



**Progressive
pathways
to a Europe free
from violence
against women:
Mapping the EU's
institutional and
policy maze**

HANNAH MANZUR

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On the occasion of the international day for the elimination of violence against women, the Foundation for European Progressive Studies (FEPS) and the Fondation Jean Jaurès join forces to publish a series of publications on the fight for the elimination of sexist and sexual violence. Each publication looks into a different angle regarding gender-based violence.

1. Introduction

The prevalence of violence against women and girls in the EU is overwhelming: 1 in 3 women over the age of 15 have experienced physical and/or sexual violence; over half of women have experienced sexual harassment; and 1 in 20 women have been raped.¹ Seven women are murdered every day, most of them by a partner or ex-partner.² Prioritising women's perspectives and experiences challenges traditional assumptions of violence as confined within the boundaries of conflict-zones and street crime, but instead as pervasive throughout their lives and across all areas of social life. Covid-19 has seen a devastating increase in levels of violence against women, particularly in cases of domestic violence, with UN Women referring to this surge as the shadow pandemic behind Covid-19.³

Hannah Manzur

is a PhD candidate researching Gender, Violence and Brexit at the Violence and Society Centre at City, University of London. She was previously a Gender Policy Advisor at the European Parliament prior to Brexit and co-authored the *Women and Brexit Report*.



1 <https://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report>

2 [https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/644190/EPRS_BRI\(2019\)644190_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/644190/EPRS_BRI(2019)644190_EN.pdf)

3 <https://www.unwomen.org/en/news/in-focus/in-focus-gender-equality-in-covid-19-response/violence-against-women-during-covid-19>



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Violence is not only experienced through its physical manifestations, but in the pervasive fear and insecurity of women and girls across the EU, forcing women to structure their lives and interactions around the weight of this fear, limiting their freedom and opportunities through hidden navigations and compromises in the face of an often hostile environment.

In presenting an overview of the institutional and legislative frameworks relating to the EU's approach to tackling violence against women and girls (VAWG), including recent progress and resistance in the development and strengthening of this framework, this paper seeks to highlight the opportunities and challenges facing EU political and civil society stakeholders. Key challenges include addressing gaps in the EU's existing patchwork legislative framework, particularly those relating to the protection of migrant women and against sexual exploitation; growing resistance to the Istanbul Convention and blockages at the Member State level within the context of a rising right-wing backlash against women's rights and disinformation campaign; and the immediate and long-term threats of Covid-19 to women's equality and security, which has seen domestic violence surge and stalling progress on tackling VAWG. The introduction of the EU Gender Equality Strategy and Action Plan, particularly its commitment to securing a comprehensive binding framework for tackling VAWG through the Istanbul Convention or alternative measures, as well as the Victims' Rights Strategy, offer a progressive and ambitious roadmap for developing and strengthening the EU's response to VAWG. Progressive approaches to eliminating VAWG must address structural and intersecting inequalities which are at the root of VAWG through an intersectional and gender mainstreamed approach to policymaking and implementation; put women at the centre of post-Covid recovery efforts; work collaboratively across the EU to resist, defend against, and counter the right-wing backlash against women's rights; address the digitalisation of VAWG as social interactions increasingly move to online spaces; and work with EU and national political bodies and civil society to secure ratification and accession to the Istanbul Convention and promote the introduction of a Directive on VAWG in order to establish a comprehensive, binding EU framework on the elimination of VAWG.

2. The EU's Institutional Framework

Understanding the EU's institutional and legislative frameworks and the state of play of developing policy and action is key for stakeholders to influence and shape EU action on VAWG. Yet navigating the EU's institutional maze and identifying the primary legislative instruments and policy-making mechanisms relating to VAWG can oftentimes prove challenging. In order to highlight the key points for intervention and influence in EU policymaking, this section will break down some of the key institutional bodies involved in addressing VAWG and the various mechanisms and instruments which make up the EU's patchwork legislative framework on VAWG.

The EU's core legislative institutions – the European Parliament, the European Commission, and the European Council – play distinctive but interlocking roles in the EU's legislative and policy-making processes, with each holding varying positions and levels of activity regarding VAWG. These institutions mutually shape EU law and policy on VAWG through their own specific activities and capacities as well as through evolving conversations between institutions which address one another, Member States and other actors through questions, calls for action, proposed measures, and negotiations. These 'conversations' are anchored to the core process of 'Trilogues' whereby legislation is created through a series of Parliament-Commission-Council negotiations. Trilogues, as well as the wider inter-institutional 'conversations' surrounding the shaping of EU policy and action, offer a series of intervention and influencing points for feminist, progressive, and other stakeholders seeking to eliminate VAWG in the EU.

The European Commission's intra-institutional structure contains several loci through which it shapes legislative, policy, and other actions in combating VAWG. The Commissioner for Equality, Helena Dalli, and her expert cabinet of advisors, represent a particularly progressive force in the Commission. The Commissioner and her team have already succeeded in proposing ambitious strategic commitments and roadmaps on gender equality and victims' rights in the EU, with specific provisions on VAWG which promise the fulfillment of a comprehensive legislative framework on VAWG, either through accession to the



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Istanbul Convention or through alternative legislative proposals to the same objective. Within DGJUST, led by Equality Commissioner Dalli, the Gender Equality Unit (Unit D.2) is responsible for the coordination of gender mainstreaming across the Commission's Directors-General, with an Inter-Service Group on Gender Equality consisting of members from all Commission DGs and services coordinating gender mainstreaming practices and implementation across all policies and work programmes.⁴ The Gender Equality Unit is consulted in the proposal of new legislation and addresses both legal and policy aspects of the Commission's work on gender equality.

