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# GENDER, VIOLENCE AND THE RIGHTS OF THE CHILD: A FOCUS ON EUROPE

Panel Discussion



Organized in the framework of the International Day for the Elimination of Violence against women and the 25<sup>th</sup> anniversary of the International Convention on the Rights of the Child by the Association Adéquations and the Gender Equality Division at UNESCO

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## Introduction

In her introductory remarks, **Ms Gülser Corat**, Director of the Division for Gender Equality, emphasized that the topic of the conference was at the heart of UNESCO's core mission and belief, especially since gender equality became one of UNESCO's two global priorities in 2008. She highlighted the importance of taking action against violence against women in Europe. She recalled that nowadays, gender-based violence affects an estimated one in three women in her lifetime and that this phenomenon is still widespread in our western societies – in a lifetime, more than one in five women in Europe has experienced physical and/or sexual violence from her previous or current partner. She explained the importance of adopting a gender-sensitive approach in order to efficiently implement the Convention on the Rights of the Child.

### **Panel 1: From domestic and intimate partner violence to institutional violence: its impacts on the rights of the child**

**Ms Yveline Nicolas**, coordinator of the Adéquations Association, briefly presented the topic of the first panel and gave the floor to the panellists.

Presentation by **Ms Françoise Brié**, Vice-President of the Fédération Nationale Solidarité Femmes, France

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As an introduction, Ms Françoise Brié presented a 40 seconds video showing the impacts of domestic violence on children<sup>1</sup>.

She presented her Federation recalling that Solidarité Femmes initiated the phone number 3919 opened from January 2014, 7 days a week, to help women victims of violence in France.

In order to stress the importance of violence against children, she said that in 2014, 33 children died as a result of domestic violence and that in the framework of domestic violence, 40% of children are victims of direct violence.

She therefore argued that in this case, children should not be only considered as witnesses but as genuine victims of violence. The appropriate answer to this issue is to remove the child from the perpetrator, if it is possible and justified.

Françoise Brié suggested penal mediation. She stressed the importance of putting the child out of danger from the perpetrator through geographic remoteness; she recalled the complexity of these situations where the mother fleeing from violence can be prosecuted for desertion of the marital home. She therefore recommended that the legislation evolve

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<sup>1</sup> « Cache-cache »: la violence conjugale tue aussi les enfants, November 2014  
<https://www.youtube.com/watch?v=fxznevRIFhg>

towards a better understanding of these situations and a better protection of the mother and the children.

She also claimed that the decisions made by family judges must be more coordinated, and that civil and penal jurisdictions should be more linked.

Concerning recent legislative improvements tackling the issue of domestic violence, Françoise Brié mentioned shared parenting, and the Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), notably its Article 31 on custody, visitation rights and safety.

Presentation by **Ms Emilie Jarrett**, Assistant Policy Officer in the Gender Equality Unit, European Commission, Belgium

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Ms Emilie Jarrett, in her introductory statement, stressed the growing importance that the European Union (EU) is giving to the issue of domestic violence and violence against children.

For that purpose, she presented the agenda for the rights of the child adopted in February 2011, which reaffirms the commitment of all EU institutions and EU Member States to promote, protect and fulfil the rights of the child in all relevant EU policies. It focuses on a number of concrete priorities where the EU can bring real added value such as the protection of children in vulnerable situations, and it is aligned with UNCRC.

The rights of the child have been made an integral part of the EU's fundamental rights policy, through the basis of evidence-based policy making and cooperation with stakeholders. Concrete EU actions for children include child-friendly justice, targeting EU action to protect children when they are vulnerable, and children in the EU's external action.

EU policy on gender equality is currently articulated in the Commission's Strategy for Equality between women and men adopted in September 2010 and ending in 2015. This Strategy identifies the priorities regarding gender equality at EU level and defines the actions foreseen by the Commission for the next five years. It comprises 6 priority areas (Equal economic independence; Equal pay for equal work and work of equal value; Equality in decision-making; Dignity, integrity and an end to gender-based violence; Gender equality in external actions; Horizontal issues).

In March 2010, to mark the 15th anniversary of the declaration and platform for action adopted at the Beijing UN World Conference on Women and the 30th anniversary of the UN Convention on the Elimination of All Forms of Discrimination against Women, the European Commission adopted the Women's Charter, in which the Commission renewed its commitment to gender equality and to strengthening the gender perspective in all its policies.

Emilie Jarrett explained that the European Commission currently has 4 main priorities regarding gender-based violence issues.

