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# COMPARATIVE STUDY ON WOMEN'S RIGHTS (FRANCE-SPAIN-MALTA)

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## LIST OF ABBREVIATIONS

CEO	Chief Executive Officer
CEOE	Spanish Confederation of Business Organizations
CETS	Council of Europe Convention
CJEU	Court of Justice of the European Union
CoE	Council of Europe
EC	European Commission
EIGE	European Institute for Gender Equality
EP	The European Parliament
EU	European Union
FGM	Female Genital Mutilation
FRA	Fundamental Rights Agency
GBV	Gender-based violence
GCASC	Greek Cypriot Administration of Southern Cyprus
GREVIO	Group of Experts on Action against Violence against Women and Domestic Violence
ILO	International Labour Organisation
IPV	Intimate Partner Violence
MEDEF	The Movement of Enterprises of France
MEP	Members of the European Parliament
NGO	Non-Governmental Organisation
SME	Small and Medium Enterprises
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
VAW	Violence Against Women
VOCIARE	Victims of Crime Implementation Analysis of Rights in Europe
WAVE	Women Against Violence Europe
WDM	Women Directors in Malta

## Introduction



This comparative report aims to briefly outline the track record of the European Union (EU) in the area of women's rights, with a view to comparing the progress of, and identifying best practices from, three EU Member States, namely, France, Spain and Malta, against this backdrop. The report focuses on two major areas of women's rights, which are not traditionally considered as the 'strengths' of the EU in its more than half-a-century commitment to gender equality, and the advanced legal framework it has established in this field throughout the integration process, which implies binding legal standards for its Member States. These are (i) gender-based violence (GBV), and (ii) women's participation in decision-making processes. The selection of these two areas, which will be explained in more detail below, is based on a concern with reflecting the more recent developments in the field of gender equality and women's rights in the EU, raising heated debates within the Union that contain significant implications for Türkiye, as well as with paying a closer attention to women's rights as they are addressed under the Chapter 23 of the EU *acquis communautaire* on Judiciary and Fundamental Rights, rather than Chapter 19 on Social Policy and Employment, which has been providing the major legal basis of the EU to promote gender equality, mainly in the context of employment and labour markets.

The selection of France, Spain and Malta, on the other hand, rests on the objective of providing an overview of the diversity of the national regulations, institutional structures and implementation issues in the specific areas of women's rights mentioned above, driven by their distinct welfare and gender regimes, as well as their different positions in the history of European integration. These three Member States have different social, political, economic and cultural trajectories, as well as unique histories within the EU itself. While it is beyond the scope of this study to examine the respective positions of the three countries in the welfare and/or gender regime typologies, it is important to note that they are usually considered as exemplifying distinct models. Furthermore, although the concepts of welfare and gender regimes might appear to mainly involve issues of women's employment and their role in the domain of care, they are relevant for this study as the conceptualization of gender roles by the state and society has tremendous implications for the primary concerns of this study, namely, GBV and women's participation in decision-making.

France is a founding Member State of today's EU and is generally considered as a member of the 'conservative-corporatist' cluster of welfare regimes (Esping-Andersen 1990), but distinguished from this model by its strong family support policies, having positive gender equality implications (Leitner 2003). It thus constitutes a significant example to observe the reflections of the legal obligations of the EU through time. Spain, on the other hand, joined the EU at a later stage of European integration in the 1980s, amidst concerns about the lower standards of its welfare system (Kvist 2004), exemplifying the "Southern-European" welfare model (Ferrera 1996), with its pronounced reliance on the family. This model, which is often taken as a reference point to explain the Turkish welfare system (Aybars and Tsarouhas 2010), and thus considered as a significant comparative case in this study, is distinguished from the former by placing the main burden in the hands of women and thus promoting traditional gender roles. Finally, Malta is a relatively new Member State that joined the EU in 2004 in the historically most contested enlargement round of the EU towards Central and Eastern Europe, which has significant repercussions and lessons to be learnt for Türkiye as a candidate country whose status has been the most widely debated and contested through its lengthy path towards the EU. Malta is considered as a prime example of a traditional male breadwinner regime (Pascall and Kwak 2005), which makes it a remarkable case for comparison.

The report focuses on the two issues mentioned above, as crucial aspects of gender equality and women's rights. GBV, as defined to include violence against women and domestic violence, is gaining increasing salience across the world in the aftermath of the Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210), adopted on 7 April 2011 by the Committee of the Ministers of the Council of Europe, and the public debates that it sparked (see below). It constitutes a violation of human rights and an extreme form of gender-based discrimination, which is deeply rooted in gender inequalities in society. GBV is pervasive across the EU and the rest of the world, and is significantly deepened by the numerous contemporary crises including conflicts and wars, immigration waves, the Covid-19 pandemic

and natural disasters. The issue triggers major moves from the EU side, including the negotiations concerning its accession to the Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210), which entered into force as of 1 October 2023 in respect of the European Union, and a recent Directive proposed on 8 March 2022, aiming to ensure that all Member States across the EU adopt at least minimum standards to prevent violence against women, criminalize different forms of such violence (including cyber violence), protect and support victims, and ensure their access to justice (EC 2023).

The second issue examined by the present report concerns women's participation in decision-making. It should be noted that the issue is discussed here mainly in terms of its economic dimension, only briefly addressing matters concerning political participation, due to the increasing salience of the former for the EU as evidenced by the adoption of a recent Directive in November 2022 (see below). Women's representation in business leadership and corporate decision-making positions remains an issue of particular concern, where progress is very slow and uneven across the EU, despite remarkable achievements gained in terms of their educational attainment and participation in the labour market in the recent decades. While the factors behind this remain beyond the scope of this study, it is important to note that the 'glass-ceiling' effect is still widely observed across the EU, characterized by long-standing and systemic barriers for women's entry into leadership positions (EC 2023). The problems encountered in this respect demonstrate that equal treatment and equal opportunities are not sufficient to enable women's advancement at work (ILO 2020). The latest data by the European Institute for Gender Equality (EIGE) show that in 2023, 33.2% of board members of the largest publicly listed companies in EU are women, showing a slight increase from 2022 (32.2%).<sup>1</sup> It is important to note that, among the countries that are selected as the cases of the present study, France (45.9%) is one of only four Member States (along with Denmark, Italy and the Netherlands) with at least 40% women on their boards, Spain (37.3%) has already exceeded the target of 33% set by the Directive, while Malta fares significantly lower in terms of all targets with 15.8%.

The first section of this study examines the EU-level developments in these two areas, in the context of the influence of the international framework and ongoing debates on gender equality and women's rights. The second and third sections focus on the national regulations, institutional structures and implementation modalities in France, Spain and Malta in the areas of GBV and women in decision-making, respectively, so as to reveal, in the last section, possible points of comparison, strengths and weaknesses, as well as lessons for Türkiye. It should be noted that the section on GBV, due to the more comprehensive nature of the subject, is organized thematically, while the one on women in decision-making, due to its more targeted and specific focus, is addressed on the basis of the three country cases that are the focus of the present study.

## EU Legal and Policy Framework on Women's Rights

The EU is distinguished at the world stage as a supranational body with a sound binding legal framework and case law on gender equality, which has been a crucial driver of legislative and policy change in its Member States. Today, among the top 20 countries which rank the highest in terms of gender equality, 14 are EU Member States.<sup>2</sup> Equality between women and men is a fundamental principle of the EU. The Consolidated version of the Treaty on European Union (TEU)<sup>3</sup> stipulates it as one of the aims (Article 3) and fundamental values (Article 2) of the Union. The Charter of Fundamental Rights of the European Union<sup>4</sup> prohibits all kinds of discrimination on the basis of sex (Article 21) and requires that equality between women and men shall be ensured in all areas (Article 23). Article 8 of the Treaty on the Functioning of the European Union (TFEU)<sup>5</sup> establishes the task of the Union to eliminate inequalities, and to promote equality, between men and women.

