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**Council of Europe
Committee of Ministers**

***Topic area A: "Implementing Effectively
Gender Equality and Preventing All forms of
Gender Based Violence"***



**UNIVERSITY OF MACEDONIA
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1. Welcoming letter by the Board Members

Distinguished delegates,

We warmly welcome you to ThessISMUN 2019, which will be held from the 1st until the 5th of May in the beautiful city of Thessaloniki. We are more than confident that each and every one of you as part of the council will meet our expectations through the equal work, the preparation and the cooperation during the debates. In order to ensure the best experience for all of you, we will provide you with all the necessary guidelines.

The present Study Guide will be the basis of your preparation in order to become more efficient and easy until the beginning of the conference. However, we strongly encourage you to conduct your own research prior to the conference. We would like to point out your duty to be aware of your country's policy regarding both topics will be discussed in the agenda. Both topics are of great importance, and they constitute a priority for the international community. This means that you need to study in-depth the issues so that you can prepare yourself for the upcoming debates.

Do not hesitate to contact us at any time and we will willingly assist you regarding every query you may have. Last but not least, we need to remind you that punctuality is an essential requirement so as to fulfill your diplomatic duties. We hope that you will respect the deadlines. We promise to make this MUN experience unforgettable for you. Once again, we welcome you to the Committee of Ministers of the Council of Europe of ThessISMUN 2019!

Kind regards,

Dimitris Nikolaidis – President

Christine Tolika – Vice President

Danai Vouziou – Secretary General

2. Introduction to the Council of Europe/ Committee of Ministers

The Council of Europe is an international organization, which was founded in 1949 by the Treaty of London. It is based in Strasbourg, France and it consists of 47 permanent members. 28 of these countries belong to the European Union and 6 of them are observers.

The Council's constitution has three main goals. First of all, it advocates the *protection of Human Rights, the pluralistic democracy and the principles of the Rule of Law*. The second goal concerns the promotion of the cultural identity and diversity between the European States. As far as the third goal is concerned, Council make significant efforts in order to strengthen democratic stability by supporting political, judicial and constitutional reforms¹. With the aim of achieving all the above, states have to be united through common actions, debates and agreements. At this point it has to be mentioned that all the European states have the opportunity of the enjoyment of the Council, only if they adhere the principles of the Rule of Law and only if they fully respect Human Rights and Fundamental Freedoms.

At this part is considered extremely necessary to present the structure of the Council. According the Chapter III, Article 10 of the Statute of the Council of Europe 5 the structure is formed by two organs. The first one is the Committee of Ministers which constitutes the statutory decision-making body and is composed by the Ministers of Foreign Affairs of each member-state.

The second one is the Parliamentary Assembly which is the deliberative organ of the Council of Europe and it consists by 324 members of the parliament from the 47 states. Last but not least it has to be noted that Council of Europe has special agencies like the European Committee on Crime Problems, the European Commission of

¹ Anon, (2018). *Council of Europe*. [online] Available at: <https://www.coe.int/en/web/portal> [Accessed 24 Nov. 2018].

Human Rights, the European Court of Human Rights, which are responsible for the preservation of the Council's principles on several and exceptional issues².

To sum up, Council of Europe has successfully achieved to deal with a majority of issues of human rights violations such as the abolition of the death penalty, the strengthening of human rights, the fight against racism, the upholding freedom of expression, the preservation of gender equality and the establishment of child's rights.

3. Introduction to the topic area

The Council of Europe is Europe's major human rights organization. All Council of Europe member states have signed the European Convention on Human Rights, a treaty created to protect human rights, democracy and the rule of law, the pillars of the Council of Europe³. The European Court of Human Rights controls how the Convention is implemented among the member states. The Council of Europe standards and mechanisms search for the promotion and ensurance of respect for the human rights of every individual. It is widely accepted that each gender is regarded in a very specific way as different. Since nowadays there are many stereotypes related to genders. This is visible by many phenomena occurring around the world. Gender stereotyping constitutes an obstacle to the achievement of gender equality. Gender-based violence (GBV) is the most severe expression of inequality among genders in society. It is first and foremost a violation of human rights, and a global health issue that cuts across boundaries of economic wealth, culture, religion, age, and sexual orientation. While GBV is disproportionally affecting women and girls, it also affects men and boys. In European level, according to the European Institute for Gender

² Anon, (2018). *Council of Europe*. [online] Available at: <https://www.coe.int/en/web/portal> [Accessed 24 Nov. 2018].

