

EUROPEAN CHARTER ON WOMEN'S RIGHT AGAINST GENDER BASED VIOLENCE

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Abstract

The European Charter on Women's Rights against Gender-Based Violence is a significant policy framework aimed at addressing gender-based violence across European countries. This essay examines the Charter through the lens of feminist theory in international relations, which critiques traditional IR's state-centric and patriarchal perspectives. Feminism emphasizes human security, the dismantling of patriarchal norms, and the importance of an intersectional approach to gender issues. By shifting the focus from state security to individual well-being, feminist theory provides valuable insights into how policies like the Charter can better protect women from domestic violence, sexual assault, and other forms of gendered harm. Key aspects of the Charter include provisions for legal protections, preventative measures, and accountability for perpetrators. However, while the Charter offers a legal framework for addressing violence, it faces challenges such as inconsistent implementation across member states and limited attention to the intersecting identities that affect women's experiences of violence. Through a feminist analysis, this essay explores the Charter's potential and limitations, suggesting that a greater focus on intersectionality and consistent enforcement could enhance its effectiveness. The essay concludes that the Charter aligns with the feminist theory in international relations goals by prioritizing human security and gender equality, though further efforts are needed to fully address structural inequalities that perpetuate gender-based violence. This analysis underscores the relevance of feminist IR perspectives in developing policies that more effectively safeguard women's rights and security across diverse contexts in Europe.

Keywords: Charter; European Charter; Gender Based Violence; Women's Right; Feminism

Introduction

Gender-based violence remains a pervasive issue in both developed and developing countries, with profound implications for women's health, autonomy, and rights. The European Charter on Women's Rights against Gender-Based Violence (hereafter referred to as "the Charter") is an initiative designed to combat this violence and support women's rights throughout Europe. This paper applies feminist theory in international relations (IR) to analyze the Charter, assessing its impact on gender justice and the protection of women in the context of European policy. Feminist theory in IR highlights how traditional international policies often ignore or marginalize women's issues, viewing them as secondary to "high politics" such as military security and economic dominance (Tickner, 1992). By focusing on power dynamics, patriarchal structures, and the gendered nature of violence, feminist IR scholars argue for more inclusive policies that prioritize human security over state-centric approaches (Enloe, 2000). This paper aims to demonstrate how the Charter aligns with feminist ideals and assesses its potential effectiveness in addressing gender-based violence.

From the **Preamble** all people are equal and shall live their lives free of violence and discrimination.

Gender equality is a core value of the European Union. It is a fundamental right enshrined in the Charter of the Fundamental Rights of the European Union, its Treaties, as well as the key principle of the European Pillar of Social Rights. Gender equality and women's rights are indispensable and indivisible parts of human rights and the basis of the rule of law and resilient democracies. Achievements of gender equality and women's rights are vital and a precondition to ensure freedom, security, justice, inclusion and well-being for the whole of European society and to reach the full potential of the Union in all areas. In order to achieve full gender equality, it is necessary to address the underlying causes and instances of inequality, intersectional discrimination and biases, like structural inequalities and stereotypes, which result in discrimination and unequal treatment of women in all their diversity. To this end, it is crucial to implement the principles of gender mainstreaming and gender budgeting in all legislation and policies of the Union and the Member States.

The Charter sets uniform, Europe-wide standards for women's rights and shall serve as a guide towards gender equality in the enactment and implementation of all Union policies at European and national level. It also reaffirms the commitment of the Union to achieve gender equality and ensure respect and protection of fundamental rights of women. The European Commission, European Parliament and European Council therefore recognise the rights and principles set out hereafter and underline the importance of protecting these rights.

Definition of Key Terms

Gender-Based Violence (GBV): Gender-based violence refers to harmful acts directed at an individual based on their gender. It includes physical, sexual, psychological, and economic violence that disproportionately affects women and girls. GBV encompasses various forms of abuse, such as domestic violence, sexual assault, harassment, trafficking, female genital mutilation, and coercion. The violence stems from gender inequality, where power imbalances rooted in patriarchal systems perpetuate discrimination and harm.