Against the backdrop of the primary sources of EU law, the secondary sources of the EU on gender equality,

<sup>1</sup> EIGE, Largest listed companies: presidents, board members and employee representatives, available at: [https://eige.europa.eu/gender-statistics/dgs/indicator/wmidm\\_bus\\_bus\\_\\_wmid\\_comp\\_compbm](https://eige.europa.eu/gender-statistics/dgs/indicator/wmidm_bus_bus__wmid_comp_compbm)

<sup>2</sup> As stated on the 2020-2025 EU Gender Equality Strategy, by reference to the progress towards the Sustainable Development Goal no. 5 on gender equality, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0152#footnote4>

<sup>3</sup> OJEU, 2016/C 202/01, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12016ME/TXT&from=EN>

<sup>4</sup> OJEU, 2012/C 326/391, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12012P/TXT>

<sup>5</sup> OJEU, 2016/C 202/01, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12016ME/TXT&from=EN>



mainly including Directives driven by the Treaty provisions and the case law of the Court of Justice of the European Union (CJEU), concentrate on equal treatment, non-discrimination and work-life balance issues, also incorporating gender mainstreaming and specific action measures. While this has been found to be an advanced framework and applauded by many scholars, it has equally been criticized for its almost exclusive focus on the field of employment, addressing women primarily as workers rather than equal citizens. In line with its *raison d'être* as an economic integration project, the Union has traditionally placed the emphasis on gender equality in economic life, mainly due to its preoccupation with promoting economic growth and competitiveness in an increasingly globalized world. The major EU Directives have – for the most part of the 20<sup>th</sup> century – focused on promoting gender equality (to be read as equality between women and men) in the workplace, in pay conditions, social security, self-employment, pregnancy, maternity and parental leave regulations, as well as flexible working arrangements for careers. These directives have set the legal standards of gender equality within the Union, and provided a significant ground for protection against discrimination.

The main concerns of the present study, namely women in decision-making and GBV issues, can be considered as more recent areas of attention for the EU, partly due to the persistent gender inequalities in all aspects of employment and decision-making processes, partly in response to the criticisms mentioned above, and partly due to the fact that it cannot turn a blind eye on these issues in the global context, as a political entity which has adopted gender equality as one of its main values to be promoted across all policies and relations of the EU with the rest of the world. Perhaps more importantly, the recent debates sparked by the rising anti-gender movement in Europe (Paternotte and Kuhar 2018), as well as the increasing sexist discourses, stereotypes and gender-based violence and harassment cases across the Union, clearly demonstrating that the progress recorded in gender equality and women's rights is not irreversible, has meant a renewed commitment on the part of the Union to step up its actions in this area. This also rectifies the EU's commitment to international human rights framework, including the Universal Declaration of Human Rights (1948), European Convention on Human Rights (1953), International Covenant on Civil and Political Rights (1966), International Covenant on Economic, Social and Cultural Rights (1966), and the UN Convention on the Elimination of All Forms of Discrimination Against Women (1979), to name a few, which stipulate equality before the law and protection from discrimination for all as a universal right. More particularly, CETS No. 210 has provided a significant framework for the recent steps that the EU has taken in the area of GBV. The Istanbul Convention is accepted as the key international instrument to recognise violence against women (VAW) as a violation of human right and a form of discrimination rooted in gender inequalities, providing a strong political signal that the violence experienced by women and girls cannot be tolerated. It sets forward legally binding standards for state parties to prevent gender-based violence, protect victims, prosecute perpetrators, and implement comprehensive and coordinated policies.

What is important to note, however, is that, apart from a few recent initiatives to consolidate or recast the existing Directives concerning gender equality in employment,<sup>6</sup> and those in areas other than employment,<sup>7</sup> most of the EU's recent actions in gender equality and women's rights, including GBV and women in decision-making processes, have been non-binding, aiming to promote cooperation and coordination processes across the Union and its Member States, and remaining as signs of political commitment rather than enforcing legal standards that no Member State should fall behind.

Two important exceptions should be highlighted here, providing evidence for the renewed commitment of the EU to women's rights and gender equality, pertaining to each of the respective areas of focus of the present study. First, in November 2022, the Directive (2022/2381) on gender balance in company boards, which has been on the agenda since 2012, was finally adopted<sup>8</sup> after long periods of negotiation and opposition from some Member States to the regulation of this issue at the European level. The Directive's starting point is founded in the EU Gender Equality Strategy 2020-2025 (see below), emphasising that a comprehensive approach, including gender-balanced decision-making processes within companies at all levels, is a prerequisite of gender equality at the workplace. The Directive (Article 5) sets the target for stock-listed companies (thus excluding SMEs) in the EU to have at least 40% female non-executive directors (which is currently 30% on average, with major differences amongst Member States or a 33% female of all directors, executive and non-executive, to be

6 See, for instance, Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast), and Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC.

7 For instance, Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32004L0113>

8 Directive (EU) 2022/2381 of the European Parliament and of the Council of 23 November 2022 on improving the gender balance among directors of listed companies and related measures, [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L\\_.2022.315.01.0044.01.ENG](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2022.315.01.0044.01.ENG)

achieved by 2026. The companies are expected to set quantitative objectives and ensure non-discriminatory and objective selection processes for this purpose, including the establishment of clear, unambiguous and neutral criteria and objective comparative assessment of candidates (Article 6). The companies, moreover, are to prepare annual reports to the relevant authorities of their Member States, on the gender composition of their boards and the measures they have adopted to meet the objectives of the Directive (Article 7). Member States, for their part, are to ensure that companies comply with their obligations in the performance of public contracts and concessions (Article 8), and to designate national bodies for the promotion, analysis, monitoring and support of gender balance on boards (Article 10). The Directive is temporary and will expire by 31 December 2038, while Member States have until December 2024 to implement its requirements.

The second important recent development has been the EU's ratification of the Istanbul Convention in June 2023 and the Convention entered into force as of 1 October 2023 in respect of the EU. Notably, six Member States, all of which joined the EU in the 2004-2007 enlargement rounds, including Bulgaria, Czechia, Hungary, Latvia, Lithuania and Slovakia, still have not ratified the Convention. The continuing gender inequalities across the EU and the fact that one in every three women above the age of 15 has experienced physical and sexual violence in the Union mostly emanate from significant differences across Member States in terms of their approaches and responses to GBV, exacerbated by the different methods of data collection and the quality of data on this issue (FRA 2015). In this regard, the Convention has been seen as a major step to combat violence against women and girls and to eliminate differences across Member States. The CJEU published an opinion in 2021,<sup>9</sup> stating that the accession decision required a qualified majority but still pointing to the need for the EU and the Council of Europe to achieve a common political agreement (EP 2022).

In order to achieve the objectives of the Istanbul Convention within the EU's remit by complementing the existing EU *acquis* and the national legislation of the Member States in the areas covered by the Convention, and to ensure the standardization of the criminalization of the most serious forms of violence against women across the EU, such as rape, female genital mutilation and gender-based cyber violence, including cyber stalking and non-consensual sharing of intimate images, the Commission proposed a new Directive on 8 March 2022 on combating VAW and domestic violence.<sup>10</sup> The proposed Directive provides a comprehensive definition of VAW to include offences 'such as sexual violence, including rape, female genital mutilation, forced marriage, forced abortions or sterilisation, human trafficking for the purposes of sexual exploitation, stalking, sexual harassment, femicide, hate speech and crimes on the basis of sex and various forms of online violence ("cyber violence"),' thus adopting a large framework for the measures to be developed. The proposal contains measures concerning the criminalisation of and sanctions for relevant offences, protection of victims and access to justice, victim support, prevention, and coordination and cooperation, to be adopted across all the Member States and to be monitored and enforced by the EU. Accordingly, the tasks of the Member States include, but are not limited to, the following: (i) to ensure the provision of specialist support services, including online or through other adequate means, which are tailored to the needs of victims; (ii) to provide the protection and specialist support services at the same premises, or to ensure the coordination of such services through a central contact point or through one-stop online access; (iii) to ensure that specialist support services remain fully operational in times of crisis, such as health crises or other emergency situations; (iv) to provide appropriately equipped, easily accessible sexual violence crisis or referral centres with sufficient geographical distribution; (v) to set up free of charge 24/7 telephone and online helplines to provide advice for victims; (vi) to provide specialist and age-appropriate support services for child victims and witnesses of GBV; and (vii) to provide targeted support for victims with special needs and groups at risk, including women with disabilities, women living in rural areas, undocumented migrant women, women applying for international protection, women fleeing from armed conflict and older women. Importantly, the proposal tasks the European Institute for Gender Equality (EIGE) to support the Member States in the development of a common methodology for data collection so as to ensure the comparability of national data, monitor the implementation of the Directive, and obtain comprehensive statistical information on VAW and domestic violence across the EU. Now that the EU has ratified the Istanbul Convention, there are still significant arguments for the adoption of this Directive to complement the framework for a much stronger combat against GBV.<sup>11</sup>