The first one is data collection, as it is the first step to better measure, understand and address violence against women. In this regard, the EU-wide survey on violence against women conducted by the Fundamental Rights Agency (FRA) in March 2014, is very important. The European Institute for Gender Equality (EIGE) also provides crucial data on violence against women. Eurostat provides administrative data, notably about the links between the victim and the perpetrator. Finally, Member States data collection must be enhanced.

The second priority area is legislation. Measures have been taken to combat child pornography online; trafficking of human beings; to provide minimum rights for victims and to protect them, notably through the European protection orders, which stipulate that crime victims who are granted protection from their aggressors in one EU Member State are able to get similar protection if they move to another.

The third priority is funding through grassroots projects, European networks, exchanges of good practices, and Member States' awareness-raising activities.

Lastly, the Commission works on eliminating Female Genital Mutilation (FGM), with a particular focus on knowledge and prevention of the practices, but also on prosecution and external action.

In conclusion, Emilie Jarrett said that the EU is fully committed to eliminating violence against women and children through concrete measures for a tangible impact.

Presentation by **Ms Jurgita Pečiūrienė**, Gender Expert in the European Institute for Gender Equality, Lithuania

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Ms Jurgita Pečiūrienė made a presentation about EIGE's work on violence against women – which ranges from gender statistics and research to the analysis of methods, tools and good practices, and awareness raising activities – and the main challenges that it faces.

On the issue of domestic violence, the EIGE provides a collection of methods, tools and good practices in the fields of training programs, victims' support programs, and awareness-raising campaigns materials. Its findings on victim support show that the provision of support services varies substantially (in approaches, capacity, quality, and geographical distribution). In addition, there is little evidence across EU-28 of the evaluation of the use and quality of specialist services.

The EIGE also implemented a study on the cost of Gender-Based Violence (GBV). The conclusion is that the impact on society and economy in general is high.

Concerning the scourge of FGM, she claimed that Europe needs a human rights-based approach on this issue. EIGE's work on this problem focuses on knowledge, prevention, protection and external actions. The institute recently conducted a study to map the current situation and trends of female genital mutilation in 27 EU Member States and Croatia, as well as to select good practices in combatting this phenomenon.

The EIGE has developed rich online mapping tools and databases. For instance, the EU map presents the main data available in each member state. The database on gender statistics

comprises a centralised source of statistics information, and metadata with gender equality concepts and methods.

Finally, the EIGE provides analysis of European legislation, such as the Victims' Directive (2012/29/UE), and provides recommendations for implementation and further legislation.

Jurgita Pečiūrienė explained that EIGE and other structures working on the issue of violence against women face several challenges.

She stressed the problem of lack of available data sources in all EU countries, and advocated more coordinated work on this issue. Indeed, numbers are needed to better support policy-makers and monitor their effectiveness and the response towards GBV.

On the particular issue of violence against women, several challenges are at stake: legislation lacks a gender-based violence perspective; support and services are still weak in parts; causes and consequences still need to be better understood; progress has been made with EU comparable data, but challenges remain; little attention is given to norms, attitudes and stereotypes.

In the context of Beijing+20, she therefore claimed that it is necessary to ensure commitment and resources; drive data collection forward; and expand perspectives on GBV.

Jurgita Pečiūrienė concluded her presentation by giving an overview of upcoming events and activities. A new strategic work plan for 2015-2018 will be released soon. In addition, the EIGE will launch reports on GBV and administrative data source and participate to the White Ribbon Campaign.

In the future, the EIGE will also work on the following issues:

- Study on map concepts and methodologies for GBV data collection;
- Recommendations for the production of sex-disaggregated and gender sensitive data in response to the Victims' Directive's;
- Country reports with qualitative information on administrative data sources on gender-based violence;
- Consultation with data providers and experts on data collection.

Presentation by **Ms Heidi Stoeckl**, Lecturer at the London School of Hygiene and Tropical Medicine, United Kingdom

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Ms Heidi Stoeckl made a presentation about "Intimate partner violence against women and its intersection with violence against children: existing evidence and interventions".

She recalled that violence against women is still widespread in the world and in Europe, taking as example the numbers shown by the FRA survey. She specified that the numbers of women victims of violence in Eastern European countries may seem low, but that it is mainly so because women are more reluctant there to report on violence, especially in face-to-face interviews.

Regarding violence against women, she said that the intimate partners are the main perpetrators to focus on, since they are responsible for 38% of female homicides worldwide.

Ms Stoeckl then presented the health effects of intimate partner violence on women, such as early pregnancies, MSTs, depression.