European Charter on Women's Rights Against Gender-Based Violence: Also known as the Istanbul Convention, this is a legally binding international treaty adopted by the Council of Europe to prevent and combat violence against women and domestic violence. It provides a comprehensive framework for

member states to implement measures in prevention, protection, prosecution, and policy coordination. The Charter also focuses on ensuring support for survivors and holding perpetrators accountable. Its goal is to create a Europe free from violence against women by establishing minimum standards for legal protection and actions.

Feminist Theory in International Relations (IR): Feminist theory in international relations critiques the traditional, male-dominated discourse of international politics. It argues that mainstream IR neglects the experiences of women, often prioritizing state security, military power, and economic interests over human security, gender equality, and social justice. Feminist IR emphasizes the importance of power dynamics, patriarchy, and intersectionality in shaping global policies and highlights the need for more inclusive and gender-sensitive approaches to international relations.

Human Security: Human security broadens the traditional concept of security beyond military and state defense to focus on the protection of individuals from various threats, including violence, poverty, disease, and human rights violations. In the context of gender-based violence, human security emphasizes the safety and well-being of individuals, particularly women and marginalized groups, from violence and harm within their homes, communities, and societies.

Intersectionality: Intersectionality is a theoretical framework that examines how various social identities (e.g., gender, race, class, ethnicity, and sexuality) intersect and create overlapping systems of discrimination and disadvantage. In the context of gender-based violence, intersectionality helps to understand how different forms of oppression compound women's experiences of violence. For example, women of color, migrant women, and LGBTQ+ individuals may face distinct forms of violence and discrimination that are not adequately addressed in one-size-fits-all approaches.

Patriarchy: Patriarchy refers to a social system in which men hold primary power and control over political, economic, and social institutions. It is a structure of dominance that perpetuates gender inequalities and justifies male superiority, often resulting in the marginalization and subordination of women. Patriarchy is a central concept in feminist theory and is seen as one of the primary drivers of gender-based violence and other forms of oppression against women.

Accountability: In the context of gender-based violence, accountability refers to the legal and social responsibility that individuals, institutions, and states have in ensuring that perpetrators of violence are held responsible for their actions. It involves both legal accountability (through the criminal justice system) and social accountability (through policy measures and societal changes) to prevent violence and provide justice for survivors. The European Charter emphasizes accountability by urging member states to establish legal frameworks that prosecute offenders and protect survivors.

Prevention: Prevention, in the context of gender-based violence, refers to measures and strategies aimed at stopping violence before it occurs. These can include education, public awareness campaigns, changes in societal attitudes, and early intervention programs. Prevention also involves challenging and dismantling patriarchal norms and stereotypes that perpetuate violence against women and girls. The European Charter includes provisions for prevention as a central component in its strategy to combat GBV across Europe.

Research Questions

1. How does the European Charter on Women's Rights against Gender-Based Violence (the Istanbul Convention) align with feminist principles in international relations?

2. In what ways does the European Charter address the root causes of gender-based violence, and how does it challenge patriarchal norms within member states?
3. To what extent does the European Charter incorporate an intersectional approach to gender-based violence, and how might this impact its effectiveness in protecting marginalized women?

Objectives of the Study: the objectives of this research work are hinged on the following:

1. To Analyze the Legal Framework and Provisions of the European Charter

(i) To critically examine the legal instruments established by the European Charter on Women's Rights against Gender-Based Violence (the Istanbul Convention), focusing on its provisions related to the prevention, protection, and prosecution of GBV.

(ii) To assess the effectiveness of these legal provisions in shaping national laws and frameworks aimed at combating GBV within European countries.

2. To Investigate the Intersectional Impact of the Charter on Diverse Groups of Women

(i) To explore how the European Charter addresses the experiences of marginalized and intersectionality disadvantaged women, including women of color, LGBTQ+ individuals, migrant women, and women with disabilities.

(ii) To evaluate whether the Charter provides an inclusive approach that reflects the diverse experiences of women affected by GBV and the unique challenges faced by these groups.