9 Opinion 1/19 of the Court (Grand Chamber), 6 October 2021, <https://curia.europa.eu/juris/document/document.jsf?text=&docid=247081&pageIndex=0&doclang=EN&mode=lst&dir%20=&occ=first&part=1&cid=467501>

10 Proposal for a Directive of the European Parliament and of the Council on combating violence against women and domestic violence, COM/2022/105 final, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022PC0105>

11 See, for example, the views of the European Trade Union Confederation (ETUC), available at <https://www.etuc.org/en/pressrelease/eu-finally-ratifies-istanbul-convention-now-protect-women-work>; and Progressive Alliance of Socialist and Democrats (S&Ds), available at <https://www.socialist-sanddemocrats.eu/newsroom/sds-eu-ratification-istanbul-convention-great-achievement-we-will-go-further-eliminate-all>



Finally, the EU Gender Equality Strategy 2020-2025<sup>12</sup> should be mentioned as a significant basis to the legal initiatives mentioned above, constituting a non-binding strategy document outlining the EU's key priorities and actions in the field of gender. Considered as an ambitious move from the Commission in the face of the attacks on gender equality mentioned above (Debusscher 2023), the Strategy aims to promote a gender-equal Europe, where GBV, gender-based discrimination and structural inequalities between men and women are eliminated. Key objectives of the strategy include, among others, 'being free from violence and stereotypes,' and 'leading equally throughout society.'<sup>13</sup> Concerning the first objective, the Strategy underlines that GBV is deeply rooted in gender inequalities, and reports that 33% of women in the EU have experienced physical and/or sexual violence, 22% have experienced violence by an intimate partner, and 55% have been sexually harassed. The Commission thus invites the Council to conclude the EU's accession to the Istanbul Convention, which it defines as the 'benchmark for international standards.' It further gives the signs of the above-mentioned proposal for a Directive on GBV, if the EU's ratification efforts remain blocked. The Commission also calls on the Member States to ratify and implement the Convention, as well as the ILO Convention to combat violence and harassment at work; to implement the relevant EU law protecting victims of GBV; to systematically collect and report data on GBV, and to support civil society and public services in preventing combating GBV and gender stereotyping. It is important to note that EIGE, as an independent EU body and the EU's knowledge centre on gender equality, provides expertise and supports the EU and Member States in their efforts to improve data collection on GBV as well as to design and implement policies and measures to combat GBV.<sup>14</sup>

In terms of the second objective, the Strategy underlines that achieving gender balance in decision-making and politics should be a key priority, since women are only 7.5% of board chairs and 7.7% of CEOs in the EU's largest listed companies, and only 32.2% of national MPs. The Commission thus calls on the EP and the Council to adopt the proposal for the Directive on gender balance on corporate boards mentioned above, and announcing its target to reach a 50% gender balance at all levels of its management by the end of 2024, invites these institutions to adopt measures to improve gender balance at all levels of management and in leadership positions. Furthermore, it calls on the Member States to transpose and implement the Directive once adopted, as well as to develop and implement strategies to increase the number of women in decision-making positions in politics and policy-making.

## National Reflections of the EU Legal and Policy Framework



This section focuses on the national regulations, institutional mechanisms and implementation issues in three Member States that are selected as case studies for this report, namely, France, Spain and Malta, first in terms of GBV, and then in the area of women in decision-making processes.

<sup>12</sup> Communication from the Commission to the European Parliament and the Council, the European Economic and Social Committee and the Committee of the Regions: A Union of Equality: Gender Equality Strategy 2020-2025, COM/2020/152 final, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0152>

<sup>13</sup> Other priorities include "thriving in a gender-equal economy," "gender mainstreaming and intersectional perspective in EU policies," "funding actions to make progress in gender equality in the EU," and "addressing gender equality and women's empowerment across the world."

<sup>14</sup> For more details on EIGE's work on GBV, see <https://eige.europa.eu/gender-based-violence>

# Gender-Based Violence<sup>15</sup>



## Criminal law frameworks

One of the primary issues in respect to VAW is the definition of concepts within its scope and the criminalisation of related matters. Article 3(a) of the Istanbul Convention defines VAW/GBV ‘as a violation of human rights and a form of discrimination,’ and includes within this definition ‘all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.’ The definition of the concept in the national legislation is important to see the scope of legal protection and criminalisation modalities. Accordingly, only 6 Member States among the EU have a legal definition of GBV, which is important in terms of recognising the gendered nature of the form of violence, and the fact that such violence disproportionately affects women and girls, as well as addressing women’s different needs for safety and protection. These 6 Member States include Spain, which defines GBV as encompassing ‘all acts of physical and psychological violence, including offences against sexual liberty, threats, coercion, and the arbitrary deprivation of liberty;’<sup>16</sup> and Malta as ‘all acts or omissions that are directed against a person because of their gender, that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life’<sup>17</sup> (EP 2022).

Article 3 of the Istanbul Convention defines four forms of GBV, including physical, sexual, psychological, or economic violence. EP (2022) notes that only 15 Member States either include the four forms within their definition of domestic violence or criminalise them (explicitly or through various offences), including France and Malta. It is important to note that, while physical and sexual violence are criminalised in all Member States, 25 Member States criminalise psychological violence and only 15 criminalise economic violence.

Malta introduced the definition of femicide in their criminal codes in 2022, constituting a significant best practice in this respect (EC 2023, EP 2022). Femicide refers to the ‘killing of women and girls because of their gender,’ mostly by an intimate partner. The definition of this concept is important to increase the visibility of the issue as well as to collect adequate data. Accordingly, Section 211A of the Maltese Criminal Code adopted in June 2022 identifies the following factors to be given due consideration by the courts in establishing a punishment for an actual or attempted homicide, as factors militating against leniency in punishment: whether the violence was committed by an intimate partner, or any member(s) of the family; whether it was committed for misogynist motives, or for reasons of honour, family reputation, reasons related to religious or cult belief or practices, or due to motives based on gender, gender identity, sex whether it was committed as a result of sexual violence or acts of sexual nature; or due to victim being involved in prostitution and/or human trafficking for the purposes of sexual exploitation (EP 2022: 19). While no definition of femicide is provided in the Criminal Codes of France and Spain, both do recognize gender as an aggravating factor in homicide cases. Moreover, both Codes recognise the commitment of homicide by a family member, a cohabitant or a person having abused their authority as an aggravating factor, while France also recognises intimate partner violence (IPV) cases, where the victim is a former or current spouse or partner as an aggravating factor (EP 2022: 21).

It should be noted that, while specific policy measures exist on GBV across the EU and its Member States, those on femicide remain particularly limited. Spain appears as one of the four Member States that have specific policy measures on femicide, in its State Pact against Gender Violence (*Pacto de Estado contra la Violencia de Género*) 2018-2022, mainly focusing on data collection and recognising the accumulated effects of femicides (EP 2022).