Children victims of maltreatment have the same risk factors and the same health outcomes than women victims of violence.

She highlighted the prevalence of physical violence during pregnancy, and explained that 90% of perpetrators are the father of the child. This kind of violence has particularly harsh health consequences on the mother (such as foetal growth and pregnancy complications) and the future child (low birth weight, abortion and miscarriage, higher levels of anxiety, under immunization, etc.).

She then listed some promising interventions.

In the US a programme working with Ante-Natal Counsellors detecting violence and counselling women has shown that it can be effective in reducing psychological abuse and depression.

The MOZAIC program, a health sector approach in the UK, permitted women who report intimate partner violence to have the abuse documented confidentially in their records; to refer to an advocacy service; and to receive information on resources.

The Nurse family partnership programme targets first time mothers of low socio-economic status and successfully reduces child maltreatment but does not work with women who experience intimate partner violence.

Heidi Stoeckl ended her presentation by making some recommendations and claims for more intervention research and evaluation.

She argued that intimate partner violence and child maltreatment are linked, and that interventions to address intimate partner violence and child maltreatment need to address both children's and women's needs.

She point out several research gaps, especially in longitudinal research on the effects of intimate partner violence on children and in intervention research for which she recommended longer follow-up for existing interventions and design and evaluation of intervention models that aim at the outset to tackle intimate partner violence and child maltreatment.

Presentation by **Mr Olaf Kapella**, Research Coordinator and Senior Researcher at the Austrian Institute for Family Studies, University of Vienna, Austria

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To complete the other panellists' interventions, Mr Kapella highlighted the issue of children experiencing violence at school, which is, according to him, under-reported and under-studied. The same goes for women, who not only experience domestic violence but also violence within the professional sphere.

He recalled that Gender-Based Violence is a very complex phenomenon taking different forms – not only physical, but also psychological and sexual violence.

Olaf Kapella named the Articles 34, 30, 19, and 17 of the International Convention of the Rights of the Child as being particularly important for a gender analysis.

He talked about the issue of children not seeking help and not talking about the violence they see, while it should be the first step to end the vicious circle of violence.

Faced with these problems, he stressed the crucial importance of sexuality education as a basis to prevent and eliminate violence. For this purpose, governments and parents should communicate with children very early, and teach them to which persons they can talk to in order to seek help – teachers, doctors, social workers. Better investments should be put in place in order to train professionals to listen and be able to respond to this kind of issues.

## Debate with the public

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After this first panel discussion, the floor was opened to the public for a question & answer session.

Someone from the public, who introduced himself as a psychologist, made two remarks. First, he pointed out that professionals often want to reconcile families and prevent parents from splitting up when it is not necessarily the best option for the children. Second, he noted that for teacher and lawyers, it must be hard to listen to the children victims of violence from a psychological point of view.

The panellists broadly agreed with these statements and recalled the necessity of better training professionals in order to be able to face this kind of situation.

**Bénédicte Fiquet**, from the Adéquations Association, asked to Françoise Brié the meaning of “parental alienation syndrome” that she mentioned in her presentation.

Ms Brié explained that it is a non-verified psychological concept, often used by the perpetrators, stating that the children were under the influence of the victim of domestic violence when they ask to be separated from the perpetrator.

Someone from the public asked how to limit the access of the perpetrators to the place where the victims of violence took refuge. She claimed that the victims are too often not secure enough and that measures should be taken against that.

The panellists agreed and reminded that, at least in the shelters, strict rules are observed in order to ensure the victims’ protection.

A representative of the Moroccan delegation to UNESCO highlighted that street harassment is a very important and widespread issue in the Arab region; she also stressed the importance of educating men in the fight against violence against women.

A **representative of the Women’s International League for Peace and Freedom** asked that research and reflexion also focus on the reasons and causes for violence – and not only consequences and results.

The panellists agreed with this concern but also argued that it is a very complex issue and that research needs to be enhanced.

The **Representative of the EU at UNESCO, Lina Van Der Weyden**, wanted to stress the work done by the External Action Service of the EU in gender issues and argued that the High Representative, Frederica Mogherini, made gender equality the main priority of her mandate.

She highlighted, for instance, that a new funding of 100 billion euros had been launched to support both gender equality and children rights in developing countries.

A **student from the Human Rights Master in Evry** asked a question about the definition and the scope of violence against women and how to define it precisely and objectively from a legal point of view.

Françoise Brié replied that a distinction has to be made between ad hoc conflicts within couples and domestic violence. She made reference to international conventions, such as the CEDAW or the Istanbul Convention, which give objective and universal definition of such violence.