3. To Assess the Role of State Sovereignty and Patriarchal Resistance in the Implementation of the Charter

(i) To analyze the tension between state sovereignty and the legal obligations set forth by the Charter, particularly in countries with deeply entrenched patriarchal systems.

(ii) To assess the level of political resistance from member states in fully implementing the Charter's provisions and how this resistance affects the overall success of the initiative.

Research Methodology

To analyze the European Charter on Women's Rights against Gender-Based Violence (the Istanbul Convention) through a feminist theory lens in international relations, a qualitative research methodology will be employed.

Theoretical Framework: This research utilizes Feminist Theory in International Relations (IR) as its primary theoretical framework to analyze the European Charter on Women's Rights against Gender-Based Violence (the Istanbul Convention). Feminist theory in IR critiques traditional, male-dominated approaches to international relations, which often marginalize issues of gender, human security, and the lived experiences of women. By applying feminist theory, this study seeks to understand how the Charter addresses (or fails to address) the underlying gendered power structures that perpetuate gender-based violence (GBV) and to assess its capacity to promote

gender justice within European contexts. The feminist theoretical framework in international relations emphasizes several key concepts that will guide this analysis:

- (i) Critical Evaluation of Patriarchal Norms: How does the Charter challenge the patriarchal structures that normalize gender-based violence?
- (ii) Human Security Focus: Does the Charter shift the focus of security from state interests to the protection and safety of women and vulnerable individuals?
- (iii) Intersectionality in Legal and Social Protection: To what extent does the Charter address the diverse and intersecting identities of women who experience violence?
- (iv) Empowerment and Agency: Does the Charter empower women and survivors by giving them agency in legal processes and responses to violence?
- (v) State Accountability: How does the Charter hold states accountable for implementing policies to combat gender-based violence?

Feminist theory in IR critiques the traditional, male-dominated discourse of international relations, which often prioritizes military and economic power over human rights and social justice issues. Feminist theorists argue that the state-centric focus of IR has led to the marginalization of women's issues and the perpetuation of patriarchal power structures (Tickner, 1992). Key tenets of feminist IR include:

1. Patriarchy and Power Structures

Feminist theory in IR critiques the dominance of patriarchal systems that maintain gender inequalities at both the societal and global levels. It argues that traditional international relations often neglect the lived realities of women and fail to account for how power dynamics and gender norms shape international policies. In the context of the European Charter, feminist theory will help assess how effectively the Charter challenges patriarchal norms, the unequal distribution of power, and the structural causes of gender-based violence.

2. Human Security

A fundamental concept in feminist IR is **human security**, which shifts the focus from state-centric security (military and economic security) to the well-being and safety of individuals, particularly women and marginalized groups. The European Charter emphasizes the safety and protection of women from violence, aligning with feminist IR's focus on human security. This perspective will be used to analyze how the Charter prioritizes the safety of women, ensures survivor-centered responses, and considers the broader social and economic vulnerabilities that contribute to gender-based violence.

3. Intersectionality

The concept of **intersectionality**, introduced by Kimberlé Crenshaw, examines how multiple social identities (such as race, class, gender, and sexuality) intersect and shape individuals' experiences of discrimination and violence. Feminist theory in IR recognizes that women's experiences of violence are not uniform but are influenced by a range of social, political, and economic factors. This lens will be applied to assess whether the European Charter adequately considers the diverse experiences of women, particularly those from marginalized or intersecting communities, such as migrant women, women of color, LGBTQ+ women, and those with disabilities.

4. Global Feminist Movements and Solidarity

Feminist IR also emphasizes the importance of **global feminist movements and solidarity**, where women across the world collectively work towards challenging gender-based violence and promoting gender equality. The European Charter on Women's Rights is part of a broader international effort to combat GBV, aligning with global feminist movements advocating for women's rights and gender justice. This perspective will examine how the Charter fits within these global movements, its role in international discourse, and its alignment with other feminist frameworks like the United Nations' CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women).