A further important point relates to the definition and criminalisation of forced marriages, female genital mutilation (FGM), forced abortion and forced sterilisation, in line with Articles 37-39 of the Istanbul Convention. Here, Spain and Malta are among the only three EU Member States which explicitly criminalise all these four forms of GBV; while France criminalises three forms except FGM (EP 2022: 23).

<sup>15</sup> This section largely draws on a 2022 study by the European Parliament (EP 2022) on the legislative frameworks on GBV across the EU, which provides a comprehensive analysis of 27 member states in terms of criminal law frameworks, procedural law frameworks, victim support, interaction with professionals, prevention and reparation measures, data collection methods and financial resources (EP 2022).

<sup>16</sup> Organic Law 1/2004 of 28 December 2004 on integrated protection measures against gender violence, see EP 2022.

<sup>17</sup> Gender-based violence and domestic violence act of 14 May 2018, see EP 2022.

To sum up, the definition and criminalisation of GBV and related issues across the EU widely differs, and what can be seen, as reflected in the three cases examined above, is a differential treatment of forms of GBV in national legislation. In particular, economic violence and femicide display significant gaps across the Member States. This certainly has important consequences in terms of the availability of administrative data to diagnose the problems and / or the message sent to the society regarding the tolerability of such phenomena.

## Procedural Law Frameworks



The second important point of comparison is the procedural law frameworks that exist across the three Member States, including, in particular, sanctions, existence of specialised courts, and protection orders / contact bans. It would be useful to start with criminal sanctions, which are crucial in terms of their impact on prevention. While some Member States have dissuasive sanctions in law, including France and Malta, in practice, a lack of dissuasive sentencing can be observed, whereby lower sentences, mild and conditional sanctions are used, or the offences are assigned to a lower offence category by the judges, along with low conviction rates. GREVIO (2021) also underlines that suspended and conditional sentences are common across EU Member States, and that the courts do not use the full range of available sanctions.

The existence of specialised courts, which mark an important step towards the recognition of the importance of GBV, is another important element of procedural law. Specialised courts are important as they promote a better understanding of the issues with specialized practitioners, higher knowledge of the complexity of the cases, as well as gender-sensitive approach to victims and their children. It is significant to note that Spain is the only EU Member State with specialised courts on GBV, which are called “VAW Courts,” and which have competence for a wide range of criminal and civil law matters, providing them with a holistic approach to GBV.<sup>18</sup> Accordingly, each judicial district in Spain has at least one VAW Court, which can issue protection orders and offer an on-call service to deal with emergencies. The judges, magistrates, prosecutors and court clerks are entitled to receive specialist training on gender equality, non-discrimination and GBV, also enhancing prosecution and conviction. It is noted, for instance, that the conviction rate in these courts reach 78% as against 8-10% in non-specialised courts in other countries such as Belgium and Germany (EP 2022).

Another significant issue concerns protection orders and contact bans, which are short-term orders aiming to protect victims from immediate danger. These can be issued by a judicial body, requiring the offender to leave the residence of the victim or person at risk, prohibiting entrance to such residence, or prohibiting them from contacting the victim. Two examples can be provided from our cases in this respect, one from France and the other from Malta. In France, a civil protection order can be issued to victims of domestic violence from a family court judge, even if the victim has not filed a criminal complaint. The protection order can, for example, prohibit the offender from meeting with certain persons, order them to attend an offender programme, decide on the separate residence of the spouses, allocate the use of the residence to the victim, or allow the victim to conceal their domicile or residence. The victim can also be provided with a remote protection device to alert the public authorities, which allows the geo-location of the victim when the alert is triggered. GREVIO (2021), however, points to the limitation, in France, that protection orders are only available for domestic violence victims, as against the provision of Istanbul Convention that they should be available for all forms of VAW. In Malta, protection orders are based on a careful risk assessment of the circumstances, including the need for protection, the welfare of the dependents, the accommodation needs and other special circumstances of the case. The order may prohibit the accused from approaching the victim, prohibit or restrict access to the places where the victim lives, works or frequents, or prohibit the accused from contacting the victim for up to five years (EP 2022: 43-44). It should be noted that GREVIO (2021) warned against the lengthy procedures and risk assessments to issue protection orders in Malta, failing to adequately respond to the emergency of the danger.

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<sup>18</sup> Article 44 of the Organic Law 1/2004 of 28 December 2004 on integrated protection measures against gender violence.

## Support Services



A further significant point concerns the public support services provided for victims, which include shelters, women's centres, helplines, as well as support for reporting crimes and accessing justice. A distinction can be made between general support services, which are available to all people, and specialist services, which are offered for the victims of a crime. Istanbul Convention (Article 20) identifies general support services as legal and psychological counselling, financial assistance, housing, education, training and assistance in finding employment. On the other hand, specialist services are more tailored to meet the unique needs of victims, and include shelters, helplines, women's centres and services for victims of sexual violence (EP 2022). According to a Report by VOCIARE (2019), both general and specialized services are offered in 19 Member States, including France, Spain and Malta, by both the state and NGOs. However, the mere fact that these services are offered does not say much about their accessibility, comprehensiveness and quality. The Report underlines, for example, that available support services cover the entire country in a limited number of cases, including France and Malta, whereas in most others, including Spain, they are available mostly in urban centres, sometimes only in capital and major cities, leaving aside urban areas.

Specialised services, likewise, remain limited across the EU, with low numbers and distribution, and mostly focusing on domestic violence (EP 2022). One such service concerns women's centres, which are non-residential centres supporting victims of GBV and their children and offering services such as information, counselling, mediation, litigation and representation in courts, legal and psychological help, material help, and practical advice concerning education, housing, employment, etc. While all Member States (except Hungary) have some form of women's centres, once again, their geographical coverage remains low considering the Council of Europe target of at least one women's centre per 50.000 female population at 58% (WAVE 2021).

Shelters constitute another important specialist support service, offering a safe place for women and child victims of GBV, who have to leave their home to escape the perpetrator, to stay. While there is a significant shortage of beds to meet the Istanbul Convention requirement to provide one shelter bed per 10.000 population, Malta appears as one of only 6 Member States to meet this standard (EP 2022). Also, there are important problems concerning the accessibility of shelters across Europe, particularly for migrant women, women with complex needs, women victims of particular types of GBV and rural women. For instance, migrant women victims who are undocumented face particular challenges due their fear of deportation, as well as language barrier and lack of knowledge on available services. Spain is singled out as a good practice in this regard, having a legal provision enabling undocumented women to access shelter (Article 14(3) of 2009 Organic Law), and allowing those who open a case against their abuser in court to access housing funds and to receive priority in public housing if the case ends up in conviction. On the other hand, while shelters for women victims of domestic violence are provided across most Member States, shelters for other forms of violence (sexual violence, forced marriage, etc.) are much scarcer. Spain appears as one of only 12 Member States, which have shelters to support women victims of human trafficking, as well as victims of honour-based violence, forced marriage and FGM (WAVE 2021). It should be noted that Spain appears as a good example to promote the protection of different groups of women victims, including migrant women, in that it has legal provisions to suspend immigration enforcement proceedings for those reporting domestic violence and trafficking, and to issue humanitarian residence permits on several grounds, including labour exploitation, discrimination and domestic violence (EP 2022).

