



THE CAHVIO PROCESS: TOWARDS A STRONG CONVENTION ON ALL FORMS OF MALE VIOLENCE AGAINST WOMEN

A publication of the EWL Centre on Violence against Women

June 2010 UPDATE



EUROPEAN WOMEN'S
LOBBY
EUROPEEN DES FEMMES

THE EWL CENTRE ON VIOLENCE AGAINST WOMEN IS A BRANCH OF THE EUROPEAN WOMEN'S LOBBY (EWL), SET UP TO SPECIFICALLY WORK ON VIOLENCE AGAINST WOMEN. THE CENTRE SUPPORTS AND MANAGES THE EWL'S OBSERVATORY ON VIOLENCE AGAINST WOMEN.

THE EUROPEAN WOMEN'S LOBBY (EWL) IS THE LARGEST UMBRELLA ORGANISATION OF WOMEN'S ASSOCIATIONS IN THE EUROPEAN UNION (EU), WORKING TO PROMOTE WOMEN'S RIGHTS AND EQUALITY BETWEEN WOMEN AND MEN. EWL MEMBERSHIP EXTENDS TO MORE THAN 2500 ORGANISATIONS IN ALL EU MEMBER STATES AND CANDIDATE COUNTRIES, AS WELL AS TO EUROPEAN-WIDE ASSOCIATIONS.

The 'EWL updates on the CAHVIO* process' complement the EWL Lobbying Kit on the future Council of Europe Convention on Violence against Women and aim at informing EWL members and partners of the recent CAHVIO news and the positions of the Member States, and at allowing them to carry out targeted lobbying in their countries. Please regularly check the EWL websites www.womenlobby.org and www.ewlcentreonviolence.org under 'Campaigns' to get the most updated information as well as the EWL Lobbying Kit.

* Ad Hoc Committee on Preventing and Combating Violence against Women and Domestic Violence



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EWL position on the second draft Council of Europe Convention

On 18 May 2010, all participants to the CAHVIO meetings received the revised draft Convention on Preventing and Combating Violence against Women and Domestic Violence, as well as a compilation of comments from delegations.

The European Women's Lobby (EWL) acknowledges the attempt to strengthen the gendered approach to violence against women but reiterates its regret to see the Convention still dealing with both phenomena of violence against women and domestic violence. The second draft now includes an article specifying the scope of the convention (article 1bis): whereas the text clearly states that 'this Convention shall apply to all forms of violence against women and domestic violence, which affects women disproportionately', it also stresses that 'the provisions of the present Convention shall apply to all victims of domestic violence', therefore weakening the gender approach to the structural phenomenon of male violence against women. The enforcement of an equal treatment of domestic violence against women and other cases of domestic violence hinders the perspectives of the future convention.

If the convention keeps domestic violence with a gender neutral dimension in its scope, it will fail to reach its aims, notably to eliminate all forms of discrimination against women and protect women and girls against all forms of male violence.

The EWL calls on CAHVIO members to adopt a clear scope for the Convention as applying to all forms of male violence against women.



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EWL recommendations for lobbying work

The European Women's Lobby welcomes and supports the new propositions which demonstrate the commitment of CAHVIO members to a Europe free of male violence against women. The EWL supports notably the following provisions and calls upon its members and NGO partners to encourage their national delegations to the CAHVIO to do likewise:

- Article 2: the inclusion of a definition for 'gender-based violence against women' and the acknowledgment of the structural nature of male violence against women in our societies.
- Article 4bis: the inclusion of an article on 'gender-sensitive policies' aiming at ensuring a gender perspective in the Convention and linking it to the implementation of policies of equality between women and men.
- Article 6bis: the inclusion of a specific article recognising the work of non-governmental organisations and civil society.
- Article 7: the strengthening of the role of national coordination bodies to be established in all countries within the Council of Europe membership.
- Article 30ter: the inclusion of forced abortion and forced sterilisation as forms of violence against women.

- Article 58: the involvement of national parliaments and of the Parliamentary Assembly of the Council of Europe to monitor and take stock of the measures taken towards the implementation of the Convention.

