



HE Mr. Nuno Brito
Permanent Representative
Permanent Representation of Portugal to the EU
Avenue de Cortenbergh 12, 1040 Brussels
E: reper@reper-portugal.be

Cc: Mr. **Carlos Duarte**, Coordinator Employment and Social Affairs, responsible for gender equality
Mr. **Dany Levin Prist**, Employment and Social Affairs, responsible for gender equality
Ms. **Cláudia Maduro Redinha**, Justice and Home Affairs, FREMP Chair
Ms. **Margarida Teixeira Araújo**, Coordination PSC, COHOM

Brussels, 16 February 2021

Re: Recommendations to the Portuguese Presidency of the Council of the European Union

Dear Mr. Ambassador,

I am writing to you after having had the pleasure of meeting officers from your Permanent Representation and Portuguese government representatives on a few occasions and having read your Presidency programme and priorities concerning gender equality and women and girls' rights, both internally and externally.

The End FGM European Network (End FGM EU) is a European umbrella organisation consisting of 30 national NGO experts on female genital mutilation (FGM), in 14 European countries. End FGM EU operates as a meeting ground for communities, civil society organisations, decision-makers and other relevant actors at European level to interact, cooperate and join forces to end all forms of FGM in Europe and beyond. We put at the heart of our work grassroots voices to influence European governments and policy-makers to work towards the elimination of FGM. We build our members' capacity, offer spaces to share expertise and develop partnerships. While dedicated to being the driving force of the European movement to end FGM, we are equally committed to build bridges and cooperation with all relevant actors in the field of FGM both in Europe and globally. In this sense, we actively promote and foster cooperation between the European movement and movements in other regions of the world.

FGM & THE EUROPEAN UNION

FGM is a violation of the **human rights** of women and girls affected by the practice and amounts to **torture**. The European Parliament estimated that over **600,000 survivors** of FGM currently live in Europe, and that **190,000 are at risk** of FGM in 17 countries alone.

We welcome the Portuguese Presidency, which is the second of the Trio formed with Germany and Slovenia. The Trio programme emphasises a key area on **protecting citizens and freedoms**, which is of interest to End

FGM EU, since it entails the Trio's commitment to: mainstreaming equality, including gender equality, youth empowerment, social inclusion, combatting gender-based violence and fighting against all forms of discrimination, especially in light of the increase in inequalities and discrimination exacerbated by COVID-19. Moreover, we deem important the focus that the Trio programme puts on **promoting Europe's interests and values in the world**, specifically in relations to Agenda 2030 and the SDGs, promoting human rights, but also reinforcing linkages between the internal and external policies of the Union. End FGM EU welcomes the **Joint Trio Declaration on not allowing the COVID-19 pandemic to increase inequalities and discrimination of any kind**. This is particularly an important priority for us, as the crisis has led to increased cases of violence against women, overwhelmingly impacted organisations working on combatting gender-based violence, including FGM, and has disrupted access to essential support services for women and vulnerable groups.

Concerning the Portuguese Presidency programmatic document, we welcome the overall principle of taking a **cross-cutting approach to gender equality and policies on fighting discrimination, poverty and social exclusion**, including specific protection of more vulnerable groups throughout EU policy areas. We strongly believe that this is a good way to truly apply an intersectional approach to EU policies and to ensure that all forms of intersecting discrimination are systematically tackled and mainstreamed in all policies of the EU. We are particularly happy to see that a policy debate around equality and non-discrimination will be organised during an EPSCO meeting in March.