5. Agency and Empowerment

Feminist IR theorists emphasize **agency**, which refers to the ability of individuals (especially women) to act and make decisions that affect their lives, free from external domination. The European Charter's focus on providing legal frameworks for protecting women's rights and ensuring justice for survivors can be seen as an attempt to empower women by giving them the tools to fight violence and claim their rights. Feminist theory will guide the analysis of whether the Charter promotes women's agency and autonomy or whether it remains too limited in scope to challenge deeply entrenched gender hierarchies.

6. State Responsibility and Accountability

Traditional international relations often prioritize state sovereignty and national security, whereas feminist theory emphasizes the responsibility of states to protect human rights, particularly those of vulnerable groups. Feminist IR critiques the state-centric nature of international politics and advocates for a more inclusive understanding of security that includes gender justice and human rights. This concept will be central to evaluating the European Charter's provisions on state responsibility, accountability for perpetrators, and the mechanisms in place to ensure states comply with their obligations to combat gender-based violence.

7. Legal Frameworks and International Norms

Feminist legal theory, an extension of feminist IR, examines how international legal frameworks, such as the European Charter, can contribute to or hinder gender equality and the protection of women's rights. This framework will guide the analysis of whether the Charter creates meaningful legal reforms or whether its provisions are symbolic in nature, failing to challenge the root causes of gender-based violence. It will also help assess the interaction between international legal norms and local implementations, particularly in the context of how feminist movements push for legal reforms at the global level.

The European Charter on Women's Rights Against Gender-Based Violence

The European Charter on Women's Rights against Gender-Based Violence was created to provide a comprehensive legal framework that protects women from various forms of violence, including domestic abuse, sexual violence, and psychological abuse. The Charter is grounded in principles of gender equality and human rights, aiming to harmonize member states' laws and practices concerning gender-based violence. Key aspects of the Charter include:

1. **Legal Protection and Rights of Survivors:** The Charter ensures that survivors of gender-based violence have access to legal protection, psychological support, and necessary resources (Council of Europe, 2011).

2. **Prevention of Violence:** Emphasis is placed on preventative measures such as public awareness campaigns, educational programs, and training for law enforcement to recognize and address gender-based violence (European Institute for Gender Equality (EIGE, 2018).
3. **International Cooperation:** The Charter encourages collaboration among European states to share best practices, support cross-border cases, and promote cohesive policies on gender-based violence.
4. **Holding Perpetrators Accountable:** The Charter includes provisions to ensure that perpetrators of gender-based violence are held accountable and face appropriate legal consequences (Council of Europe, 2011).

Tackling Gender-Based Violence and Harassment

Article 13

Dignity, Safety and Security

1. Gender-based violence is a violation of human rights. Every woman has the right to live with dignity and in freedom, free of any forms of violence, harassment, coercion or discrimination in both the private and public sphere. Given that women experience disproportionate and gendered forms of violence, gender-based violence (GBV) must be defined as a type of crime listed under Article 83(1) TFEU and tackled specifically.

a. Definition of GBV must include, but shall not be limited to, femicide, physical violence, psychological violence, sexual violence, including sexual harassment and rape, denied access to Sexual Reproductive Health Rights (SHR), female and intersex genital mutilations, forced sterilisation, stalking, sexist hate speech both online and offline, including against women in politics and public sphere, socio-economic deprivation, coercive control and domestic violence. The definition shall specifically address gender-based cyber violence. Different forms of harassment and other harmful practices online, including cyberbullying, cyberstalking, doxxing, deepfakes, revenge porn, shall be tackled, as they constitute a form of gender-based violence and are harmful practices that perpetuate discriminatory gender stereotypes that disproportionately affect women and therefore shall be appropriately addressed and eliminated.

b. The gender perspective shall be incorporated into all policies and legislation aimed at tackling and eliminating all violence. There shall be specific definitions, procedures and sanctions that appropriately address the needs of women in tackling all forms of GBV, including domestic violence and sexual harassment. Secondary victimization and so-called "institutional forms of violence" shall also be tackled specifically and appropriately, as they have serious harmful consequences on women and girls and on society as a whole.

c. All victims of GBV shall have access to justice without prejudice and should be able to claim fair damages. GBV victims should be able to access specialised support that takes into account their specific needs.