Someone from the public, who introduced herself as being a lawyer, denounced the institutional violence that women have to face in addition to their domestic violence. She claimed that women are subjects to violence when they meet the police, judicial police and judges. She also stressed the lack of adequate shelters for refugees and women victims of violence.

Someone from the public raised the issue of immigrant women victims of domestic violence, which made the transition with the second panel discussion.

## **Panel 2: A gendered perspective on conflict, violence, refugee protection and the rights of the child**

**Ms Jane Freedman**, Programme Specialist in the Division for Gender Equality at UNESCO, presented the issue to be tackled in the 2<sup>nd</sup> panel. She then gave the floor to the panellists.

Presentation by **Ms Florence Boreil**, Protection Officer at UNHCR, France

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Ms Florence Boreil gave a thorough presentation about the situation of women asylum seekers and refugees in Europe. She stressed the fact that 50% of refugees are children, and that gender and refugee issues are deeply linked, given that women are particularly vulnerable in a situation of migration and transit. She said the UNHCR is very involved in helping and protecting women and children migrants.

She pointed out that in December, the French National Assembly will examine a new piece of legislation concerning asylum in France. She also mentioned the importance of the European Commission Directives on asylum.

Presentation by **Mr Maxime Forest**, President of the Commission on European and International Challenges at the High Council of Equality between Women and Men, France

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Mr Forest's presentation focused on the evolution of the practice of Female Genital Mutilation (FGM) and its link with asylum issues.

Since the end of the 1980s, France has condemned the practice of FGM and is restructuring the asylum system. As from 2005, case law moved to the asylum area.

A 2007-2009 study shows that 61 thousand women were living with FGM on French territory at that time. Mr Forest pointed out that women can now seek international protection on the ground of FGM.

In December 2012, the French *Conseil d'Etat's* decision validated FGM as valid grounds for obtaining refugee status. This had direct consequences on the international protection data in France: women now represent 40% of the refugee population, against 36% before this decision. This shows the scope of FGM practice.

Finally, concerning the reform of asylum law, the French High Council for Equality between Women and Men wants to implement a genuine gender approach at each level and step of the process in order to ensure that women and children specific issues are really taken into account.

Presentation by **Ms Madina Jarbussynova**, OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Austria

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Ms Jarbussynova's presentation focused on the recent trends of trafficking in children and women, the work done by the OSCE in this area, and the formulation of recommendations.

She began her presentation by recalling that trafficking in human beings (THB) is a widespread global phenomenon affecting all countries (as the third largest source of illicit revenue after narcotics and arms trafficking) and by highlighting its very complex nature. She said that the ILO estimates that there are around 20.9 million victims of forced labour and human trafficking globally: of this total, women and girls represent 55% of the victims (11.4 million) and children an estimated 26% (5.5 million). In Europe, 80% of victims are female, while the percentage of children is around 15% and the majority of identified victims of trafficking are trafficked for sexual exploitation, forced labour, and forced criminality.

She highlighted the fact that women and children are particularly vulnerable. She pointed out the risky situation in which unaccompanied minors and children belonging to some ethnic minorities, such as Roma communities, are. Furthermore, unaccompanied minors are often detained or deported without being officially recognized as victims of trafficking and therefore not treated as such, which is a clear violation of their rights. In the case of Roma children, they are often also further discriminated in accessing both prevention and protection services.

Ms Jarbussynova then presented the work done by the OSCE to tackle this issue.

The OSCE Action Plan and its Addendum adopted in 2013 are the major reference documents. All OSCE commitments are based on a human rights-centered approach, which means that the rights of the victims should be respected at all stages. The commitments focus on the so-called 4 Ps: Prevention, protection, prosecution and partnerships.

In addition, Ms Jarbussynova's office plays a critical role in maintaining the high-level political engagement of participating States by conducting country visits, which constitute an excellent tool to promote the OSCE commitments, to establish and strengthen a direct and constructive dialogue with the country's authorities, making recommendations on both policy and operational levels with a special focus on trafficking in women and children.

The Office also implements some projects, for instance, the one in Moldova aiming at supporting sustainable social and professional integration of children without parental care and preventing trafficking in human beings and irregular migration from Moldova. The Office also publishes a number of papers.

Ms Jarbussynova then underlined some specific recommendations that she believed could help in fighting and preventing trafficking in women and children.

In the area of prevention: participating States should improve education opportunities for all children without discrimination and regardless of their status; improve child care and child protection systems including birth registration; develop measures to prevent child trafficking and improve their identification in sectors where child trafficking is most prevalent.