Another important service concerns telephone helplines, which provide immediate points of contact for victims with trained professionals, and offer emergency advice and referrals to other agencies. Their importance lies in the fact that they encourage women to seek help in person, by offering anonymity and confidentiality, as well as access from remote areas. Istanbul Convention requires the availability of helplines 24 hours, free of charge, confidentially or with due regard for anonymity, and applying to all forms of violence in its coverage (Article 24). It should be noted that an EU-wide harmonized number (116 016) to be connected to national helplines, was established in November 2022 to allow victims of VAW to call the same number across the EU to get advice and support.<sup>19</sup>

<sup>19</sup> See [https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/gender-equality/gender-based-violence/funding-and-awareness-raising-gender-based-violence\\_en](https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/gender-equality/gender-based-violence/funding-and-awareness-raising-gender-based-violence_en)

All Member States except four (including Malta) provide a national women's helpline, whereas Malta appears as one of the countries that offer a general helpline for all victims of violence (WAVE 2021). Again, all Member States except four (including France) provide a helpline that is free of charge and operate 24/7. The French national women's helpline operates 9am-10pm on weekdays and 9am-6pm on weekends and public holidays, while also providing a 24/7 online chat service run by trained law enforcement officials. France and Spain, moreover, provide multilingual support on their national women's helplines, and the one operated in Spain appears as a best practice offering services in 52 languages and including visual interpretation, texts and online chat (EP 2022). More recently, France has been highlighted with the launching by the Ministry of Interior's '*Ma sécurité*' (My security) application for GBV victims, which can be downloaded to mobile devices free of charge. It is singled out as the first mobile application that brings police and gendarmerie services together and facilitate victims of violence to file a complaint online (EC 2023).

A further aspect of support services concerns measures to encourage reporting of violence, as the reporting rates are remarkably low across the EU, with about 67% of women who experience IPV not reporting it to authorities (FRA 2015). While numerous barriers exist for women facing GBV to report the incidence to the police and other institutions, an important facilitator is the availability of online reporting mechanisms. EP 2022 report argues that 20 Member States, including the three cases of the present study, have online reporting mechanisms, while the ones in Spain and Malta are limited to specific crimes that do not cover GBV. In addition, the online reporting mechanisms tend to be available for variable forms of GBV, for instance, cybercrimes in France. The *Point de Contact* service (PHAROS) in France for the reporting of 'illegal content' explicitly mentions GBV on its website, including online incidents of violence, sexual harassment, and incitement of VAW. Furthermore, the online reporting mechanism in France is remarkable for providing the option for the applicants not to disclose any personal information (including name, email, phone number etc.) and to remain anonymous (EP 2022).

## Role of Professionals

A significant component of combatting GBV concerns the training of law enforcement officials on the topic. The majority of EU Member States have established such programmes on at least some forms of GBV, while there are significant gaps across countries in terms of their frequency and format. The most widely used form of training for police officers is in-service training, which is usually provided on an ad hoc basis. Malta appears as to have a good practice in terms of providing a more structured and systematic training, where a specialist GBV unit runs monthly training for different groups of police officers. Spain provides another example where more comprehensive training on GBV is offered to all police officers when entering the police, on promotion, and through continuous professional development courses. Spain and France are also distinguished from most other Member States by adopting a larger focus on GBV in their training programmes, including FGM issues in Spain and online violence in France. In terms of the content of the trainings, Spain is considered as offering a good practice example, covering a more comprehensive programme including identification and detection of victims, prevention and revictimisation, gender-sensitive conduct and interviewing, as well as working effectively with support services and multi-agency coordination (EP 2022).

The training of judges is also a particular area of concern that is required by the Istanbul Convention. All three cases of the present study provide training courses to judges, and Malta appears as among the three Member States where this training is mandatory (VOCIARE 2019). There are, however, important gaps across all the three countries in terms of training provision to lawyers, social workers working in courts, victim support professionals, health and education professionals, and immigration and asylum officers, as these are either not (regularly) implemented, or are limited to certain forms of GBV, mostly domestic violence (Spain) (EP 2022).



## Prevention and Reparation



Prevention measures generally aim to address negative assumptions, stereotypes and norms that cause GBV, focusing on education, information, and awareness-raising campaigns. When the awareness-raising campaigns are examined across EU Member States, it is observed that while all do organise such campaigns, there are significant variations in terms of their regularity and quality, which have negative implications for promoting systematic GBV prevention. Malta and France appear as countries which apparently lack adequate funds to sustain long-term campaigns. Furthermore, France, Spain and Malta are amongst the Member States where most of these campaigns focus on domestic violence, which is another challenge to raise societal awareness on different forms of GBV such as forced marriages.

Another aspect of prevention and reparation is programmes offered to perpetrators, as required by the Istanbul Convention (Article 16), which are important to change the attitudes and behaviour of individuals who have committed, or are likely to commit, GBV. While all Member States (except Hungary) have programmes for GBV perpetrators, the number and quality of the programmes vary. France, for instance, appears as a country which offers a wide number of programmes, implying, however, significant challenges in terms of their quality, through 32 NGOs offering training on prevention for offenders without concrete guidelines, standard types, approaches, and durations to ensure coherent provision across the country. France and Spain are also among 8 Member States with mandatory programmes for perpetrators, which is a significant aspect to ensure attendance. Spain is marked in this respect, with its Organic Law 1/2004 enabling prison administrations to develop compulsory programmes for men convicted of domestic violence, and the establishment in 2010 of a court-mandated perpetrator programme as a form of alternative sentencing.

A further element of reparation is compensation provided to victims of GBV, as stipulated by the Article 30(2) of the Istanbul Convention. Several forms of compensation exist across the Member States, including via a civil case, a criminal case, and state compensation. All Member States offer compensation in civil law, despite, however, with significant challenges, including identification and prosecution of the offender, high burden of proof, inability to afford legal representation, and the insufficient financial means of perpetrators to afford compensation (EP 2022). Another form is state compensation, which allows victims to access compensation even if the perpetrator cannot pay or cannot be found. A European Commission study (2021) shows that state compensation is available in 21 Member States, including Malta, but is often limited to physical violence cases. In Spain, for instance, state compensation is only available for serious offences resulting in serious physical or psychological harm or death, with a requirement for proof of permanent incapacity (at least 33% degree of disability) or temporary incapacity of more than six months (GREVIO 2021). Moreover, state compensation is often offered if the victim has already made a claim under a criminal or civil law procedure, but failed to obtain payment from the perpetrator (EC 2021). France appears as a good example here, with its Victim's Compensation Fund created in 1990, which enables an independent compensation process regardless of a criminal proceeding and allows full compensation for the damages of victims of GBV (EP 2022).

## Data and Resources



A key aspect to understand the rates of reporting, prosecution and conviction of GBV crimes is the collection of data in this respect, which shows important variations across Member States, since there is no obligation to collect data on GBV within the EU legal framework. In terms of the collection of administrative data by police, judicial, health and social services, based on their interaction with the victim or perpetrator of GBV, it is noted that only 9 Member States collect data about 11 forms of GBV, including France, and Spain is among 3 Member States collecting data about 9-10 forms (EP 2022: 96). However, since data collection methods are not harmonized among the public bodies of the majority of the Member States, including France and Malta (GREVIO 2021), the ability to draw a complete picture of GBV at the national level remains limited.



Apart from administrative data, survey data is also important to capture the extent of GBV, as it is reported that about two thirds of GBV victims do not report it, but may still – although again in a remarkably limited manner – talk about their experiences of it. Nevertheless, certain shortcomings have been noted in the population surveys of the Member States, ranging from lack of any surveys (Malta) to lack of regular surveys and lack of surveys covering all forms of GBV (GREVIO 2021). Here, while it is not among the case studies of the present study, an important best practice example is provided by Italy, which is worth noting. GREVIO (2021) singled out Italy due to a dedicated survey on VAW that it conducted in 2006 and 2014, covering different forms of violence (physical, sexual, psychological, economic violence and stalking), taking into account child victims or witnesses of domestic violence and foreign women, and shedding light on socio-demographic characteristics of victims, risk factors, consequences of violence, awareness of rights and protection mechanism, and the pathways to escape from violence.