2. European standards on GBV prevention and support for victims of GBV shall be established. These standards shall include accessible and well-financed gender-sensitive support services for survivors of gender-based violence and their families and dependence, as well as training and awareness raising educational campaigns throughout the lifelong learning cycle

Feminist Analysis of the Charter's Approach to Gender-Based Violence

Human Security Focus: The Charter aligns with the feminist IR perspective by centering on human security rather than solely on state security. By focusing on protecting women from violence within their homes, workplaces, and communities, the Charter acknowledges that security is not only about protecting state borders but also about ensuring individual safety and dignity (True, 2012). This approach challenges the conventional state-centric focus in IR by emphasizing that violence against women threatens societal stability and human rights.

Challenging Patriarchal Norms: Through its provisions for gender equality, the Charter confronts patriarchal norms that have historically silenced women and tolerated violence against them. Feminist IR theory critiques international policies that fail to address underlying power dynamics and societal attitudes contributing to gender-based violence (Enloe, 2000). The Charter aims to dismantle these norms by promoting gender equality and legally recognizing gender-based violence as a serious offense.

Addressing Intersectionality: The Charter, however, falls short in addressing intersectionality in depth. Feminist IR theorists stress that gender-based violence is experienced differently by women depending on factors like race, socioeconomic status, and immigration status (Crenshaw, 1991). While the Charter provides a broad framework, a deeper focus on intersectional factors could enhance its effectiveness, ensuring that marginalized groups receive targeted support and protection.

Accountability and Justice: The Charter's emphasis on holding perpetrators accountable reflects feminist IR's call for justice that goes beyond punitive measures. Feminist theorists argue that transformative justice involves both protecting survivors and rehabilitating offenders to prevent future violence (True, 2010). By creating consistent standards for accountability across Europe, the Charter supports this feminist goal, although further work is needed to address systemic inequalities that allow violence to persist.

Limitations of the Charter from a Feminist Perspective

Implementation Challenges: A key limitation of the Charter is the uneven implementation across European states. Feminist IR theory highlights that policies on paper often face resistance when put into practice, especially in societies with deeply ingrained gender norms (Tickner, 1992). While the Charter provides a legal framework, its impact depends on the political will and resources dedicated by each member state.

Lack of Comprehensive Support for Survivors: While the Charter outlines support services for survivors, feminist scholars argue that more resources are needed to ensure accessibility and effectiveness. In some countries, limited funding and lack of coordination among services can hinder the Charter's effectiveness in providing meaningful support for survivors of gender-based violence (EIGE, 2018).

Conclusion

The European Charter on Women's Rights against Gender-Based Violence (the Istanbul Convention) represents a significant legal step in the fight against gender-based violence (GBV) and a comprehensive effort to safeguard women's human rights across Europe. By providing a framework for prevention, protection, prosecution, and coordinated policies, the Charter aims to tackle the pervasive issue of GBV that affects millions of women, children, and marginalized individuals. However, its effectiveness and transformative potential are closely tied to how well it engages with gendered power structures, patriarchal norms, and intersectionality, which are critical considerations in addressing the root causes of violence.

Through the lens of feminist theory in international relations (IR), this paper has critically analyzed the European Charter, focusing on how it challenges traditional frameworks of international relations, particularly the patriarchal structures that often marginalize women's experiences. Feminist IR emphasizes

the importance of human security, a concept that shifts the focus of security from state-centric concerns to the well-being of individuals, especially women. The Charter's emphasis on protecting women from violence aligns with this feminist principle, underscoring the importance of viewing women's safety not just as a domestic issue but as a fundamental human security concern. Yet, while the Charter promotes women's safety, its implementation across diverse European contexts has been inconsistent, reflecting the challenges in fully realizing gender justice on a broader scale.