This mandate has seen a comparative enhancement of the Commission's level of activity and ambition on tackling VAWG, at least in terms of its strategic proposals and commitments. Commission President Von der Leyen established the fight against VAWG as a core priority in her Political Guidelines, with specific proposals for progression on the Istanbul Convention and the Victims' Rights Directive, marking a renewed commitment of the Commission in this area. Recent previous Commissions have fallen far short on their commitments in this area, with the Juncker Commission downgrading its commitment to a comprehensive Strategy to a lesser 'Strategic Engagement', and the Barroso Commission's failure to fulfil their priority commitment to an EU Strategy entirely and failing to follow up on the Parliament's calls for action against VAWG.⁵

Whilst positions on gender equality and VAWG differ significantly across political groups, the **European Parliament** has generally been a progressive force in the EU's policymaking on VAWG. The Parliament is also widely considered the most transparent and accessible of the EU's legislative institutions, with Members of the European Parliament (MEPs), Committees, Political Groups, and other collectives providing citizen and civil society representation within EU policymaking processes. The Women's Rights and Gender Equality (FEMM) Committee has been a particularly progressive force on gender equality and specifically on VAWG (which is highlighted as

one of its top priorities for this mandate), acting as a focal point of Parliamentary action on VAWG driven by feminist MEPs, Assistants and Political Advisors. Whilst FEMM is not primarily a legislative Committee, it shapes and proposes measures on VAWG through Own Initiative (INI) Reports, Resolutions, joint-Committee legislative files (often with LIBE or JURI), Opinions, and cross-Committee gender mainstreaming mechanisms. Regarding the latter, each Parliamentary Committee includes a dedicated Coordinator and Action Plan for the mainstreaming of gender within its policy area, with inter-institutional meetings held to coordinate and track progress on mainstreaming efforts, coordinated by the FEMM Committee. Additionally, the Committee utilises a variety of communications, events, networking, evidence-building, and interactive engagements (such as targeted press releases, Missions, transnational forums, Hearings and Exchanges of Views, conferences and roundtable meetings with key stakeholders, and commissioning research) to raise the profile of VAWG, strengthen inter-institutional and stakeholder collaboration, and build evidence-based policy proposals on combating VAWG. Expansion of the Committee's legislative influence and cross-Committee influence, as well as for additional intra-Parliamentary bodies (such as an Intergroup dedicated to tackling VAWG) would strengthen and broaden the existing work of progressive and feminist Parliamentary actors through the Committee's remit.

In contrast, the **European Council** is regarded as the most opaque and inaccessible of the EU's legislative institutions, with information on the state of play of negotiations and internal developments often difficult to ascertain, and offering fewer opportunities for stakeholders to help shape policymaking. Greater influence may perhaps be achieved through closer links between MEPs and their respective national parties, Ministers, and MPs, as well as between EU and Member-state level civil society networks and interinstitutional communication and collaboration.

The Council's six-month Presidencies vary in the degree to which progressive action is taken concerning

⁴ <https://eige.europa.eu/gender-mainstreaming/institutions-and-structures/european-union>

⁵ <https://www.europarl.europa.eu/legislative-train/theme-area-of-justice-and-fundamental-rights/file-prevention-of-violence-against-women>



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gender equality and VAWG. Under the Swedish Presidency in 2009, the Council adopted the Stockholm Programme (2010-2014) reinforcing the EU's commitment to improving its approach on VAWG, including greater legal protection and rights of victims. In 2010, under the Spanish Presidency, the Council presented its Conclusions on the Eradication of Violence Against Women in the EU which set out its agenda for effective measures combating VAWG.⁶ More recently, the current trio-presidency (Germany, Portugal, and Slovenia 2020-2021) has included VAWG as among its core priorities.⁷ However, despite the Council's various commitments on tackling VAWG, it remains one of the primary blocking institutions preventing more ambitious EU action on VAWG, including delayed progress on accession to the Istanbul Convention, largely owing to resistance from mostly conservative Member State Governments.

In addition to its legislative bodies, the EU's institutional framework consists of a wide network of independent, interlocking, and subsidiary institutions, agencies, and other bodies that are variously involved in shaping legislation, policy, funding programmes, and other activities on gender equality and VAWG. These include judicial institutions, with the European Court of Justice playing a role in the implementation of EU legislation on VAWG (with both progressive and conservative rulings on the subject⁸), as well as providing legal expertise to the EU's legislative bodies, such as on the EU's accession to the Istanbul Convention. EIGE is the EU's autonomous research institute responsible for the production and coordination of research and data on gender equality as the basis for evidence-based policy-making, and conducts various activities pertaining to VAWG. These include administrative data collection, gendered analyses of EU Directives, police-based risk assessments and management, the

sharing of good practices among Member States and the production of educational and policy literature for various actors and stakeholders.⁹ Further EU institutional bodies which contribute towards the shaping and implementation of EU law, policy, and action on VAWG include the EU's equality networking body (EQUINET), criminal justice cooperation agency (Eurojust), European-wide law enforcement agency (Europol), fundamental rights agency (FRA), as well as horizontal structures responsible for gender, including the Advisory Committee on Equal Opportunities for Women and Men; the High-Level Group on Gender Mainstreaming; Scientific Analysis and Advice on Gender Equality in the EU; and the European Network of Legal Experts in Gender Equality and Non-discrimination.¹⁰ The EU's overlapping and interconnected institutional bodies are anchored by its core legislative institutions, which provide multiple, but varying accessible, routes to shaping EU legislation, policy, and action on tackling VAWG.