³ Europe, C. (2018). *European Convention on Human Rights*. [online] The European Convention on Human Rights. Available at: <https://www.coe.int/web/human-rights-convention> [Accessed 25 Nov. 2018].

Equality (EIGE) the highest violence levels are located in Bulgaria, Latvia, Denmark, Finland and Luxembourg with rates ranging around 30-47%. In order such measures to be conducted we have to take into account 3 aspects: Prevalence, Severity and Disclosure of violence⁴.

Wherever GBV occurs, it is a major obstacle for the achievement of gender justice, posing a serious threat to democratic development and public health, and is a critical barrier to achieving sustainable development, economic growth and peace. If women, girls, men and boys are not safe, they cannot exercise their full citizenship rights nor fully participate in the development of their own society. Gender-based violence is a crucial violation of human rights. This is reflected in international agreements such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Declaration on the Elimination of Violence against Women and emphasized in the UN Fourth World Conference on Women in Beijing 1995⁵. GBV is preventable. As long as the stereotypes remain existing in the modern societies, GBV will remain a common phenomenon. In order to easily comprehend the relationship between gender stereotypes and gender based violence we have to analyse the term GBV into further sub-terms.

4. Key words/ Definitions

Gender: According to the WHO organization the term refers to *“the socially constructed characteristics of women and men – such as norms, roles and relationships of and between groups of women and men. It varies from society to society and can be changed. While most people are born either male or female, they are taught appropriate norms and behaviours – including how they should interact*

⁴ Eige.europa.eu. (2018). [online] Available at: https://eige.europa.eu/sites/default/files/documents/20175822_mh0417775enn_pdf.pdf [Accessed 26 Nov. 2018]

⁵ Health-genderviolence.org. (2018). *International obligations of states to eliminate GBV | The response to Gender-Based Violence in Eastern Europe and Central Asia*. [online] Available at: <http://www.health-genderviolence.org/training-programme-for-health-care-providers/facts-on-gbv/forms-of-gbv/24> [Accessed 26 Nov. 2018].

with others of the same or opposite sex within households, communities and work places⁶.”

Sex: As per Staughton J. the term is defined as “...*biological characteristics, namely chromosomes internal and external sex organs, and the hormonal activities within the body. Essentially, when we use the term sex, what we are really commenting on is “male” vs. “female”, scientifically speaking. The sex of an individual is based on genetics, making it much more difficult to change⁷.”*

Gender based violence: “*Gender-based violence (GBV) is the general term used to capture violence that occurs as a result of the normative role expectations associated with each gender, along with the unequal power relationships between the two genders, within the context of a specific society⁸.”*

Gender equality: “*Refers to the equal rights, responsibilities and opportunities of women and men, and girls and boys. Gender equality implies that the interests, needs and priorities of both, women and men are taken into consideration, recognizing the diversity of different groups women and men. Gender equality is both, a human rights principle and a precondition for sustainable, people-centered development⁹.”*

Sexism: Within the Asian Pacific Institute for Gender Based Violence the terms refers to “*a belief or attitude that one gender or sex is inferior to or less valuable than the other and can also refer to a hatred or distrust towards either sex as a whole, or*

⁶ World Health Organization. (2018). *Gender*. [online] Available at: <http://www.who.int/gender-equity-rights/understanding/gender-definition/en/> [Accessed 26 Nov. 2018].

⁷ Staughton, J. and author, M. (2018). *Gender vs Sex: What's The Difference Between Sex And Gender?*. [online] Science ABC. Available at: <https://www.scienceabc.com/eyeopeners/what-is-the-difference-between-sex-and-gender.html> [Accessed 26 Nov. 2018].

⁸ Health-genderviolence.org. (2018). *Defining Gender-Based Violence | The response to Gender-Based Violence in Eastern Europe and Central Asia*. [online] Available at: <http://www.health-genderviolence.org/training-programme-for-health-care-providers/facts-on-gbv/defining-gender-based-violence/21> [Accessed 26 Nov. 2018].