It is important to note that the EU Agency for Fundamental Rights (FRA) and EIGE are to conduct a survey on VAW in 8 Member States in 2023 with the aim to complement the data collection on GBV and other forms of interpersonal violence led by the Eurostat (EU-GBV) in the remaining countries. It is underlined that the use of a unified methodology aims to ensure the availability of comparable data across EU Member States, and that the results will serve to update the domain of violence in the 2024 Gender Equality Index, whose thematic focus will be on VAW.<sup>20</sup>

A further issue concerns availability of national financial resources for the purpose of preventing and combatting GBV, which are sufficient, stable and targeted, as required by the Istanbul Convention (Article 8). While this also remains an area where comprehensive data is not available, and the overall funding at the national level is found to be insufficient, GREVIO (2021) notes that Spain is among the two countries (along with Sweden) to allocate sufficient funds for this purpose. It also points to another best practice from a Member State that is not among the cases of the present study, but is significant to note. In Portugal, there is a legal provision (Law No. 129/2015) which requires each Ministry to report its budget line for tackling GBV to the Commission for Citizenship and Gender Equality, facilitating the monitoring and assessment of specific public funding on GBV. Overall, however, a lack of significant and long-term funding to address GBV is remarkable across the EU and its Member States, which leads to problems concerning the sustainability of services and loss of qualified personnel. Moreover, it is noted that levels of funding depend on political commitment and can be a highly politicised issue.<sup>21</sup>

## Women in Decision-Making



Women in decision-making is a relatively recent area of EU interest, which gained a specific pace particularly in the 2010s, as evidenced by the 2012 proposal for a Directive, and its adoption in November 2022. While the main focus of this study is on economic decision-making, gender equality in political decision-making is also an important area of concern for the EU, as there are significant gaps in the representation of women in regional, national and European decision-making processes. For instance, only 32.2% of members of national parliaments in the EU, 32% of senior Ministers in Member State governments and only 26% of political party leaders are women, while 39% of elected MEPs were women in the 2019 European elections.<sup>22</sup> With the understanding that gender equality is an essential element of democracy at the European, national, regional and local levels, the Gender Equality Strategy 2020-2025 underlines the Commission's commitment to promote the participation of women in decision-making structures and processes, particularly at the European level, through funding and promotion of best practices to enhance women's participation in the 2024 European Parliament elections as voters and candidates; as well as through efforts to ensure gender balance in leadership positions across the EU institutions and bodies.

<sup>20</sup> See <https://eige.europa.eu/gender-equality-index/2022/domain/violence>

<sup>21</sup> For details, see the examples provided in EP 2022, p. 99-100

<sup>22</sup> See Gender Equality Strategy 2020-2025, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0152>; and European Commission, Achieving Gender Balance in Decision-Making, [https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/gender-equality/equality-between-women-and-men-decision-making/achieving-gender-balance-decision-making\\_en](https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/gender-equality/equality-between-women-and-men-decision-making/achieving-gender-balance-decision-making_en)

While there are no EU-level binding measures or attempts from the EU to regulate the issue of political decision-making, women's participation in economic decision-making appears as a more particular area of focus for the EU in line with its rationale as a primarily economic integration project. As indicated above, France (45.9%) is one of only four Member States with at least 40% women on their boards, Spain (37.3%) has already exceeded the target of 33% set by the Women on Boards Directive, while Malta fares significantly lower in terms of all targets with 15.8%. In this respect, it is important to note that the three country cases also demonstrate the diversity of policy measures that are implemented, where France emerges as a best practice example with its specific boardroom quotas for its publicly listed companies established for this purpose, Spain as an example employing voluntary, 'soft' measures to foster an increase in the number of women on boards (ILO 2020), and Malta where no specific legislative action exists for this aim (EC 2022a), but a number of policy measures nevertheless exist (EC 2018).

## France



It is widely accepted that the adoption of binding female quotas leads to significant improvements, and France comes to the fore as one of 8 EU Member States that set national gender quotas for the boards of listed companies (EC 2022a, 2023). The French Gender Quota Law, adopted in 2011, aimed initially to increase companies' women board members to 20% by 2014, rising to 40% by 2017, applying to companies listed on the stock exchange, or those with more than 500 employees and a EUR 50 million turnover over the previous three years, including public companies regulated by commercial law (ILO 2020). The Law stipulates that a maximum difference of one shall be ensured between women and men in the list of candidates for election to a board, and temporary nominations shall be made once the composition of the board changes and no longer fulfils the quota. Moreover, if the thresholds are not achieved, the directors will not be paid, and any nomination to a board that fails to observe the quotas will be automatically invalid (Eurofound 2011). It has been argued that this law has had transformative effects in boardrooms, and by 2018, the largest listed French companies had an average of 44% women on boards, increasing from 10% before the legislation was adopted in 2011 (ILO 2020).

Furthermore, an obligation for annual reporting exists for companies within the scope of the Law, on their gender equality and wage policies, as well as their comparative situation of working and training conditions for women and men (Article L1132-1 of Labour code) (EC 2018).

It is important to note that business organizations of France have their internal corporate codes, which contribute to the national quotas adopted for this purpose. The Movement of Enterprises of France (MEDEF), for instance, has been active to establish internal quotas even before the Law was enacted. The organization pursues policies and measures to promote gender diversity, and renewed its diversity charter (*'charte de la mixité'*) in 2019, with the aim to achieve gender parity in the management and governance bodies of its professional and regional associations by 2023. This will be monitored by annual reports to be presented to the MEDEF executive council to track the progress of its actions (ILO 2020). The women leaders who are representatives in MEDEF bodies, which constituted around 30% in 2018, are aimed to increase to 50% by 2023 with this initiative.<sup>23</sup>

France is also marked as a best practice with its yearly ranking of SBF 120 companies on the basis of women's representation in their governing bodies, through the 'conference on economic and professional equality' (*Assises de l'égalité économique et professionnelle*). The ranking compares the 120 largest French companies on the basis of their commitment to increasing the share of women in their management bodies, and to achieving professional equality between women and men. The ranking is based on input provided by companies on a voluntary basis (EC 2022b).

23 MEDEF, Charte de la mixité. Available at <https://www.medef.com/uploads/media/default/0019/96/13455-charte-de-la-mixite.pdf>

## Spain



Spain is the first EU Member State to introduce a gender quota in 2007 through its Gender Equality Act, recommending all large public and private firms to designate at least 40% of each gender on company boards by 2015. It is considered to be an important measure as it does not only apply to publicly listed companies. Nonetheless, this quota is not binding and works as a 'soft' quota, in that companies are expected to 'make best efforts' to reach the target (EC 2018), i.e., no penalties are imposed for companies that fail to meet the target, but companies that comply with it receive preference for the tendering of public contracts (ILO 2020). While several studies have demonstrated the limited effects of the measure, such as remarkably low compliance with the quota requirement by the companies and deficiencies concerning the award of government contracts with those that complied, the measure has nevertheless been important to encourage the participation of women in company boards, although in limited numbers.

An important initiative from Spain is the Promociona Project, which aims to support the career advancement of women to top management positions, and which has been implemented since 2013 in partnership between the Spanish Institute for Women and Equal Opportunities and the Spanish Confederation of Business Organizations (CEOE), co-financed by the European Social Fund. It is described as a professional development and leadership programme to promote the access of women to management positions, committees and boards of directors of companies, at the same time as increasing the awareness of companies and their active collaboration to support women candidates and commit to their future promotion.<sup>24</sup> As of 2023, 1177 women managers and 600 companies have participated in the project, where the companies are expected to act as mentors, and each woman participant is assigned to a mentor and receives a training composed of three modules aiming, respectively (i) to develop leadership skills, sensitivity to gender equality and non-discrimination issues; (ii) new business models, competitiveness and innovation strategies; and (iii) leadership with impact in an environment of change, aligning talent and business, and being a role model for other women.<sup>25</sup>

In another initiative entitled 'Mas Mujeres Mejores Empresas' (More Women, Better Companies) launched in 2019, the Ministry for Equality and the Institute for Women and Equal Opportunities aim to promote a balanced participation of women and men in decision-making in economic and business life.<sup>26</sup> The initiative is developed in close collaboration with companies and organizations, and is formalized through protocols that are signed between the Ministry for Equality and interested companies for a period of four years. The companies commit themselves to increase the number of women in pre-managerial, managerial, steering committees, governing councils and/or board of directors. The Ministry, in return, provides high-level training for women managers, workshops and awareness programmes to eliminate unconscious gender biases, and advice on equal treatment and opportunities for women and men, also promoting good practices to facilitate equality. The protocols can be signed by both public and private companies, as well as business associations, that have more than 30 staff but do not have a gender-balanced participation in their decision-making positions. Currently, 144 companies and organizations are part of the programme, including cooperatives and agri-food federations.