3. The EU's Legislative and Policy Framework

The EU's legislative and policy framework is comprised of patchwork coverage through secondary legislation, including EU Directives and Parliamentary Resolutions, is underpinned by principles and provisions on gender equality in EU Treaties, and is supported by an interlocking policy framework made up of strategies (e.g. the EU Gender Equality Strategy 2020-2025) and guidelines (e.g. 2008 Commission guidelines on VAWG and discrimination).¹¹ This framework is further supported through targeted funding (e.g. the Spotlight Initiative and the Rights, Equality and Citizenship Programme), awareness

6 <https://eige.europa.eu/gender-based-violence/regulatory-and-legal-framework/eu-regulations>

7 <https://www.bmfsfj.de/blob/158580/d3e9b5c272a488dcad95f44ddf9ecaef/trio-presidency-declaration-on-gender-equality-data.pdf>

8 <http://eulawanalysis.blogspot.com/search?q=NA>

9 <https://eige.europa.eu/gender-based-violence/our-work>

10 See for mentioned and further bodies relevant to gender equality and VAWG: <https://eige.europa.eu/gender-mainstreaming/institutions-and-structures/european-union>

11 https://ec.europa.eu/anti-trafficking/publications/eu-guidelines-violence-against-women-and-girls-and-combating-all-forms-discrimination_en



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campaigns, and research (e.g. EIGE data collection and research; the FRA's EU-wide survey on VAWG; Parliamentary studies and Commission funded targeted research papers).¹²

Several key Directives provide specific provisions pertaining to VAWG. The 2011 Directive on Human Trafficking (Directive 2011/36/EU) contains an explicitly gendered perspective and specific provisions on sex trafficking, although implementation of gendered responses is uneven and prosecutions for sex trafficking remain low. The European Protection Order (Directive 2011/99/EU) provides cross-border protection for victims of crime and is particularly useful in cases of domestic and intimate partner violence, forced marriage, sexual harassment and stalking, and abduction cases. The EU has prohibited sexual harassment in the context of workplace harassment and equal access to goods and services (Directive 2006/54/EC; Directive 2010/41/EU; Directive 2004/113/EC). The 2012 Victims' Rights Directive established EU-wide protections for victims of crime, including implicit and explicit provisions for victims of VAWG, with the gendered dimension to be enhanced by the EU's new Victims' Rights Strategy. Whilst these Directives are further supported by a more comprehensive legislative framework concerning gender equality more broadly, there is a significant absence of legislative provisions specifically addressing VAWG as a whole and in its specific forms.

At a regional level, the Council of Europe has been an influential and progressive actor in the field of gender equality, with its Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) providing, albeit with significant and ongoing challenges, a comprehensive and binding framework on VAWG otherwise absent at the European level. Although the Council of Europe is not part of the EU, the EU

is in the process of concluding accessions to the Istanbul Convention, and EU Member States are at various stages of signing, ratifying and implementing the Convention.

The Istanbul Convention offers a holistic approach to tackling VAWG through four primary pillars: integrated policies; prevention of all forms of violence; protection of victims from further violence; and prosecution of perpetrators. Unlike the EU's legislative framework, the Convention comprehensively covers most forms of gender-based violence, including forced marriage, psychological, physical, sexual violence, stalking, FGM, forced abortion and sterilisation, sexual harassment, honour-based killings, and domestic violence (inclusive of physical, psychological, sexual and economic violence), and commits parties to focusing particular attention to women and girls as victims of violence. Whilst the EU's 2011 Human Trafficking Directive covers its gendered dimensions and includes specific provisions on sex trafficking, the absence of prostitution explicitly in the Convention text leaves the existing gap in EU prostitution legislation and policy open, prompting calls among women's rights organizations for a Directive specifically addressing sexual exploitation. Despite these gaps, the Convention overall provides an ambitious, comprehensive, and binding framework, with key themes including equality and non-discrimination; integrated policies and data collection; prevention, protection and support; criminalization of various forms of violence; international cooperation; and monitoring mechanisms.¹³

The implementation of the Convention is monitored by the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO, an independent expert body) and the Committee of the Parties (a political body). This year, GREVIO has published their first baseline reports for Mal-

¹² [https://www.europarl.europa.eu/RegData/etudes/STUD/2020/658648/IPOL_STU\(2020\)658648_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/658648/IPOL_STU(2020)658648_EN.pdf)

¹³ <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008482e>; See also 27-29: [https://www.europarl.europa.eu/RegData/etudes/STUD/2020/658648/IPOL_STU\(2020\)658648_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/658648/IPOL_STU(2020)658648_EN.pdf)



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ta¹⁴ and Spain.¹⁵ These reports are highly useful in understanding the state of play in various European states regarding the situation and responses to VAWG at the national level, flagging risk areas, gaps, and opportunities. In April 2020, the Committee of the Parties published a series of recommendations on the implementation of the Convention during the Covid-19 pandemic based on the articles of the Convention, proposing specific actions and measures on integrated policies, prevention, protection, and prosecution.¹⁶

Research and funding programmes are essential supportive components of the EU's legislative and policy framework on VAWG, facilitating evidence-based policy-making, complementary support structures, and initiatives, and the sharing and implementation of best practices in tackling VAWG. The EU is a powerful international provider and coordinator of research on VAWG, both in terms of commissioning and funding specific research projects and reports, and in collecting data and conducting research through its various institutions. In addition to EIGE, research is conducted through a variety of research and funding streams. The European Parliamentary Research Service conducts ad hoc briefings and commissioned studies for MEPs and the FEMM Committee addressing VAWG, including an comprehensive annual report on VAWG in the context of European data and policy development.¹⁷ The FRA's 2014 EU-wide survey on VAWG interviewed 42,000 women across the EU and provided invaluable data on the prevalence, dimensions, and impact of VAWG.¹⁸ The Commission also funds and coordinates targeted reports from leading experts on VAWG as the basis for evidence-based policy

proposals, as well as monitoring implementation of EU law and policy. A significant challenge for EU research on VAWG is the huge disparities in data collection, as well as low and uneven reporting and prosecution rates, across the EU Member States. Comprehensive, comparable, and reliable data on VAWG, as well as the gender mainstreaming of data on violence,¹⁹ are essential in order to capture an accurate portrayal of VAWG in the EU and for the development of effective legislation and policies.