⁹ Health-genderviolence.org. (2018). *Defining Gender and Gender Equality | The response to Gender-Based Violence in Eastern Europe and Central Asia*. [online] Available at: <http://www.health-genderviolence.org/training-programme-for-health-care-providers/facts-on-gbv/defining-gender-and-gender-equality/19> [Accessed 26 Nov. 2018].

creating stereotypes of masculinity for men or femininity for women. It is also called male and female chauvinism¹⁰. ”

Sexual harassment: “Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.¹¹”

Human trafficking: “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation¹².

Domestic violence: “All acts of physical, sexual, psychological or economic violence within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim” Article 3 Istanbul Convention). The two main forms of domestic violence are intimate partner violence between current or former spouses or partners and inter-generational violence which typically occurs between parents and children¹³

Perpetrator: A person, group, or institution that directly inflicts, supports and/or condones violence against a person or a group of persons¹⁴.

¹⁰ Asian Pacific Institute on Gender Based Violence Website. (2019). *Types of Gender-Based Violence - Asian Pacific Institute on Gender Based Violence Website*. [online] Available at: <https://www.api-gbv.org/about-gbv/types-of-gbv/> [Accessed 6 Jan. 2019].

¹¹ Asian Pacific Institute on Gender Based Violence Website. (2019). *Types of Gender-Based Violence - Asian Pacific Institute on Gender Based Violence Website*. [online] Available at: <https://www.api-gbv.org/about-gbv/types-of-gbv/> [Accessed 6 Jan. 2019].

¹² Asian Pacific Institute on Gender Based Violence Website. (2019). *Types of Gender-Based Violence - Asian Pacific Institute on Gender Based Violence Website*. [online] Available at: <https://www.api-gbv.org/about-gbv/types-of-gbv/> [Accessed 6 Jan. 2019].

¹³ Health-genderviolence.org. (2018). *Glossary / The response to Gender-Based Violence in Eastern Europe and Central Asia*. [online] Available at: <http://www.health-genderviolence.org/glossary/42> [Accessed 27 Nov. 2018].

¹⁴ Health-genderviolence.org. (2018). *Glossary / The response to Gender-Based Violence in Eastern Europe and Central Asia*. [online] Available at: <http://www.health-genderviolence.org/glossary/42> [Accessed 27 Nov. 2018].

5. Legal Framework

It is widely accepted that gender-based violence quite pervasive around the world. The elimination of GBV has been set as a goal from the international community. Laws can play a vital role, by indicating that such behavior is socially unacceptable and condemnable. The associated sanctions may serve a deterrence function. Either or both levers may work in practice for the reduction of violence incidents. Legislation can also be responsive to victims, by providing protection and access to support services. For these reasons there are several conventions, treaties and recommendations which tackle the phenomenon and will be presented below¹⁵:

5.1 *The Universal declaration of Human Rights (UDHR)*

The Universal Declaration of Human Rights (UDHR) is the milestone document with regard to the history of human rights. Drafted by representatives from all regions of the world with different legal and cultural backgrounds, it set out, for the first time, fundamental human rights to be universally protected by law. The UN General Assembly adopted the Declaration in Paris on 10 December 1948 during its 183rd plenary meeting¹⁶. According to the articles 1 and 2 of the UDHR *“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be*

¹⁵ Pubdocs.worldbank.org. (2018). [online] Available at: <http://pubdocs.worldbank.org/en/232551485539744935/WDR17-BP-Gender-based-violence-and-the-law.pdf> [Accessed 27 Nov. 2018].

¹⁶ Ohchr.org. (2018). *OHCHR / Universal Declaration of Human Rights Main*. [online] Available at: <https://www.ohchr.org/en/udhr/Pages/UDHRIndex.aspx> [Accessed 27 Nov. 2018].

independent, trust, non-self-governing or under any other limitation of sovereignty¹⁷".

5.2 European Convention of Human Rights (ECHR)

The *European Convention on Human Rights (ECHR)* is an [international treaty](#) drafted by the [Council of Europe](#). It entered into force in 1953 and protects both the [human rights](#) and fundamental freedoms of every person in every member state of the Council of Europe. All Council of Europe member states have [ratified](#) the ECHR and are, therefore, legally bound by this treaty. The characteristic of the ECHR is that it takes human rights protection further, though, because it was set up as a legally binding treaty rather than a declaration. From the time it entered into force in 1953, the ECHR has been not only extended, but also amended, through various further protocols: further rights and freedoms were added, already existing procedures modified and new competencies indicated¹⁸.