A further programme financed by the Institute is the 'Talentia 360 Women Managers,' which is a professional development and leadership training programme developed in collaboration with the School of Industrial Organization since 2010.<sup>27</sup> It provides structured and comprehensive training to enhance the managerial skills of the participants with a gender and multi-disciplinary perspective, including coaching and networking practices. Since 2018, a sub-programme has also been included for the State Security Forces and Corps to promote women's professional development and leadership in the National Police and Civil Guard, providing training activities and professional development tools in line with different professional categories. Since 2021, workshops on equality and unconscious gender biases have been organized for the General Directorates of the Civil Guard and National Police. The programme provided training to 350 women, who also received personal development plans to advance in their career trajectories.

<sup>24</sup> Institute of Women, <https://www.inmujeres.gob.es/areasTematicas/PromProfesional/ProyPromociona.htm>

<sup>25</sup> <https://proyectopromociona.com/#resultados>

<sup>26</sup> <https://www.inmujeres.gob.es/areasTematicas/PromProfesional/MasMujMejoresEmpr.htm>

<sup>27</sup> <https://www.eoi.es/es/programas/talentia360-mujeres-directivas>

# Malta



Malta appears as a laggard in terms of promoting women's leadership and managerial roles within the framework of the EU objectives, and it is noted as one of the 9 Member States which have no action defined for this purpose (EC 2022a), and which do not provide any – public or private, hard or soft – rules (EC 2018).<sup>28</sup> As noted above, with the rate of women on the boards of listed companies remaining at 15.8%, it is among the bottom 4 Member States in terms of meeting the targets set by the EU Directive.<sup>29</sup> Still, it is an important case to draw lessons for Türkiye, on the basis of the remarks and recommendations to develop this aspect, particularly through the European Commission study of 2018 on gender balanced representation in company boards, as well as a number of significant initiatives it has recently developed.

As indicated above, Malta is noted as a Member State which has not developed a public regulatory approach to a more gender-balanced representation in company boards to attain the standards of the (then) proposal for the Directive on the issue, thus which has not adopted any specific laws or legal provisions, but which has nevertheless developed some policy measures. Indeed, along with Hungary, Malta is highlighted as lacking any references at all to this issue in its company law and similar regulatory frameworks (EC 2018).

Still, a number of initiatives can be mentioned to encourage women's participation in decision-making positions. Financed by the European Social Fund, the National Commission for the Promotion of Equality launched a project to facilitate gender-balanced representation in decision-making through two research studies that involved in-depth analyses of (i) the existing state of affairs in terms of representation of women in boardrooms, identifying challenges and obstacles; and (ii) views of companies and organizations on quotas and other policy measures and recommendations to improve gender balance in the boardrooms. The project also involved a mentoring programme and a publicity campaign on social media, launched in 2015 with the aim to develop a training tool. Furthermore, a Directory of Professional Women, an online database with profiles of professional women, was launched for women with 5 years of experience in decision-making / management position, and / or 10 years specialist expertise in a particular field, to increase their visibility and opportunities of being appointed to boards, committees, and other decision-making bodies.<sup>30</sup>

Malta has an independent, non-profit and voluntary organization, Women Directors in Malta (WDM), which was established in 2015 to encourage women to make the right connections and to move up to the board level in their company, or to take non-executive board roles in all sectors. The organization launched the 'Women Directors Malta Charter,' which sets up obligations for companies to include transparency measures on promotion requirements, processes, and outcomes to achieve boardroom diversity, and to achieve greater visibility in the appointment processes of boards. It also includes actions to change the company culture, to develop soft goals and targets, to promote regular reporting on progress, and to conduct annual publications of outputs and biannual checks to ensure that standards are maintained. The charter's first signatory was the HSBC Bank Malta, which appears as a good practice to include women directors across their group of companies (EC 2018).

A further important note is that Malta appears as one of only 3 Member States where women's organizations play a significant role in the debate, including the Malta Confederation of Women's Organizations, the Foundation for Women Entrepreneurs, and the National Council of Women, which, along with the National Commission for the Promotion of Equality, advocate for the adoption of mandatory quota rules to promote gender balance in boards.

28 As of 2022, these nine Member States include BG, CZ, HR, CY, LV, LT, HU, MT, SK (EC 2022a)

29 [https://eige.europa.eu/gender-statistics/dgs/indicator/wmidm\\_bus\\_bus\\_wmid\\_comp\\_compbm](https://eige.europa.eu/gender-statistics/dgs/indicator/wmidm_bus_bus_wmid_comp_compbm)

30 Gender Balance in Decision-Making, available at [https://ncpe.gov.mt/en/Pages/Projects\\_and\\_Specific\\_Initiatives/Gender\\_Balance\\_in\\_Decision\\_Making.aspx](https://ncpe.gov.mt/en/Pages/Projects_and_Specific_Initiatives/Gender_Balance_in_Decision_Making.aspx)

## Conclusions



The analysis above points to a quite diverse picture that emerges across the EU in general and the three cases of the present study in particular, in terms of both GBV and women in decision-making processes. This regards the existing legislation, institutional mechanisms and implementation modalities across the three countries, which is also closely related to the lack of EU-level binding measures until very recently in these two areas. This diversity also emanates from the social and cultural gender norms, political priorities, as well as possible resistance from the society to the steps to be taken to ensure gender equality is promoted and women's rights are fully guaranteed and protected (EC 2018).

While the extent and scope of the two areas of focus differ considerably, and the selected cases of the study are marked by their quite diverse performances, it would be useful to sum up certain important points and underline best practices that could constitute examples for Türkiye, respectively. In the area of GBV, the crucial steps include a comprehensive definition and criminalisation of the issue, including its different aspects and forms (Malta), existence of specialist courts to handle GBV cases (Spain), support services geared towards the needs of different groups of women (Spain for particularly migrant women), facilitation of online reporting of GBV cases (France), provision of systematic and comprehensive training to law enforcement officers (Malta and Spain), provision of effective compensation for victims (France), as well as collection of adequate data on different forms of GBV (France and Spain).

In the area of women in decision-making, on the other hand, France emerges as a best practice example with its binding boardroom quotas for its publicly listed companies established for this purpose, the reporting obligations it places for companies in this scope, as well as its initiatives to rank companies and increase the visibility of success in this respect. Spain, as an example employing voluntary, 'soft' measures to foster an increase in the number of women on boards, comes to the fore with its emphasis not limited to publicly listed companies, but covering a much wider focus, as well as a number of widespread projects to enhance the representation of women, all empowered by its Institute for Women and Equal Opportunities. In Malta, finally, where no specific legislative act exists to promote gender balance in company boards, but a number of policy measures exist to this aim, is remarkable for the engagement of women's movement and voluntary organizations in the debate.

The crucial point not to be overlooked in any effort to promote women's rights and gender equality, which is also reflected, to different extents, in the country cases of the present study, is the long-standing and pervasive gender norms and stereotypes, which deeply affect the perceptions and attitudes towards the issue, at the same time as constituting a determinant factor for the limits of the legislative and policy steps to be taken, as well as institutional mandates. Notwithstanding, political commitment and mobilisation of all relevant societal actors are also key points that affect the process and outcomes in this respect. The impacts of the binding legal frameworks, including those set by the Istanbul Convention, the proposed EU Directive on GBV, and the very recently adopted Women on Boards Directive, remain to be seen, with significant diversity and distinct societal dynamics over the two issues. Nevertheless, while pointing to different approaches and significant implementation problems across all the three cases of the study, the examples highlighted here provide important lines of thought for the development of comprehensive frameworks to promote women's rights in Türkiye.