The EU is one of the primary funding sources of efforts to prevent and protect survivors of VAWG at the regional, national, and local levels. The European Commission co-funds a wide range of projects aimed at preventing VAWG, and the Rights, Equality and Citizenship (REC) programme has supported over 200 projects responding to and raising awareness on VAWG through targeted funding.²⁰ The EU-UN Spotlight Initiative to prevent and eliminate VAWG across five global regions receives 500 million euros in funding from the EU. The Initiative's ambitious 2030 target for eliminating all forms of VAWG is pursued through the promotion of laws and policies preventing violence and fighting impunity, strengthening services for survivors, empowering civil society, and developing data collection and research. EU funding is a powerful tool in the development of women's organizations, projects, and initiatives on VAWG, and in building a strong civil society and support system for victims and survivors. However, when put in the context of the 256 billion euro cost of VAWG²¹, this funding is merely a drop in the ocean. EU funding must reflect the enormity of the personal, social, and economic cost of VAWG for both victims and society as a whole. Women must be at the centre of Covid-19

14 https://www.coe.int/en/web/istanbul-convention/newsroom/-/asset_publisher/anlnZ5mw6yX/content/grevio-publishes-its-first-baseline-report-on-malta

15 https://www.coe.int/en/web/istanbul-convention/newsroom/-/asset_publisher/anlnZ5mw6yX/content/grevio-publishes-its-first-baseline-report-on-spain?inheritRedirect=false&redirect=https%3A%2F%2Fwww.coe.int%2Ffr%2Fweb%2Fistanbul-convention%2Fnewsroom%3Fp_p_id%3D101_INSTANCE_anlnZ5mw6yX%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-1%26p_p_col_count%3D2

16 <https://rm.coe.int/declaration-committee-of-the-parties-to-ic-covid-/16809e33c6>

17 [https://www.europarl.europa.eu/RegData/etudes/STUD/2020/658648/IPOL_STU\(2020\)658648_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/658648/IPOL_STU(2020)658648_EN.pdf)

18 https://fra.europa.eu/sites/default/files/fra_uploads/fra-2014-vaw-survey-main-results-apr14_en.pdf

19 Walby, Sylvia, Towers, Jude, and Francis, Brian (2014) Mainstreaming domestic and gender-based violence into sociology and the criminology of violence. *The Sociological Review* 62(2)

20 https://ec.europa.eu/info/sites/info/files/aid_development_cooperation_fundamental_rights/factsheet_lets_put_an_end_to_violence_against_women_en.pdf

21 <https://eige.europa.eu/gender-based-violence/estimating-costs-in-european-union>



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recovery efforts and funding, with specific and enhanced funding required to tackle the shadow pandemic of VAWG sweeping across the EU.

4. Recent Developments: The EU Gender Equality Strategy 2020-2025

The new legislative mandate has brought renewed commitments and emboldened ambitions through a gender equality-focused Commission and the Parliament's ongoing women's rights agenda. The most significant recent development in the EU's action on tackling VAWG is the publication of the EU Gender Equality Strategy 2020-2025 which pursues a dual approach of gender mainstreaming and targeted actions, sets out intersectionality as a horizontal principle for implementation, and contains specific measures to strengthen the EU's legislative and policy approach to VAWG.²² Under the Strategy's commitments, the Commission will launch an "EU network on the prevention of gender-based violence and domestic violence" facilitating Member State and stakeholder collaboration, and funding training, capacity-building, and supporting services, with men, boys and masculinities positioned as central in violence prevention approaches.²³

In order to overcome the challenges facing Member State ratification and EU accession to the Istanbul Convention, the Commission has committed itself to new legislative proposals on VAWG if the Istanbul Convention remains blocked in the Council in 2021 with the same objectives as the Convention. This commitment addresses the need for an EU-wide comprehensive binding framework on VAWG, although the extent to which the alternative proposals meet the ambitions of a progressive and holistic approach to eliminating VAWG remains undetermined.

The Commission also promises an initiative to include specific forms of violence against women as Euro-crimes²⁴, including additional measures for sexual harassment, abuse of women, and FGM, as well as tabling a Recommendation on "the prevention of harmful practices, including the need for effective pre-emptive measures and acknowledging the importance of education ... the strengthening of public services, prevention and support measures, capacity-building of professionals and victim-centred access to justice"²⁵. In tackling online violence against women, which has risen significantly during Covid-19,²⁶ the Strategy commits the Commission to including gendered provisions in the new Digital Services Act²⁷ and a new framework for cooperation between internet platforms that protect women's safety online. In addition to the Parliament's upcoming Implementation Report on the 2011 Human Trafficking Directive, the Commission will present a new EU Anti-Human Trafficking Strategy as part of the Security Union. The Strategy also stressed the need for comprehensive, updated, and comparable data on gender-based violence in order to support evidence-based policy-making. The new EU survey on gender-based violence is anticipated to be "the first wave of a new era in comprehensive data collection" on gender-based violence in the EU²⁸ and will be coordinated by Eurostat for 2023 publication.

Reflecting the objectives of the Gender Equality Strategy, in November 2020 the Commission presented the Gender Action Plan III (2021-2025) for the EU's external actions on gender equality – its "blueprint for building a gender-equal world" in the Covid-19 context. The Action Plan specifically prioritises tackling gender-based violence, as well as sexual and reproduction health and rights (SRHR) and the Women, Peace, and Security Agenda. The Action Plan provides a roadmap to fulfilling the objectives

22 <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0152&from=EN>

23 Ibid.

24 Under Art. 83(1) TFEU, the EU may adopt directives establishing minimum rules in respect of a list of ten specific offences (the so-called "Euro-crimes"): terrorism, trafficking in human beings, sexual exploitation of women and children, illicit drug trafficking, illicit arms trafficking, money laundering, corruption, counterfeiting of means of payment, computer crime, and organised crime. The list is exhaustive.