5.3 Convention on the Elimination of All forms of Discrimination

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is an international legal document that necessitates the countries to eliminate discrimination against women and girls in all sectors and promotes equality on rights for women and girls. The term discrimination against women is defined in the Convention as follows *"...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."* CEDAW is the only

¹⁷ Un.org. (2018). *Universal Declaration of Human Rights*. [online] Available at: <http://www.un.org/en/universal-declaration-human-rights/> [Accessed 28 Nov. 2018].

¹⁸ Europe's Human Rights Watchdog. (2018). *Council of Europe: European Convention on Human Rights*. [online] Available at: <https://www.europewatchdog.info/en/international-treaties/convention-on-human-rights/> [Accessed 28 Nov. 2018].

among human rights treaties which affirms the reproductive rights of women and aims to make culture and tradition as influential forces forming gender roles and family relations. It affirms women's rights to obtain, change or preserve their nationality and their children's nationality. Parties of each European country also agree to take appropriate measures against all forms of women trafficking and exploitation. The Convention provides the grounds for achieving equality between women and men through the ensurance of women's equal access to, and equal opportunities in, political and public life -- including the right to vote and to stand for election -- as well as education, health and employment. States parties agree to take all appropriate measures needed, including legislation and temporary special measures, so that women can enjoy all their human rights and fundamental freedoms¹⁹.

5.4 Istanbul Convention (Convention on preventing and combating violence against women and domestic violence)

“All women and girls have the right to live free from violence. Unfortunately, this is not the reality. One in three women has experienced physical or sexual violence – 22% at the hands of their partner. More than half of all women have been sexually harassed with 20% of young women reporting online sexual harassment” , said Dunja Mijatović, Council of Europe Commissioner for Human Rights, ahead of the International Day for the Elimination of Violence against Women²⁰”. [The Council of Europe Convention on Preventing and Combating violence against women and domestic violence](#) is based on the belief that violence against women is a form of gender-based violence that is committed against women because of their nature. It is the obligation of every state to fully address it in all its forms and to take measures to

¹⁹ Un.org. (2018). *Convention on the Elimination of All Forms of Discrimination against Women*. [online] Available at: <http://www.un.org/womenwatch/daw/cedaw/> [Accessed 28 Nov. 2018]

²⁰ women, F. (2018). *Fulfil the promise of a comprehensive response to violence against women*. [online] Istanbul Convention</br>Action against violence against women and domestic violence. Available at: <https://www.coe.int/en/web/istanbul-convention/-/fulfil-the-promise-of-a-comprehensive-response-to-violence-against-women> [Accessed 28 Nov. 2018].

prevent violence against women, of course to fully protect them, and punish the perpetrators. The convention leaves no doubt: we will not be able to achieve equality between men and if women experience gender-based violence on a large-scale and state agencies and institutions turn a blind eye²¹. The majority of the members of the European Union have already ratified the Convention although there are some countries that have not ratified it yet. These countries are: Bulgaria, Croatia, Czech Republic, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Slovakia and the United Kingdom²²

6. Actions that have already been taken

6.1 *The Council of Europe Gender Equality Strategy 2018-2023*

One of the most important Council's short-term achievements is the so called "Gender Equality Strategy 2018-2023" aiming to set higher gender equality standards and supporting in member states the implementation of many applicable and realistic measures. The new Strategy summarizes the goals and priorities of the Council of Europe on gender equality for the years 2018-2023, classifying working methods and main partners, as well as the measures needed to increase the visibility of results. A strong dedication to de facto equality between women and men at all levels and in all areas, equal with women's empowerment and the elimination of sexism and gender stereotypes, will give the privilege to future generations and society as a whole. The enforcement of institutional mechanisms for gender equality, at the national and local

²¹ Istanbul Convention
Action against violence against women and domestic violence. (2018). *Home*. [online] Available at: <https://www.coe.int/en/web/istanbul-convention/home?%2520> [Accessed 28 Nov. 2018]

²² Europarl.europa.eu. (2018). *Violence against women: all EU countries must ratify the Istanbul Convention* / News / European Parliament. [online] Available at: <http://www.europarl.europa.eu/news/en/press-room/20180309IPR99425/violence-against-women-all-eu-countries-must-ratify-the-istanbul-convention> [Accessed 28 Nov. 2018].

level, and the availability of resources at all levels, are therefore critical and will determine future progress to improve gender equality on the ground²³.

