

Background on proposed amendments to the European Commission's proposal on combating violence against women and domestic abuse

Recognition that sex is real, important and a key underlying factor in VAWG (AM 1, 2)

Female victims of male violence are primarily and disproportionately targeted on the basis of their sexed bodies regardless of whether they identify with the socially constructed roles or behaviours that society imposes upon them. This is true for women around the world whether it concerns a small girl subjected to female genital mutilation or a woman being murdered for a mesh of hair escaping her veil. In Europe, empirical evidence shows that women in Europe are raped, beaten and murdered simply because they are biologically female with little regard to how that might identify.

Access to single-sex & gender identity based spaces & services (AM 3, 5, 6, 9, 10, 11, 12)

It is important that all victims of sexual and domestic violence have access to trauma sensitive care that is tailored to their specific needs and takes account of their personal sense of dignity, privacy and safety. For many biologically female victims of male violence, sharing rape crisis services or domestic abuse shelters with persons born male, however they might identify, could lead some of the most vulnerable women to self-exclude or suffer from retraumatisation. It is equally important that transgender and gender diverse people have access to differentiated and equal services that recognise their specific needs and experiences.

Moreover, Member States should take preventative measures to ensure that women are kept separately in spaces where they are particularly vulnerable to male violence such as prisons and hospitals. This does not mean that men, or transgender persons as a whole pose a particular safeguarding threat but rather, it takes account of the fact that the majority of sex offenders are male and will often go to great lengths to reach their victims.

Guarantees that women will continue to be able to speak freely about their needs and experiences as a distinct sex class (AM 4)

It needs to be clear that women and others must be able to speak freely about issues related to sex and gender without being intimidated and criminalised for hate speech. There are legitimate questions and concerns being raised about sex and gender which are often shut down with no debate and/or pursued as hate crimes. Cyber crime laws that are intended to give women added protection from online abuse must not be simultaneously used to hinder or silence their full participation, nor the participation of others, in a public debate on controversial issues related to sex and gender.

Clarity in terminology (AM 7, 8)

The directive should not use the terms sex and gender interchangeably as this leads to confusion. Both in national, EU and international jurisprudence 'sex' is understood as a biological category that distinguishes women (females) and men (males). "Gender", on the other hand, has no coherent definition in the EU law or policy and is often erroneously conflated with biological sex. It is often used as shorthand for "gender identity" which has been defined as "an internal sense of gender". However, women and girls experience a disproportionate level of male violence and sexual assault on the basis of their sexed bodies and regardless of their gender identity. For the purposes of clarity and accuracy, the legislation should therefore clearly define "sex" and "woman".

Science based education and training initiatives (AM 13, 14)

Education addressing sexuality and gender stereotypes should be based on facts, informed by realities and tailored to the target audience. This has been highlighted by both the UN Committee on the Elimination of Discrimination Against Women and the Committee on the Rights of the Child in their joint general recommendation (No. 31). The recommendation underlines the importance of "age-appropriate education, which includes science-based information on sexual and reproductive health".

It is vital that those being trained to deal with female victims of violence are aware of the importance of how a woman's sexed body continues to be a factor in the violence she may experience. Moreover, if training activities are to be effective and meaningful, they must not be perceived as a form of ideological indoctrination that denies the reality and importance of sex. This means that the recipients of the training must be able to freely express their views without fearing negative repercussions such as stigmatisation or dismissal.

Accurate crime data collection (AM 15)

We need data that is disaggregated by biological sex in order to understand differences in crime rates and patterns between men and women. To date, such data has shown that women are disproportionately affected by male violence. However, in several Member States accurate data collection on sex is being undermined by the conflation of biological sex with legal sex, gender and gender identity when recording crimes. As males commit violent and sexual crimes at much higher rates than females, even a few males "self identifying" into female crime statistics could considerably skew the data. This means that important policy decisions on preventing violence against women and safeguarding children could in the near future be based on very misleading data sets - to the detriment of the women and girls for whom this legislation is meant to provide support and safety.