25 Ibid.

26 [https://www.europarl.europa.eu/RegData/etudes/STUD/2020/658648/IPOL_STU\(2020\)658648_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/658648/IPOL_STU(2020)658648_EN.pdf)

27 <https://ec.europa.eu/digital-single-market/en/digital-services-act-package>

28 <https://rm.coe.int/summary-report-webinar-on-domestic-violence-and-covid-19/16809ea45a>



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of the Gender Equality Strategy, with key proposals covering: support for criminalization of VAWG, capacity-building for law enforcement, challenging harmful gender norms and ensuring a victim-centred approach and measures, collaboration with stakeholders and engaging with men and boys, increasing prosecutions for human trafficking, ensuring protection of survivors and access to justice and support services, comprehensive humanitarian action, and strengthening women's rights organizations, social movements and civil society working on intersectional responses to VAWG, including conflict-related sexual violence.²⁹

Complementing the EU Directive on Victims' Rights, the Commission also presented its first Victims' Rights Strategy in June 2020, which will target victims' access to crime reporting, compensation, and recovery, and pursue coordinated action on victims' rights. The Strategy specifically prioritises measures addressing the increase in domestic violence, child sex abuse, cybercrime, and racist and xenophobic hate speech during the pandemic. The Strategy's focus on gendered forms of violence and its commitment "that the framework for support and protection of victims is also resilient in crisis situations" is particularly welcome in the context of Covid-19.³⁰ The Strategy calls on Member States to set up 'Family Houses' which provide targeted and integrated support for victims of VAWG, supported via the EU campaign on victims' rights, funding, and stakeholder collaboration.³¹ The Strategy also promises to strengthen the European Protection Order (which has thus far been under-implemented in terms of the specific needs of women) and set minimum standards on victims' physical protection.³² The Strategy also addresses the intersecting vulnerabilities

of different groups in the face of violence, including violence against women, highlighting the challenges facing women with disabilities, victims of human trafficking (a majority of whom are women and girls)

A notable implication of the EU Gender Equality Strategy 2020-2025 concerns the prospect of an EU Directive on VAWG, which has thus far been largely rebuffed by the Commission and attention instead focused on progressing ratification and accession to the Istanbul Convention. Yet the persistent delays in Member State ratification and EU conclusion to accession and growing fears of a more widespread rejection of the Convention, in conjunction with the Strategy's promise of alternative proposed measures in 2021³³ have potentially opened space for an EU Directive on VAWG. However, rather than an alternative to the Istanbul Convention, research suggests that a VAWG Directive would strengthen the Convention and provide a much-needed comprehensive legislative framework addressing VAWG. The accompanying Added Value Assessment³⁴ to Parliament's 2014 Resolution on Combating Violence against Women³⁵ testified to the value of the additional (not alternative) inclusion of an EU Directive on VAWG in parallel to the Istanbul Convention. Rather than proposing one over the other, the Assessment found that taken together, the Istanbul Convention and an EU Directive on eliminating VAWG would "guarantee a true European Area of Freedom, Security and Justice where violence against women becomes not only rhetorically but also legally outlawed"³⁶.

Additionally, in terms of recent developments in the European Parliament's work on tackling VAWG, a number of legislative and non-legislative files ad-

29 Page 10 https://ec.europa.eu/international-partnerships/system/files/join_2020_17_en_final.pdf

30 https://ec.europa.eu/commission/presscorner/detail/en/ip_20_1168; <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0258&from=EN>

31 Page 11: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0258&from=EN>

32 Page 10: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0258&from=EN>, see also http://snap-eu.org/report/International_Report.pdf

33 <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0152&from=EN>

34 [https://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/504467/IPOL-JOIN_ET\(2013\)504467\(ANN01\)_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/504467/IPOL-JOIN_ET(2013)504467(ANN01)_EN.pdf)

35 https://www.europarl.europa.eu/doceo/document/TA-7-2014-0126_EN.pdf

36 [https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/644190/EPRS_BRI\(2019\)644190_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/644190/EPRS_BRI(2019)644190_EN.pdf)



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dressing VAWG are ongoing within the committee. These include *INI Reports* on the impact of intimate partner violence (IPV) and custody rights on women and children; combating cyber violence against women; gender perspectives in the Covid-19 context; the EU Gender Equality Strategy; and *Opinions* on ratification of the ILO Convention on Violence and Harassment 2019; EU accession to the Istanbul Convention; and measures combating child sexual abuse online.³⁷ Recent action taken by the Committee also includes the production of an in-depth FEMM Study on VAWG focusing on the Istanbul Convention (October 2020),³⁸ a joint LIBE-FEMM Hearing on combating cyber violence against women (November 2020),³⁹ and a joint LIBE-FEMM Exchange of Views on intimate-partner violence (November 2020).⁴⁰

5. Current challenges and Blockages

A Fragmented Framework: inequalities in the regulation of violence

Whilst the EU has made significant gains, and promises an ambitious agenda on tackling VAWG at the EU level, its existing legislative framework has significant gaps in terms of an uneven level of protection for different groups of women (e.g. migrant women) and forms of violence (e.g. prostitution), legislation on prevention and prosecution, and varying degrees of Member State implementation.

The regulation of violence against women is inconsistent across EU Member States, with women in the EU facing different levels of protection and access to justice based on who they are and where they live. Marital rape and forced marriage remain legal

in several EU Member States⁴¹ and the inclusion of physical, sexual, psychological, and economic forms of domestic violence vary across Member States.⁴² Even forms of VAWG covered by EU legislation do not receive equal treatment across the EU. A recent Parliamentary study found gaps in Member State implementation of the 2011 Human Trafficking Directive, notably the lack of consistent data and funding, insufficient identification of and support for victims, low prosecution rates, poor reception conditions, inadequate protection for victims in the context of migration and crimes they were forced to commit, and the persistence of fragmented and uncoordinated approaches⁴³.