6.2 “Leave No One Behind: End Violence against Women and Girls

In 2017, the UNiTE Campaign under the overarching theme “Leave No One Behind: End Violence Against Women and Girls” marked the 16 Days of Activism against Gender-Based Violence under the overarching theme, “Leave No One Behind: End Violence against Women and Girls”—reflecting the main principle of the transformative 2030 Agenda for Sustainable Development. “Leave No One Behind: End Violence against Women and Girls” reinforces the UNiTE Campaign’s dedication to a world free from violence, equal for all women and girls around the world, while reaching the most underserved and marginalized, including refugees, migrants, minorities, indigenous peoples, and populations affected by conflict and natural disasters, amongst others, first²⁴.

6.3 Turkey and Montenegro: Council of Europe experts on ending violence against women publish monitoring reports

Reports that monitor the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence, known as the Istanbul Convention, by Turkey and Montenegro have been published by the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO). GREVIO welcomes legislation on domestic violence which introduces emergency barring and restraining orders, but notes measures addressing other types of violence, such as rape and forced marriage, need improvement. *“Little to no preventive and protective measures seem to exist for victims of rape and sexual*

²³ Rm.coe.int. (2018). [online] Available at: <https://rm.coe.int/strategy-en-2018-2023/16807b58eb> [Accessed 30 Nov. 2018].

²⁴ UN Women. (2018). *Say NO - UNiTE to End Violence against Women campaign*. [online] Available at: <http://www.unwomen.org/en/what-we-do/ending-violence-against-women/take-action/16-days-of-activism> [Accessed 4 Dec. 2018].

violence, sexual harassment and forced marriage, and no specific services such as rape crisis or sexual violence referral centres have been established”, the experts say²⁵.

6.4 Recommendation CM/Rec(2010)5 of the Committee of Ministers

In 2010, the Recommendation of the Committee of Ministers agreed unanimously by the 47 Council of Europe member states. It was the first and only agreement between governments to tackle the phenomenon of discrimination against LGBT people in Europe. Not legally binding document though and that is why it was based solidly on existing legally binding international and European human rights obligations. Member states therefore have a clear duty to implement its measures. It was agreed to review the implementation progress of member states on a regular basis. The first review of the implementation took place in 2013, the second in 2018. The reviews are a crucial movement to examine and evaluate the progress that have been made, but also to identify gaps in implementation that need to be tackled more comprehensively. The reviews are not only an important reminder for member states, but also inform the processes of the Council of Europe in supporting the protection of LGBTI rights through its work.

7. Topic Analysis

7.1 Gender based violence on women and girls

Violence against women and girls is a crucial violation of human rights. Its effect varies from immediate to long-term multiple physical, sexual and mental consequences for women and girls, including death. It negatively affects women's general well-being and prevents women from their fully participating in society. Violence not only has negative consequences for women but also for their families,

²⁵ Monitoring, A. (2019). *About Monitoring*. [online] Istanbul Convention Action against violence against women and domestic violence. Available at: <https://www.coe.int/en/web/istanbul-convention/about-monitoring1> [Accessed 6 Jan. 2019].

the community and the country in general. It has massive costs, from greater health care and legal expenses and losses in productivity, impacting national budgets and overall development²⁶.

The mobilization by the civil society and women's movements have put the cause of ending gender-based violence as a priority on national and international agendas. A phenomenal number of countries have laws against domestic violence, sexual assault and other forms of violence although, the implementation of these laws remains challenging, limiting women and girls' access to safety and justice. Not enough is done to prevent violence, and when it does occur, it often goes without the ideal punishment²⁷.

It is estimated that 35 per cent of women around the world have experienced either physical and/or sexual intimate partner violence or sexual violence by a non-partner (not including sexual harassment) in their lives. However, several national studies show that up to 70 per cent of women have experienced physical and/or sexual violence from an intimate partner in their lifetime. Evidence shows that women who had physical or sexual intimate partner violence report higher rates of depression, having an abortion or even acquiring HIV, compared to women who have not.²⁸

One in 10 women in the European Union report having experienced cyber-harassment since the age of 15 (including having received undesired, assaulting sexually explicit emails or SMS messages, or offensive, inappropriate advances on social networking sites). The risk is highest among young women between 18 and 29 years of age.²⁹

According to the European Union Agency for Fundamental Rights and a report that have been carried out, found that one in 10 women had experienced some form of

²⁶ UN Women. (2018). *What we do: Ending violence against women*. [online] Available at: <http://www.unwomen.org/en/what-we-do/ending-violence-against-women> [Accessed 6 Dec. 2018].

