

Victims of gender-based violence in the victim's rights directive

Case study : female genital mutilation

**AMNESTY
INTERNATIONAL**



END FGM
EUROPEAN CAMPAIGN

Victim Support Europe Conference, May 2013

END FGM European Campaign

- **EU Action Plan on FGM:** Put female genital mutilation (FGM) on the agenda of the European Union (EU)
- Echo the **voices** of affected women



I- BACKGROUND



EU policy and legislative context on gender-based violence and FGM

No EU legislative instrument on GBV

No EU strategy on GBV

BUT

Istanbul Convention

Victim's rights directive

EU Communication on FGM

International Human Rights Law obligations

Due diligence principle

P's approach

➤ ISTANBUL CONVENTION

- Prevention
- Protection
- Prosecution
- Integrated policies

➤ VICTIM'S RIGHTS DIRECTIVE

- Prevention (**limited**)
- Protection
- Prosecution (**limited**)
- Integrated policies (**limited**)

II- THE VICTIM'S RIGHTS DIRECTIVE CASE STUDY: FGM

Gender-based violence in the Directive

- Reference to Istanbul Convention (recital 6)
- Definition of gender-based violence (recital 17)

Recital 17

*“Violence that is directed against a person because of that person's **gender, gender identity or gender expression** or that affects persons of a particular gender disproportionately, is understood as gender-based violence. It may result in physical, sexual, emotional or psychological harm, or economic loss, to the victim. **Gender-based violence** is understood to be a form of discrimination and a violation of the fundamental freedoms of the victim and includes **violence in close relationships, sexual violence (including rape, sexual assault and harassment), trafficking in human beings, slavery, and different forms of harmful practices, such as forced marriages, female genital mutilation and so-called ‘honour crimes’**. Women victims of gender-based violence and their children often require special support and protection because of the high risk of secondary and repeat victimisation, of intimidation and of retaliation connected with such violence. “*

Some key provisions

Support

- Art 8 & 9
- Recitals 37,38,39,40, 62, 63

Protection

- Art 18, 22 & 23
- Recitals 7,52, 55, 57,58, 59

Training

- Art 25
- Recitals 61

Support services

➤ Access

- Before, during and after criminal proceedings
- No formal complaint
- Referrals
- Geographical distribution
- Free of charge

➤ Quality (specialist services)

- Safe place
 - Trauma support
 - Psychological counselling
 - Medical support
 - Legal advice
 - Children
-

Protection

➤ Individual assessment

- Person characteristics
- Type or nature of the crime
- Circumstances of the crime

➤ Investigation and prosecution phase

- Interviews by trained professionals
 - Evidence
 - Safety
 - Non public hearing
-

Training

➤ For whom ?

- Police and court staff
- Judges, prosecutors and lawyers
- Victim support services
- Other professionals in contact with victims

➤ To learn about

- Identification of victims and their needs
 - Respect and non discriminatory attitudes
 - Gender-sensitiveness
-

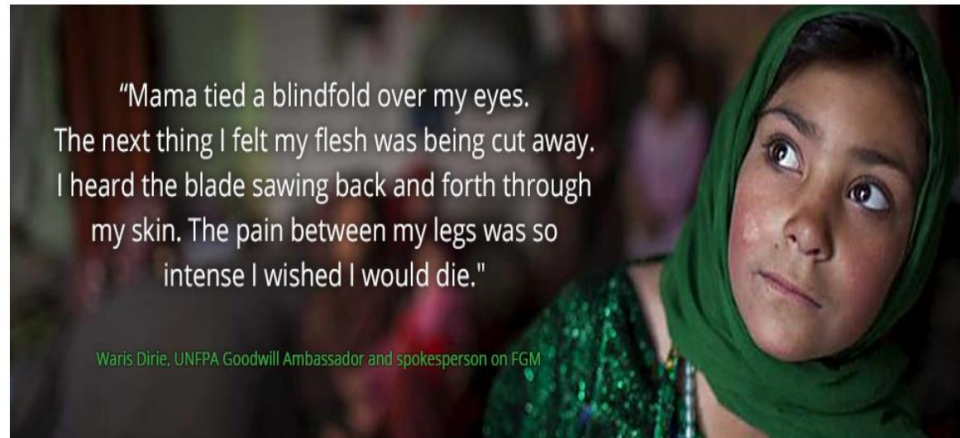
E-learning training « United to end FGM »

➤ Objectives:

- **Learn more** about the rights of women and girls affected by FGM
- **Gain greater insight** into the health implications of FGM
- **Support and protect** affected women and girls

➤ Designed for:

- Health professionals
- Asylum officers
- Social workers
- Relevant NGO staff



WE WANT TO EXPAND IT !

- Translation
- More professionals (police, judges, media, VSOs, education, etc.)

Thank you !



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The weaker P's

Art. 26
**Cooperation and
coordination of
services**

Prevention

(awareness-raising, education,
research)

Integrated policies

(invest in cooperation,
multi-agency coordination
exchange of best
practices)