- Alternative chapter X on 'monitoring mechanisms': an alternative proposal allowing for individual and collective complaints (Articles 57 and 57bis); the mention of NGO contributions to the work of the Group of Experts on Action against Violence against Women and Domestic Violence (GRAVIO). The EWL nevertheless regrets that these provisions comprise an opt-out clause.

The EWL welcomes the fact that the new draft of the Convention recognises the need to 'take into account and address the specific needs of persons made vulnerable by particular circumstances', and would like to see such consideration of the specificity of women's needs and situations also strengthened in all aspects of the Convention, and not only as a general obligation for prevention measures.



The European Women's Lobby alerts its members and NGO partners to the following provisions and encourages them to lobby their national delegations to the CAHVIO to ensure the relevant amendments:

ISSUE	EWL COMMENT	ACTION/AMENDMENT TO LOBBY FOR
<p>Ensure that the Convention covers all forms of male violence against women.</p> <p><i>Section on criminal law</i></p>	<p>Whereas this second draft should apply to all forms of male violence against women, the section on criminal law does not include prevalent forms of male violence against women, such as pornography, prostitution, and the violation of women's sexual and reproductive rights.</p>	<p>Call on all national delegations to the CAHVIO to ensure that the text of the Convention does not limit the definition of violence against women to an exhaustive list.</p>
<p>Take into account all situations of vulnerability to violence against women and the specificity of the needs of the different groups of women.</p> <p><i>Chapter I</i></p>	<p>The EWL regrets the non-inclusion of migration status as a ground of vulnerability.</p>	<p>Add a provision on diversity and vulnerability situations in Chapter I of the Convention on purposes, definitions, equality and non-discrimination, general obligations.</p> <p>Add the reference to the migration status as a ground for vulnerability.</p>
<p>Make sexual harassment a criminal offence.</p> <p><i>Article 28</i></p>	<p>This provision doesn't consider sexual harassment necessarily as a crime.</p>	<p>Ask for sexual harassment to constitute at the minimum a criminal offence without allowing the possibility for its address through legal sanctions only, by deleting the reference to 'or other legal sanction' or by changing 'or' to 'and' (Article 28).</p>



EWL recommendations for lobbying work, continued

ISSUE	EWL COMMENT	ACTION/AMENDMENT TO LOBBY FOR
<p>Ensure that the Convention covers all forms of male violence against women.</p> <p><i>Articles 31, 33, 42, 46, 50</i></p>	<p>There are a number of articles which refer to a limited list of forms of violence against women, therefore excluding some forms of violence against women.</p>	<p>Delete the reference to the limited list of forms of violence against women in the following articles:</p> <ul style="list-style-type: none"> • article 31 on aiding or abetting and attempt (Criminal law); • article 33 on jurisdiction (Criminal law); • article 42 on ex-parte and ex-officio applications (Investigation, prosecution, procedural law and protective measures); • article 46 on statute of limitation (Legal aid); • article 50 on measures relating to persons at risk (International cooperation).
<p>Ensure the full implementation of the Convention.</p> <p><i>Article 33.1.ter</i></p>	<p>The EWL very much regrets the inclusion of a reserve clause into the jurisdiction article, which might undermine the effects of the Convention.</p>	<p>Ask for the deletion of this paragraph.</p>
<p>Strengthen aggravating circumstances for violence against women.</p> <p><i>Article 35</i></p>	<p>The article on aggravating circumstances does not list acts of violence against women committed by public officials, public institutions or as a weapon of war.</p>	<p>Add the specific circumstances of violence against women perpetrated by public officials, public institutions or as a weapon of war, in article 35.</p>



EWL recommendations for lobbying work, continued

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Ensure the highest standard of asylum protection for all women. <i>Article 48</i>	The current text is very problematic as it allows for the decrease of protection for women applying for refugee status in the EU. The complementary/ subsidiary protection in EU legislation currently recognises fewer rights than refugee status. The inclusion of this sentence would lead women to be denied refugee status when they face gender-based persecutions while the UNHCR gender-based guidelines call for such status to be granted for all five grounds.	Delete the reference to 'a form of serious harm giving rise to complementary/ subsidiary protection'.



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