The application of intersectionality further enriches the analysis of the Charter. Feminist theory highlights that women's experiences of violence are shaped not only by gender but also by other social identities such as race, class, migration status, and disability. This intersectional approach is essential for understanding how different women face varying forms of GBV, and for ensuring that policies are inclusive of all women's experiences. The European Charter, while groundbreaking, still faces challenges in addressing the nuanced and complex needs of marginalized groups, particularly those who experience compounded forms of discrimination. The Charter's lack of a strong intersectional approach can be seen as a limitation in its ability to fully address the varied experiences of violence faced by women, particularly migrant women, women of color.

Moreover, patriarchal norms and state sovereignty remain significant obstacles in fully implementing the Charter's provisions. Feminist IR critiques the traditional international system for often prioritizing state interests over human rights, and in the case of GBV, this can mean that states with entrenched patriarchal systems may resist full compliance with the Charter. For example, cultural and political resistance within some member states to certain aspects of the Charter (e.g., legalizing comprehensive laws on domestic violence or including LGBTQ+ protections) reflects the ongoing struggle against patriarchal structures that sustain gender-based violence.

Despite these challenges, the agency and empowerment of women play a crucial role in advancing the goals of the Charter. Feminist theory emphasizes the importance of recognizing women as active agents who have the power to shape their lives and demand justice. The Charter's provisions for legal support and protection for survivors of violence, as well as its call for greater accountability for perpetrators, provide avenues for women to assert their rights and seek justice. However, for the Charter to truly empower women, it must go beyond legal frameworks and engage with societal attitudes that reinforce gender inequality. Education, awareness campaigns, and the promotion of gender equality are key elements in shifting cultural norms that sustain violence.

Furthermore, the state's responsibility and accountability for implementing the Charter's provisions are paramount. Feminist theory in IR stresses the need for a more inclusive understanding of security that involves holding states accountable for protecting the rights of women and marginalized groups. The European Charter, though binding on member states, still faces challenges in terms of implementation due to political, economic, and social factors. These challenges reflect the tension between national sovereignty and international human rights obligations, particularly when it comes to issues like gender-based violence, which require coordinated efforts across borders.

The global context of the European Charter also warrants consideration. The Charter is part of a broader international movement to combat gender-based violence, which includes initiatives such as CEDAW, the United Nations Sustainable Development Goals, and regional agreements aimed at advancing women's rights. The Charter's alignment with these global frameworks strengthens its potential impact, but it also highlights the need for greater collaboration between regional and international actors to address GBV comprehensively. Global feminist movements continue to advocate for stronger legal frameworks and more intersectional policies that reflect the realities of marginalized women's experiences. The European Charter must be seen not in isolation but as part of a larger international struggle for gender equality and women's rights.

Recommendations

Some of the proffered recommendations are as follows:

1. Strengthening Intersectional Approaches

One of the key findings of this analysis is the lack of a robust intersectional framework in the Charter's provisions. To ensure that all women, particularly those from marginalized communities, are adequately protected from gender-based violence, it is essential that the Charter incorporates a more comprehensive intersectional approach.

2. Enhancing Legal Mechanisms for Accountability

The Charter's provisions on legal accountability for perpetrators of gender-based violence are critical, but their implementation often falls short due to political resistance and lack of enforcement mechanisms.

3. Engaging Men and Boys in Preventing Gender-Based Violence

A transformative approach to tackling gender-based violence must involve addressing the root causes of violence, including harmful gender norms and patriarchal attitudes. To this end, the European Charter should place greater emphasis on engaging men and boys in the prevention of GBV.

4. Improving Survivor-Centered Support Services

While the Charter emphasizes the protection of women from violence, the effectiveness of its provisions depends on the availability and accessibility of survivor-centered services.

5. Promoting Public Awareness and Education on Gender-Based Violence

Public awareness campaigns and education programs are essential in changing societal attitudes toward gender-based violence and preventing its occurrence in the first place.

6. Enhancing International Cooperation and Global Solidarity

Given that gender-based violence is a global issue, the European Charter should strengthen its role in international cooperation and solidarity with other regions, particularly in the Global South.

7. Ensuring Comprehensive Monitoring and Evaluation

Continuous monitoring and evaluation are critical to ensuring that the European Charter remains effective and adaptable to changing circumstances.

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