In the area of protection, children should never be detained for reasons related to their administrative status or for actions they were compelled to commit solely as a result of been trafficked; they should have access to comprehensive protective services and to justice and remedies; participating States should provide unconditional access of children to shelters addressing their needs.

Finally, during criminal proceedings, participating States should make sure that the best interest of the child is always respected, ensuring privacy, and taking measures to avoid the dissemination of information that could lead to children's identification.

Ms Jarbussynova pointed out that to reach those objectives, the promotion of partnerships and multidisciplinary team work within countries and across borders is needed. She ended her presentation by saying that she was looking forward to further co-operating with UNESCO in this area.

Presentation by **Ms Maria Giovanna Manieri**, Programme Officer at the Platform for International Cooperation on Undocumented Migrants, Belgium

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Ms Manieri first presented the activities of her organisation, the Platform for International Cooperation on Undocumented Migrants (PICUM). PICUM seeks a world where human mobility is recognised as a reality, and where all people are guaranteed their human rights regardless of migration status.

She precised that undocumented migrants are those residing in a state without a valid residence or work permit; they represent 10 to 15% of the international migrants in the world. In Europe, 1.9 to 3.8 million people are undocumented migrants.

Ms Manieri then raised the particular issue of children, saying that enforcement measures (detection raids, immigration detention and deportation proceedings) can be experienced as violence by children. They may even be subjected to violence by state agents during arrest and deportation proceedings, including all forms of physical, sexual and psychological abuse in detention centres. She gave the example of a baby and her mother from Afghanistan detained in a centre in Cyprus.

She then highlighted the link between migration control mechanisms and the lack of access to social rights and services for undocumented migrants – which make them subject to

poverty and disempowerment, and further marginalises them. As an example, she showed the lack of access to health care for migrants.

Additionally, undocumented migrants face a lack of access to justice and protection. In EU member states, undocumented migrants risk arrest and deportation if they seek assistance from the police. Their irregular status also serves as a serious barrier when trying to access the justice system, be it for labour rights violations or criminal justice for acts of violence. In particular, the lack of access to justice for survivors of violence make undocumented women, often mothers, vulnerable to violence and exploitation, and can trap them in such situations of violence. A crucial implication of that is that it creates a culture of impunity for violence inflicted to undocumented migrants when in transit, at borders or in destination countries.

Finally, undocumented migrants face a lack of regular and fair channels to access Europe, in order to migrate regularly. This is especially true for women who want to join their husband, and who become increasingly vulnerable. Ms Maria Manieri denounced multiple policy failures in this regard, taking the example of Noemí Álvarez Quillay, a young girl from Ecuador who wanted to reach her parents in the Bronx and ended by committing a suicide because she couldn't.

#### Debate with the public

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After the second panel discussion, the floor was opened to the public for a question & answer session. Unfortunately, due to the small amount of time remaining, just a few short questions could be asked.

Someone from the public, who introduced himself as a psychologist, questioned what he called the “binary approach” often used when talking about gender, and he pointed out that it would be interesting to talk more about a third sex or trans-gender people. The panellists mostly agreed with this statement and recalled that gender equality is deeply linked with LGBTI rights and issues.

Another person from the public talked about the issues of forced sterilisation, to be addressed as well as the issue of FGM.

Finally, another person from the public said she wished for the harmonisation of statistics at a European level; the panellists agreed with this statement and said that one major challenge of research was this harmonisation process.

### **Projection of the Documentary “Le dos de la veuve” by the Cameroonian filmmaker Mary-Noël Niba**

The panel discussion was followed, in the afternoon, by the projection of the documentary “Le dos de la veuve”, which presents the Cameroonian tradition of succession and aims at triggering a debate about its consequences on the lives of Cameroonian women.

The projection was followed by an exchange between the public and the filmmaker herself, Mary-Noël Niba.

The main question which was raised was the issue of traditions and cultural heritage. Several persons in the audience claimed that the tradition of succession was not a form of violence against women and stressed their attachment to culture, tradition and identity of Cameroon, against a Western vision of customs.

Someone from the public asked why the filmmaker chose to do this documentary. She replied that she wanted to have a reflexion about a tradition in her country. She mentioned a “quest for truth” and the will to make the victims of this tradition speak.

Several people from the public evoked similar traditions in other African countries (such as Burkina Faso) and their harmful consequences on women.

Many people from the public, especially women, congratulated the filmmaker for her documentary and stressed the pedagogical value of this film for current and future generations.