²⁷ UN Women. (2018). *What we do: Ending violence against women*. [online] Available at: <http://www.unwomen.org/en/what-we-do/ending-violence-against-women> [Accessed 6 Dec. 2018].

²⁸ UN Women. (2018). *Facts and figures: Ending violence against women*. [online] Available at: <http://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures> [Accessed 6 Dec. 2018].

²⁹ UN Women. (2018). *Facts and figures: Ending violence against women*. [online] Available at: <http://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures> [Accessed 6 Dec. 2018].

sexual violence since the age of 15, and one in 20 had been raped. Among the findings of the report one in five women have experienced some form of stalking since the age of 15, with 5% having experienced it in the 12 months before the survey. However, three out of four stalking cases reported in the survey never come to the attention of the police. One in 10 women have been stalked by their previous partner. Of women in the survey who indicate they have been raped by their current partner, about one third (31%) say they have experienced six or more incidents of rape by their partner. Just over one in 10 women experienced some form of sexual violence by an adult before they were 15. Most violence is carried out by a current or former partner, with 22% of women in relationships reporting partner abuse. More specifically, the 5 countries with the higher percentage of “*Physical and/or sexual violence by a partner or non-partner since the age of 15*” are Denmark(52%), Finland(47%), Sweden(46%), The Netherlands(45%) and France(44%). On the contrary, the ones with the lowest percentage are Poland (19%), Austria(20%), Bosnia and Herzegovina(21%), Cyprus(22%) and Spain(22%)³⁰.

Violence against women does not only concern women. It is a matter of concern for everyone and each one of us separately, and the effort to combat the phenomenon should be done by all. Women all over the world are the linchpin keeping families, communities and nations together. Eliminating gender discrimination and gender-based violence will enhance the dignity and human rights of women and girls.

7.2 Human trafficking as a form of gender based violence

Various forms of slavery have been a part of the world’s history. In modern society direct forms of slavery are illegal by law; While women and children are not the only victims of human trafficking, but the ones who are affected the most, the lack of mobility, power, or education in their societies make these two groups the biggest

³⁰ Sedghi, A. (2018). *Violence against women: what the EU-wide survey tells us*. [online] the Guardian. Available at: <https://www.theguardian.com/news/datablog/2014/mar/05/violence-against-women-european-union-physical-sexual-abuse> [Accessed 6 Dec. 2018].

victims of human trafficking.³¹ Human trafficking involves recruitment, harboring or transporting people. It leads into a situation of exploitation through the use of violence, deception or coercion. In other words, trafficking is a process of enslaving people, coercing them into a situation with no way out, and exploiting them.

Addressing human trafficking contradicts with all the fundamental issues. It is about human rights, peace and security, development and family health. In the most basic sense, it is about preserving the substance of society. We all have a key-role to play, either in raising awareness, developing cooperation, providing information, protecting victims or bringing the criminals to justice.

Trafficking can be expressed by many different ways and for many different forms of exploitation such as forced prostitution, forced labor, forced begging, forced criminality, domestic servitude, forced marriage, forced organ removal etc. Only the fact that bringing them into exploitative conditions, constitutes this act illegal and punishable. Trafficking for sexual exploitation gets much attention. However, the majority of people are trafficked into labor exploitation. Many people who are victims of trafficking want to escape poverty, improve their lives, and support their families. They often get an offer of a well-paid job abroad or in another region. Usually their traffickers lend them in advance to pay for arranging the job, travel and accommodation. Sometimes, their documents are being taken away and they are forced to work until their debt is paid off³².

The numbers of the human trafficking are the following:

51% of identified trafficked victims are women, 28% children and 21% men. A very high percentage on the level of 72% of the people are exploited in the sex industry, are women. Moreover, the majority of identified traffickers at a level of 63% were men and 37% were women. 43% of victims are trafficked domestically within

³¹ Bartleby.com. (2018). *Gender-Based Violence and Human Trafficking of Women and...* / Bartleby. [online] Available at: <https://www.bartleby.com/essay/Gender-Based-Violence-and-Human-Trafficking-of-FK68EFSQG8S5> [Accessed 7 Dec. 2018].