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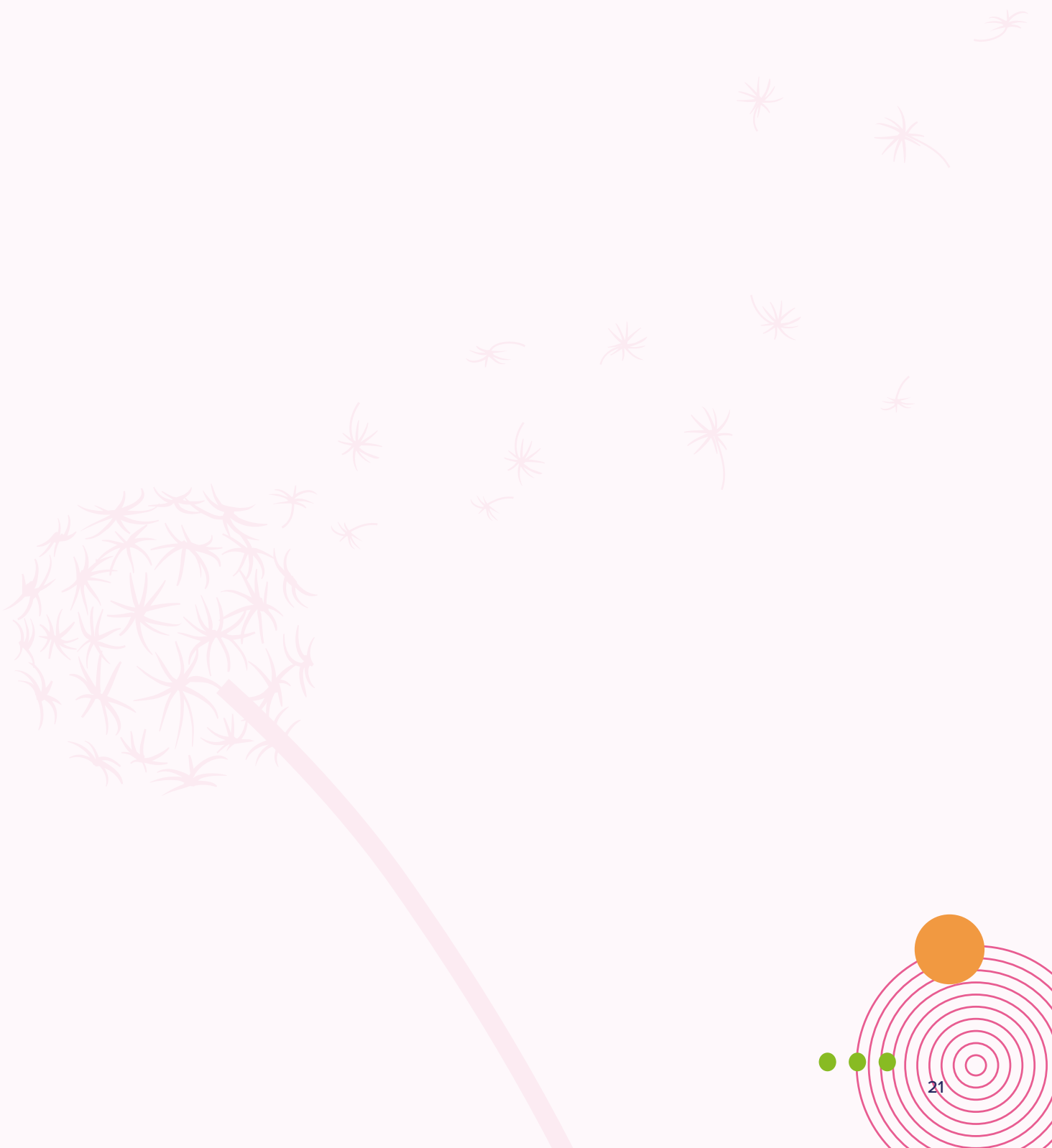
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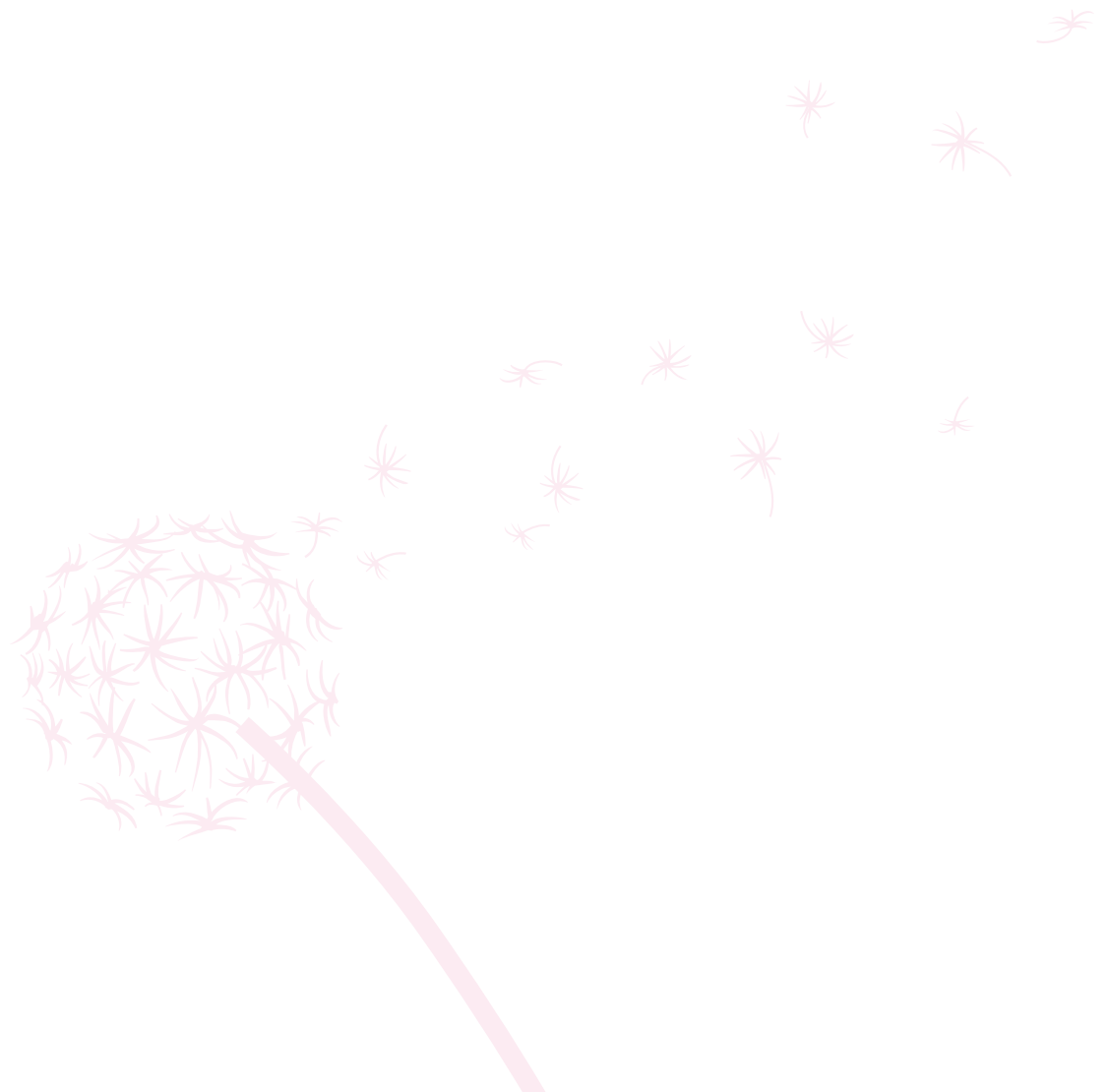


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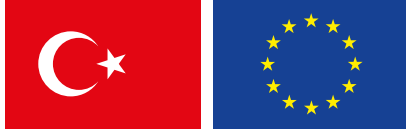
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## Technical Assistance for Strengthening Fundamental Rights Sector Coordination