In the case of policies on prostitution, the Parliament has called for measures to address the fragmented approach to sexual exploitation across EU Member States, where commercial sexual exploitation is fully criminalised in some states and legalised and regulated in others due to varying policies on prostitution and uneven implementation of EU law on sex trafficking. The 2014 Parliamentary Resolution on sexual exploitation and prostitution and its impact on gender equality (2013/2103(INI)) called for the Commission to evaluate and progress the EU's approach to prostitution in the EU, and urged specific preventative and protective measures regarding prostitution.⁴⁴ In its related Report (including the Motion for Resolution preceding 2012/2103(INI)) on prostitution and sexual exploitation, the text went further, defining prostitution as a form of violence against women which is incompatible with human rights and dignity, and calling for an EU approach based on the 'Nordic model' (also known as the 'equality model') which criminalises the purchase (not selling) of 'sexual services' and implements a holistic framework of prevention, protection, and

37 <https://www.europarl.europa.eu/cmsdata/212179/FEMM%20Work%20in%20Progress.pdf>

38 [https://www.europarl.europa.eu/RegData/etudes/STUD/2020/658648/IPOL_STU\(2020\)658648_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/658648/IPOL_STU(2020)658648_EN.pdf)

39 <https://www.europarl.europa.eu/committees/en/libe-femm-joint-hearing-combating-gender/product-details/20201119CAN58664>

40 <https://www.europarl.europa.eu/committees/en/intimate-partner-violence-and-custody-ri/product-details/20201125CAN58770>

41 [https://www.europarl.europa.eu/RegData/etudes/STUD/2016/556931/IPOL_STU\(2016\)556931_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2016/556931/IPOL_STU(2016)556931_EN.pdf)

42 [https://www.europarl.europa.eu/RegData/etudes/STUD/2020/658648/IPOL_STU\(2020\)658648_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/658648/IPOL_STU(2020)658648_EN.pdf)

43 [https://www.europarl.europa.eu/RegData/etudes/STUD/2020/654176/EPRS_STU\(2020\)654176_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/654176/EPRS_STU(2020)654176_EN.pdf)

44 https://www.europarl.europa.eu/doceo/document/TA-7-2014-0162_EN.pdf



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support. Although the Gender Equality Strategy excludes the matter of prostitution, instead focusing on sex trafficking, developments at the Member States level and a more ambitious anti-VAWG agenda at the EU level offers new opportunities for ensuring the full protection of women from sexual violence and exploitation across the EU.

In addition to specific forms of VAWG, the EU's insufficiently intersectional approach (although renewed efforts to address this are noted) and divisive Member State positions on issues of race, religion and migration have left specific groups of women less protected than others, with the case of migrant and refugee women noted here in particular. Gendered violence against refugees, asylum seekers and undocumented migrants is endemic, with 28.6% of male and 69% female migrants suffering from sexual violence, and survivors facing significant legal barriers to accessing healthcare and protection, particularly for sexual and reproductive health services.⁴⁵ Whilst EU legal provisions on sexual violence and migration have developed significantly since 1997, these have largely focused on violence prior to migration, during trafficking, and those resulting from harmful cultural practices⁴⁶. Rather than just a lack of legislative frameworks, a key challenge here is their limited scope which enforces the assumption that sexual violence against migrants is mainly perpetrated outside the EU by non-Europeans and the hidden barriers for migrant seeking specialised support and care based on their legal and social status⁴⁷. This challenge is partially addressed in the EU Victims' Rights Strategy, which will "assess legal and practical tools at EU level to improve reporting of crime and access to support services for migrant victims, independently of their residence status",⁴⁸ and in the Istanbul Convention's dedicated chapter on migration and asylum. Unequal levels of protection have been exacerbated by the uneven impact of Covid-19, with marginalized and minoritized wom-

en among those most affected. Equalizing levels of protection and support for women and girls requires the embedding and implementation of intersectional principles in policymaking, provision of specialised support services that account for the diverse needs of different women, and thorough implementation from the EU to the local level.

Road Blocks: the Istanbul Convention

Member State ratification and EU accession to the Istanbul Convention are the two most prominent legislative challenges facing the EU in terms of legislative progress addressing VAWG. In recent years, a growing disinformation campaign against the Convention and a right-wing backlash against women's rights has shifted several Member States from reluctance to explicit rejection of the Convention. Six Member States have still not ratified the Convention. Lithuania and the Czech Republic's ongoing delay has been mired with disinformation surrounding the Convention's so-called 'gender ideology'. Bulgaria's blockage is based on a 2018 ruling of the Convention as unconstitutional and Latvia faces a similar prospect with its Constitutional Court initiating a case on the Convention's compliance with the Latvian constitution in 2020. Slovakia's parliament rejected ratification in 2019 and called on its government to block EU accession to the Convention. Hungary's parliament blocked ratification in 2020 due to 'gender ideology' concerns and its resistance to the Convention's protections for migrant women. Most concerning is Poland's declaration of its intent to withdraw from the Convention entirely, despite ratifying it in 2015, and a recent push for its replacement by a heavily conservative "family rights convention".⁴⁹

Persistent concerns over the Convention's alleged 'gender ideology' refer to the definition of gender as a "social construction" rather than more conservative assumptions of gender as a natural and fixed

45 Keygnaert, Ines and Aurore Guieu. 2015. "What the Eye does Not See: A Critical Interpretive Synthesis of European Union Policies Addressing Sexual Violence in Vulnerable Migrants." *Reproductive Health Matters* 23 (46): 45, 51

46 Ibid.

47 Ibid.

48 <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0258&from=EN>

49 <https://balkaninsight.com/2020/10/06/family-rights-treaty/>



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state based on stereotypes about masculine and feminine roles in society. The latter has been widely discredited since the 1960s, yet has persisted in national law. Bulgaria and Slovakia's rulings on the unconstitutional nature of the Convention are largely based on rigid definitions of gender codified in their national constitutions. Allegations of a 'gender ideology' agenda have focused on the Convention's reference to 'gender identity' (Article 4(3)), eradicating prejudice (Article 12(1)), non-stereotyped gender roles (Article 14(1)), and the reporting by professionals of serious acts (Article 28), as well as speculation on the Convention's 'hidden agenda' on same-sex marriage, the inclusion of a 'third gender', and undermining of 'family values', none of which are regulated by the Convention. Serious concerns have been raised regarding the proliferation of disinformation about the Conventions aims and implications, the dominance of right-wing actors in resistance to the Convention, and the increased involvement of religious actors in political decision making on women's rights, particularly around SRHR and VAWG.⁵⁰

