, March 2022

The 5 main areas of concern are:

1. Ineffective **prevention** of violence, due to disparities in awareness-raising, specialized training, and efforts to rehabilitate offenders and to prevent re-offending;
2. Ineffective **protection** from violence, due to inadequate individual assessment of the specific protection needs of victims;
3. Ineffective **access to justice** for victims due to variations in national criminal laws and inadequate avenues for seeking compensation;
4. Absence of adequate **victim support** and specifically specialised support services;
5. The need for better **coordination** among various agencies and enhanced data collection procedures.

Lack of Criminalisation



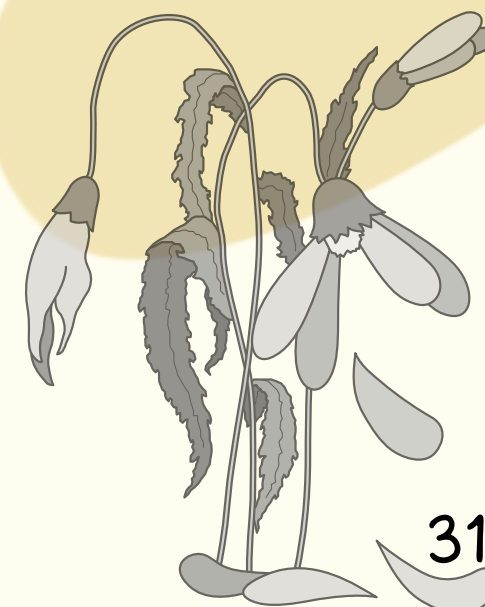
A 2022 study for the European Parliament revealed that there is **no consistent criminalization of gender-based violence against women (GBVAW)** across the European Union (EU).

Most Member States criminalise Female genital mutilation (FGM), forced marriage, forced abortion and forced sterilisation, **only three have done so by enacting specific legislation to address these issues as distinct offenses.**

Lack of Criminalisation

Only 15 have criminalised all four forms of domestic violence (**physical, psychological, sexual and economic**) covered in the Istanbul Convention and **only 2** have explicitly criminalised femicide.

Definitions used to criminalise rape vary, with few Member States focusing on the lack of sexual consent which is in contrast to the provisions of the Istanbul Convention and the case law of the European Court of Human Rights.



Lack of Criminalisation

Criminalisation of cyber-violence (cyber stalking, cyber harassment, cyber bullying, online gender hate speech and non-consensual sharing of intimate images) **displays a considerable degree of inconsistency within the EU member states.**

In addition, within the EU, there are **disparities in the procedural legal frameworks** concerning **sanctions for criminal offences, child custody and visitation rights** in cases involving GBVAW, provisions for **protection orders** and the **protection of victims** in judicial proceedings.

Lack of Criminalisation

Many EU Member States **fail** to meet the recommended standards for **providing support to victims**. This inadequacy is particularly evident to services like **hotlines, shelters, rape crisis centres, services for specific groups of victims** and **measures aimed at encouraging the reporting** of such incidents.



Lack of safety measures



There are also **gaps** in various other **safety measures** such as the adequacy of **risk assessment procedures**, the **coordination between law enforcement** and other related services, and the **training provided to public officials** dealing with gender-based violence.

With regard to **prevention efforts**, the consistency and frequency of awareness-raising campaigns, as well as the allocation of funds and the extent of coverage for various forms of gender-based violence against women (GBVAW), **show considerable disparities among EU countries.**

Lack of safety measures

The availability of **detailed information** regarding the specific financial resources designated for addressing gender-based violence is **limited**. Moreover, EU Member States employ **varying methods** for collecting data on GBVAW, making it **challenging to compile comparable statistics at the EU level** in order to evaluate the extent of the issue and the effectiveness of responses.



05. CONCLUSIONS & RECOMMENDATIONS

Conclusion

Starting in 1998, the Council of the European Union has released multiple recommendations addressing the issue of violence against women, with the aim of addressing gender-based violence. These recommendations **acknowledge that gender-based violence violates fundamental rights** and emphasize the need for a well-coordinated strategy that addresses key aspects like prevention, underreporting, protection, victim support, and the prosecution of perpetrators.

It is essential to evaluate current laws and their enforcement to ensure they are adequate for effectively addressing the issue, including newly emerging forms of violence like cyber-violence.



Recommended measures

In conclusion, to effectively combat gender-based violence, it is imperative to establish a clear and comprehensive definition of this issue.

This definition should extend its scope to encompass various forms, such as institutional violence, sexual and reproductive exploitation, workplace harassment, family-based gender violence, chemical coercion, street harassment, gender or sex-based sexual harassment, and the forced sterilization of people with disabilities.

Furthermore, securing a robust financial commitment is essential to ensure the successful implementation of these measures, thereby advancing the cause of eliminating gender based violence and the protection of human rights.

06. Test: Questions

1

What is Gender Based Violence?

2

How many countries have ratified the Istanbul Convention and what kind of actions do they now need to take?

3

Which EU directive establishing minimum standards on the rights, support and protection of all victims of all crime.

4

Name three out of the five areas of concern that were identified on the Impact assessment of the European Commission in March 2022

07. Resources:



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THANK

YOU !