³² Anti-Slavery International. (2018). *What is human trafficking?* - Anti-Slavery International. [online] Available at: <https://www.antislavery.org/slavery-today/human-trafficking/> [Accessed 7 Dec. 2018].

national borders³³. In Europe 32% of trafficked people come from the Balkans, 19 % from the former Soviet states, 13% from South America, 7% from central Europe, 5% from Africa and 3% from East Asia³⁴.

The adoption in 2000 by the United Nations General Assembly of the *Protocol to Prevent, Suppress and Punish Trafficking In Persons, Especially Women and Children* was marked as a milestone regarding the international efforts to stop the trade of people. As the guardian of the Protocol, United Nations Office on Drugs and Crime addresses human trafficking issues through its Global Program against Trafficking in Persons. A vast majority of the European countries have now signed and ratified the Protocol but translating it into reality remains problematic. Very few criminals are found guilty and most victims are probably never identified or assisted³⁵.

The definition contained in article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Person is meant to provide consistency and consensus around the world on the phenomenon of trafficking in persons. Article 5 therefore requires that the conduct set out in article 3 be criminalized in domestic legislation. It is not mandatory for domestic legislation to follow the language of the Trafficking in Persons Protocol precisely, but should be adopted in the act of domestic legal systems to give effect to the concepts contained in the Protocol³⁶.

³³ Anti-Slavery International. (2018). *What is human trafficking?* - Anti-Slavery International. [online] Available at: <https://www.antislavery.org/slavery-today/human-trafficking/> [Accessed 7 Dec. 2018].

³⁴ euronews. (2019). *Human trafficking: facts and figures*. [online] Available at: <https://www.euronews.com/2011/03/07/human-trafficking-facts-and-figures> [Accessed 6 Jan. 2019].

³⁵ Unodc.org. (2018). *What is Human Trafficking?*. [online] Available at: <https://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html> [Accessed 7 Dec. 2018].

³⁶ Unodc.org. (2018). *What is Human Trafficking?*. [online] Available at: <https://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html> [Accessed 7 Dec. 2018].

7.3 LGBT+ Violence as a form of Gender Based Violence

Gender-based violence (GBV) includes the use and abuse of power and control over another person and is committed against someone based on their gender identity, gender expression or perceived gender. Violence against women and girls and human trafficking are two forms of gender-based violence. It also has a disproportionate impact on LGBT+ (lesbian, gay, bisexual, transgender, queer, questioning, intersex and two-spirit) and gender-non conforming people³⁷.

Although usually referring to violence perpetrated by men against women, gender-based violence describes any violence rooted in gender-based power inequalities and gender-based discrimination. Within the Lesbian, Gay, Bisexual, and Transgender (LGBT) population, transgender persons—individuals whose birth-assigned sex does not match their own internal sense of gender identity—are more likely to become victims of GBV because they represent a direct challenge and change to traditional gender norms and roles. By refusing to comply to socially accepted stereotypes of men and women, transgender persons expose themselves to stigma, harassment, and sexual and physical violence at the hands of family members, their communities, and state actors (such as the police and judicial system). Violence not only withholds them from their basic human rights, but it also increases the risk for HIV, mental health problems and poverty³⁸.

Homophobic and trans-phobic violence has been reported in all regions of the world. It has many forms and expressed from aggressive, sustained psychological bullying to physical harm, torture, kidnapping and targeted killings. Sexual violence has also been widely reported, including commonly named “corrective” or “punitive” rape, in which men rape women assumed to be lesbian on the cover of trying to “cure” their

³⁷ Swc-cfc.gc.ca. (2018). *About Gender-Based Violence - Federal Strategy on Gender-based Violence - Status of Women Canada*. [online] Available at: <https://www.swc-cfc.gc.ca/violence/strategy-strategie/gbv-vfs-en.html> [Accessed 9 Dec. 2018].