The political and ideological bases of these blockages at the Member State level have translated across to delays and the risk of blockages for the EU's accession to the Istanbul Convention. Whilst the EU signed the Convention in 2017, the procedure for the conclusion of the Convention is ongoing within Council negotiations through its working party on Fundamental Rights, Citizens' Rights and Free Movement of Persons. The decision for accession to the Convention was divided into two sections, one addressing judicial cooperation in criminal matters and the other addressing asylum and non-refoulement. Although a technical agreement has been made regarding the Code of Conduct which defined EU-Member State cooperation on implementation, there has still been no political endorsement of the texts. In 2019 the European Parliament adopted Resolution 2019/2678(RSP) which requested the

European Court of Justice to issue an opinion to resolve any legal uncertainty regarding the scope of accession. Whilst the Commission's proposals for alternative legislation covering the objectives of the Convention if it remains stuck in the Council in 2021 is promising, the divisions among Member States, the prevalence of misinformation and anti-feminist right-wing and religious pressures, and the precarity of the Istanbul Convention's future in the EU is cause for serious concern.

6. Violence in Crisis: Covid-19

Contrary to initial claims, the Covid-19 pandemic has not been a 'great leveller' but has instead exacerbated inequalities, exposed vulnerable and marginalized groups to higher levels of health, economic, and social insecurity, increased the burden of care on women, and seen violence against women soar.⁵¹ EU Member States have reported an overall 60% increase in emergency calls relating to domestic violence.⁵² Increased financial hardship and precarity, particularly for low-income and marginalized households, has increased family pressures and tensions, and reduced the financial resources and independence needed for many women to escape situations of domestic violence. 'Stay at Home' measures have neglected the fact that for many women the home is far from safe, confining them to spaces where violence against women is most prevalent and reducing their mobility and communication with outside support. Research has shown the importance of public education and employment as sustainable escape routes from domestic violence⁵³, yet these have both been significantly hit by economic pressures and social-distancing measures. Support services for victims, including shelters and specialised services, have seen reduced funding, staff, and facility capacity, forcing many to operate limited services. Across the EU, a majority of consulted support services reported increased levels of domestic violence, in-

50 [https://www.europarl.europa.eu/RegData/etudes/STUD/2020/658648/IPOL_STU\(2020\)658648_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/658648/IPOL_STU(2020)658648_EN.pdf)

51 [https://www.europarl.europa.eu/RegData/etudes/STUD/2020/658648/IPOL_STU\(2020\)658648_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/658648/IPOL_STU(2020)658648_EN.pdf)

52 <https://www.bmj.com/content/369/bmj.m1872>

53 Fine, Michelle and Weis, Lois (2000) Disappearing Acts: The State and Violence against Women in the Twentieth Century. *Signs: Journal of Women in Culture and Society* 25(4): 1139-1146



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creased demand for their services, and a decreased capacity to support victims due to limited or closed services and facilities resulting from the pandemic, its effects on society, and government responses.⁵⁴

In addition to domestic violence, Covid-19 has had distinct impacts on other forms of violence against women. Whilst prostitution is believed to have declined due to 'buyers' being dissuaded from sexual exploitation due to health and social-distancing concerns (yet also fuelling insecurity among victims),⁵⁵ the root causes of human trafficking (including sex trafficking) have been exacerbated during the crisis⁵⁶. The shift from in-person to online social interactions has seen the pandemic act as an 'accelerator' for levels of online harassment and abuse⁵⁷, with women and marginalized groups particularly affected, including new forms of harassment such as 'zoom-bombing'.⁵⁸ The UN Population Fund has also raised concerns over the pandemic's effect in disrupting and delaying programmes to end FGM and forced marriage, with an estimated resulting increase of 2 million more cases of FGM and 13 million more child marriages over the next ten years.⁵⁹

The EU's Covid-19 response has seen Member States take the lead in legislative measures, with EU institutions taking a more supporting and coordinating role in responding to the crisis. Funding has been a core part of the EU's response, with the Commission proposing three billion euros to be allocated to the Emergency Support Instrument for the healthcare sector, including funding for managing the threat of domestic violence due to lockdown measures⁶⁰. International and EU institutions and bodies have produced a wide range of research

and guidance documents relating to the gendered impact of Covid-19, with the prevalence to and responses to surging levels of VAWG featured heavily.⁶¹ Yet these only scratch the surface. The increase in VAWG should not be underestimated as an unfortunate but temporary consequence of the pandemic, but as both an indicator of and exacerbated by much deeper socio-economic problems of entrenched systemic inequality, pervasive cultures of sexism and discrimination, marginalization in the representation and content of political decision-making, and a gendered labour system of confinement and exploitation. Stop-gap funding and public awareness campaigns on VAWG have been invaluable during Covid-19, but are insufficient in addressing the long-term hidden impact of the pandemic and ongoing impact of systemic inequality on women, marginalized groups, and society as a whole.

