
Combating violence against women: why the EU's new bill is a game- changer

di

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Abstract: Il post analizza alcuni profili della recente proposta di Direttiva dell'Unione europea sul contrasto alla violenza di genere nei confronti delle donne e la violenza domestica.

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Since the beginning of the Covid-19 pandemic, 45% of women worldwide have reported that they or a woman they know has experienced a form of violence, a 2021 UN Women report found. Around 70% said they thought that verbal or physical abuse by a partner has become more common, and 60% felt that sexual harassment in public spaces has worsened.

The situation is no less severe in Europe, where countering gender-based violence against women (GBVAW) has been a high priority for the European Commission president Ursula von der Leyen. With International Day for the Elimination of Violence against Women taking place on 25 November, it is important to take stock of EU legislation on fighting GBVAW and at what has – or has not – to be done to push member states to take real action to eradicate the phenomenon.

The Istanbul Convention

More than 11 years ago, the 46-state Council of Europe adopted the convention on preventing and combating violence against women, known as the Istanbul Convention. It was ratified by 37 states, including 21 out of 27 members of the EU. States that aren't part of the Council of Europe, including Israel, Tunisia and Kazakhstan, have also expressed their interest in pressing ahead with the ratification.

The convention is considered as the gold standard for combating gender-based violence against women because it imposes significant obligations. For example, states are required to: criminalise the behaviours included in the convention; provide support to victims, including children that have witnessed violence; adopt measures of prevention to eradicate stereotypes on the role of women in the society; and collect data and ensure adequate funding to policies aimed at countering violence against women and domestic violence.

A monitoring system established by the convention, the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), works to ensure its implementation. The European Court of Human Rights referred to the Istanbul Convention in several judgements, including a 2022 case against Italy.

In the case, the court ruled Italy failed to protect and assist a mother and her children during contact sessions with the children's father, a drug addict and alcoholic, who was accused of ill-treatment and threatening behaviour. The children were particularly distressed by the prospect of meeting their father in an unprotected environment. Italy has been compelled to pay compensation to the mother and her children for moral damages.

How the EU could take it further

While the EU has signed the Istanbul Convention, it has yet to ratify it. To overcome the impasse, on 8 March 2022 the commission published a proposal for a directive of the European Parliament and the Council on combating violence against women and domestic violence. The bill is promising, both in its referrals to the Istanbul Convention and its attempt to surpass it, notably by combating the widespread phenomenon of cyber-violence against women. According to the current draft, member states will be required to make online stalking, harassment, inciting violence or hatred and non-consensual sharing of intimate or manipulated material criminal offences. At present, the Istanbul Convention does not address such behaviours.

The directive is currently being debated by both the EU Parliament and Council. The Parliament will publish a report in January and amendments will be then submitted. The vote in the plenary is expected in spring.

In the council, the risk is that prejudices regarding the convention – that are blocking some ratification processes and putting into question already achieved processes of ratification – might also slow down the legislative procedure in the EU or water down the original proposal. Concerns over the convention have been aired over the concept of gender, including by states such as Poland.

What has (or has not) to be done

A significant number of NGOs, members of parliament and academics are championing the EU directive, which would mark a step forward in the protection of women and girls from violence in Europe and would support a much-needed cultural change.

However, the directive's success will depend on its getting a strong push, be among the general public or politicians. As it stands, the proposal can clearly be improved, especially regarding the provisions of the Istanbul Convention related to migration. According to Article 60, state parties must take the necessary measures to ensure that gender-based violence against women be recognised as a form of persecution for the recognition of refugee status.

Still, the bill remains a step in the right direction. For the first time, it sets up EU-wide definitions of criminal offences such as rape and female genital mutilation. It also recognises four forms of online violence against women, including

gender and/or sex-based incitement to hatred and violence, while calling to protect victims of all forms of GBVAW.

We must talk about the scourge of gender-based violence against women every day of the year, not just on 25 November. More work is needed to prevent the spread of new forms of violence like the ones committed in the digital world and raise awareness on the domination and discrimination patterns underlying them.

“UNITE to end violence against women” is the theme of this year 16-day campaign promoted by the United Nations. And more than ever, being united is what really matters in adopting and then effectively implementing new legislation at European and national level.

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