³⁸ Prb.org. (2018). *Gender-Based Violence Against the Transgender Community Is Underreported – Population Reference Bureau*. [online] Available at: <https://www.prb.org/gender-based-violence-transgender/> [Accessed 10 Dec. 2018].

victims of homosexuality³⁹. According to a research of Human Rights Campaign Foundation about *“Hate crimes and violence against lesbian, gay, bisexual and transgender people”*, sexual orientation ranks as the third-highest motivator for hate crime incidents (17%)⁴⁰. Violence occurs in a variety of settings: on the street, in public parks, in schools, in the workplace, in private homes, and in prisons and police cells. It may be spontaneous, uncontrollable or organized, perpetrated by individual strangers or by organized extremist groups. A mutual characteristic of many anti-LGBT hate crimes is their brutality and severity: murder victims, for example, are often found mutilated, severely burnt, showing signs of sexual assault. Transgender persons, especially those involved in prostitution or in detention, face an especially high risk of deadly and extremely cruel violence. Torture and ill-treatment of LGBT+ people has also been widely documented. Torture occurs in places of detention, where LGBT people may be victimized by police officers, prisons guards, or their own peers, while State agents turn a blind eye. Some forms of involuntary medical treatment may also be equivalent to torture, including anal examinations of gay men to “prove” their homosexuality, unwanted sterilization of transgender people and forced electric shock therapy aimed to “change” someone’s sexual orientation.

A well-known example of GBV is the murder of a transgender woman on August 12th, Hande Kader. The murder has caused an outcry in Turkey’s biggest city, Istanbul. Turkey remains a quite conservative society regarding LGBT+ (lesbian, gay, bisexual, transgender and intersex) issues. Her body was identified by her lover and friends; no one from her immediate family wanted to come and identify her. According to these accounts, Kader was a determined activist who took part in last

³⁹ Unfe.org. (2018). [online] Available at: <https://www.unfe.org/wp-content/uploads/2017/05/UNFE-Criminilization.pdf> [Accessed 10 Dec. 2018]

⁴⁰ Assets2.hrc.org. (2018). [online] Available at: http://assets2.hrc.org/files/assets/resources/Hatecrimesandviolenceagainstlgbtpeople_2009.pdf [Accessed 10 Dec. 2018].

year's unauthorized Gay Pride Rally in Istanbul and was taken under police custody. *"She wanted to be a translator but was not able to go to the University"*⁴¹.

8. Conclusion

The problem is already known. People endure violence in many forms in their lives, from conversations to physical violence. Actions have to be taken in order to achieve the most important goal: Gender Equality. Education and programming can be considered a secure way to reduce violence against women and to ensure esteem and respect for differences between socially constructed groupings⁴². Constructs of masculinity and femininity, so defined by cultures and social norms, need further process to accommodate a masculinity that does not include violence and that incorporates attitudes of mutual respect between the genders. Organizational change could incorporate policies and work practices that acknowledge the impacts of gender inequality and attitudes towards that difference in order to challenge traditional norms around gendered social roles. There is no sustainable development without gender equality and from a development perspective, the world may miss accomplishable targets because of gender-inequality. We can't move forward in society until we work towards gender equity, rather than gender equality⁴³.

⁴¹ Hürriyet Daily News. (2018). *Murder of transgender woman shines dark light on rights issues in Turkey - Turkey News*. [online] Available at: <http://www.hurriyetdailynews.com/murder-of-transgender-woman-shines-dark-light-on-rights-issues-in-turkey-103018> [Accessed 10 Dec. 2018].

⁴² Consilium.europa.eu. (2018). *Council conclusions on gender equality - Consilium*. [online] Available at: <https://www.consilium.europa.eu/en/press/press-releases/2016/06/16/epsco-conclusions-gender-equality/> [Accessed 12 Dec. 2018].

⁴³ Anon, (2018). [online] Available at: <https://onlineacademiccommunity.uvic.ca/readingandwritingcommunity/2018/04/06/conclusion-summary-of-gender-equality/> [Accessed 12 Dec. 2018].

9. Points to be addressed

- How does gender based violence impact on individuals, families, communities and countries according to the cultural context?
- What further measures should the Council of Europe take and which actions must be done in order to promote gender equality in all the sectors of daily life?
- Which are the causes and results of gender inequality and as a result of gender-based violence?
- What factors lead on the one hand to the sustainability or on the other hand on failure of programs to prevent conflict related sexual violence?
- What is the correlation, if any, between gender-based violence and other characteristics such as age, race or religion?
- How can conventions and new legislation among professionals such as police force, social workers, health professionals and NGOs working with victims/survivors of domestic violence and gender-based violence be implemented.

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