7. Progressive Proposals

Addressing systemic inequality: As a cause and consequence of VAWG, eliminating gender inequality must be at the heart of policymaking which seeks long-term and sustainable strategies to reduce VAWG. Violence, gender, and inequality are mutually shaping, requiring an intersectional and mainstreamed approach to the regulation of violence and the building of equally empowered and resilient societies. Intersectional and gender-mainstreaming principles must be implemented beyond institutional buzzwords but at the foundational level of policymaking and implementation at the EU, national and local levels. Greater political representation of women and marginalised groups reduces the prevalence

54 [https://www.europarl.europa.eu/RegData/etudes/STUD/2020/658648/IPOL_STU\(2020\)658648_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/658648/IPOL_STU(2020)658648_EN.pdf)

55 <https://www.hrw.org/news/2020/05/04/sex-workers-struggle-survive-covid-19-pandemic>

56 https://www.unodc.org/documents/Advocacy-Section/HTMSS_Thematic_Brief_on_COVID-19.pdf

57 <https://plan-international.org/eu/blog-Serap-online-harassment>

58 <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2020/brief-online-and-ict-facilitated-violence-against-women-and-girls-during-covid-19-en.pdf?la=en&vs=2519>

59 <https://www.bmj.com/content/369/bmj.m1872>

60 <https://rm.coe.int/summary-report-webinar-on-domestic-violence-and-covid-19/16809ea45a>

61 See: <https://www.coe.int/en/web/genderequality/reactions-by-other-international-organisations>



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of VAWG in society.⁶² Policies on economics, trade, employment, migration, security, welfare, education, and health all have implications for VAWG. Addressing the economic, social and political structural roots of inequality through intersectional gender mainstreaming of all policy areas, and implementing progressive approaches to eliminating inequality is the foundational task of combating VAWG.

Building Back Better: the Covid-19 Pandemic has revealed deep-seated problems in Europe, from underfunded health and social care systems, to a rigid economic and employment system dependent upon an unsustainable production and consumption of goods, to a gendered division of labour which places the burden of crises on women (see also the global financial crisis and Brexit). Women and marginalized groups have borne the brunt of the crisis in terms of its health and economic impacts. Post-Covid recovery must address the ways in which existing systems and practices entrench and rely upon inequality and exploitation. As a first step, recovery funds must target groups and communities shouldering the heaviest burden of the crisis, and redistribute recovery resources with women at the centre.

Beating the Backlash: the rising right-wing backlash against women rights has seen a regression in areas of SRHR and VAWG (among others), with anti-feminist sentiments rapidly growing from peripheral to mainstream political and online spaces and beyond. Transnational feminist solidarity and collaboration is critical to defending hard-fought rights and protections from further erosion. Countering the backlash not only requires a defensive approach but a progressive offensive in securing new rights and progress on gender equality and freedom from violence. Confronting the spread of disinformation and discourses of fear and division through education and dialogue is challenging, but essential. Learning from successful campaigns and strategies (e.g. Spain) and putting forward an inclusive, positive, and assertive vision for a progressive feminist Europe is key to beating the backlash against women's rights and securing progress in fighting VAWG.

Violence in the Digital Sphere: Covid-19 has accelerated the existing movement from physical to digital interactions, with implications for the prevalence and nature of VAWG. Mainstreaming gender and addressing the causes and harms of online VAWG in EU digital policy, including the upcoming Digital Services Act, is necessary for women and girls to thrive in an increasingly online world. Digital approaches to VAWG must not only address online violence and harassment on social media, but also in terms of deeper issues of online sexual exploitation (including violent pornography and prostitution) and online political violence against women, as well as wider issues of developing women's digital skills and work in STEM. It is essential that progressive policy approaches are able to keep up with digital innovations and trends in relation to VAWG.

Securing a Comprehensive, Binding Framework: Whilst resistance to ratification and delays to accession persist, the Commission's commitment to progress on European legislation on VAWG, either through the Istanbul Convention or equivalent alternatives, is promising. Rather than an either-or approach, the adoption of both the Istanbul Convention and a Directive on VAWG would jointly secure a comprehensive, binding legislative framework that may cover all forms and victims. The Commission should also respond to the Parliament's call for action on sexual exploitation and address the huge disparities in rights and protections for women across the EU, including through a consideration of a Directive on Sexual Exploitation. As well as introducing legislation, further work is needed to secure current measures through enhanced monitoring and implementation at the EU, national, and local levels.

8. Conclusion

Whilst this mandate has seen a more ambitious approach to tackling VAWG through the Commission's strategies and Parliamentary engagement with key issues, the challenge of eliminating VAWG remains overwhelming. The pandemic surge in domestic

62 See: Walby, Sylvia (2009) *Globalization and Inequalities: Complexity and Contested Modernities*. London: SAGE.



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violence is not a temporary blip in the statistics, but is the tip of the iceberg of a much wider and deeper problem. The EU's institutional matrix can be daunting for stakeholders seeking to make their voice heard in shaping a more diverse, dynamic, and ambitious framework and measures. Shaping EU legislative and policy measures and initiatives, as well as funding and research projects, requires an awareness of the key points for intervention, an up-to-date understanding of the debates, challenges, and opportunities in the creation and evolution of EU law and approaches to VAWG. A holistic and collaborative approach to policy-influencing and routes to tackling VAWG is also required, with gender mainstreaming providing multiple (often indirect) routes to including measures tackling VAWG within other policy areas. The causal relationship between VAWG and gender inequality (and other structures and systems of inequality) open a wider sphere of policies which will indirectly but significantly affect VAWG. The primary and interrelated challenges to progress on eliminating VAWG are the lack of a comprehensive binding EU legislative framework, including gaps in coverage of forms and victims as well as insufficient implementation; growing resistance to and blocking of the Istanbul Convention at the EU and Member State level; and the devastating and long-term impact of Covid-19 on rates and responses to VAWG. Overcoming these challenges requires an ambitious, feminist, and progressive approach to the EU-wide project of eliminating VAWG.

Reducing the level of violence is not only in the interests of women's organizations, nor even just the 228 million women living in the EU, but for society as a whole. We are all stakeholders in the fight against VAWG. Women's political participation and equal protection from violence are core components of any modern and progressive society. Eliminating VAWG not only means realising women's equality, justice, and security, but is essential to the development of a democratic, just, and equal society.⁶³

63 See: Walby, Sylvia (2009) *Globalization and Inequalities: Complexity and Contested Modernities*. London: SAGE.



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EDITORS AND PROJECT COORDINATORS

Amandine Clavaud (*Fondation Jean Jaurès*)

and Laeticia Thissen (*FEPS*)

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Sébastien Van de Walle (*Triptyque.be*)

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Shutterstock (*Mary Long*)

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