Moreover, we deem important the programmatic pillar **IV. Building a Fair and Social Europe**, which will tackle the impact of COVID-19 on gender equality through Council Conclusions to be adopted in EPSCO Council in June, and promote a reflection in particular on labour market participation, incomes, and reconciliation of work, personal and family life. However, we were particularly happy to hear that one of our main recommendations has been listened to and that the Presidency intends to also give attention to the dramatic rising of all forms of gender-based violence against women during the pandemic, as a consequence of the lockdown, and disruption of support networks and services. Within such reflection, we further recommend that the voices and recommendations of women with heightened vulnerability, civil society, grassroots and women's organisations are listened to. We call on more efforts be taken to ensure an EU gender-sensitive COVID-19 response, which must adequately involve women and girls-led initiatives within the crisis response. We are also particularly happy to see that another priority for the Presidency under this pillar will be gender-based violence against women and girls, specifically through a conference marking the **10th anniversary of the adoption of the Istanbul Convention** on 6th April in Lisbon. We welcome that such event will be the opportunity to emphasise the importance of **combating violence against women and domestic violence** and for the Presidency to push for ratification at Member State and EU level. We also would recommend ensuring a broad discussion encompassing all forms of gender-based violence included in the Istanbul Convention, among which FGM, beyond solely addressing domestic violence. In addition, we would encourage the Presidency to use the occasion to ensure an honest reflection over the past 10 years – including 4 years since the EU signature of the Convention – around the growing hostile climate towards gender equality and the backlash on women's rights in Europe. In 2011, all EU countries - being all members of the Council of Europe - agreed to the wording included in the Istanbul Convention, while in 2021 that wording is openly criticised and seriously under attack, undermining the unity of the Council of the EU.

In relation to the guiding principle **V. Promoting EU's interests and values in the world**, we are happy to see that the implementation of the EU Action Plan on Gender Equality and Women's Empowerment 2021-2025 will be prioritised, as well as a discussion around human development and in particular in the areas of health and education, including a gender equality and women's empowerment perspective.

Moreover, in relation to the priorities of judicial cooperation in criminal matters and police cooperation, End FGM EU welcomes the focus of the Presidency on **coordinating the fight against cross-border crime**, with special attention to crimes against women and children, including child sexual abuse. In this framework, we would encourage the Portuguese Presidency to address also FGM, being a crime in all EU MS with specific cross-border characteristics and scope, particularly when it comes to protection for women and girls being at risk of it, which could be enhanced by cross-border cooperation.

Finally, we are confident that your Presidency will be inspired by the objective **“Time to deliver: a fair, green and digital recovery”** to ensure the EU lives up to the values enshrined in its treaties and that a **“fair recovery”** strongly supports human rights, non-discrimination and equality, including gender equality, to counter any opposition movement attacking these core European values, in the face of the global pandemic. In this regard, we strongly recommend that EU recovery plans do not come at the expenses of EU values and we urge the Portuguese Presidency to show leadership in ensuring the EU puts money to uphold its core values, including equality between women and men.

Building on these elements, on the Council Conclusions *“Preventing and combating all forms of violence against women and girls, including female genital mutilation”* of June 2014 and on the programme and priorities of the Portuguese Presidency, End FGM EU calls on the Presidency and the Council to act, in the scope of its competences to:

- ☒ Ensure **human rights** remain a core priority in the EU agenda, notably by mainstreaming human rights issues when relevant in EU legislation and policy, both externally and internally.
- ☒ **Mainstream gender** into the Council’s contributions to EU legislation and policy, in particular those related to human rights, migration and international protection, health, research and data collection, development, women’s rights, children’s rights and the fight against gender-based violence, including FGM.

Moreover, End FGM EU would like to draw the Portuguese Presidency’s attention to a few priority areas that we deem crucial to ensure the end of all forms of gender-based violence, including FGM, in Europe and beyond. Therefore, we would like to call on the Presidency and the Council to take, in the scope of its competences, the following specific actions.

International protection

- ☒ Work with the European Commission and Member States to ensure the effective transposition and implementation in all EU Member States of **Directive 2012/29/EU** (Victims’ Rights Directive).
- ☒ Continue the work to reform the **Common European Asylum System**, particularly within the **New Pact on Asylum and Migration** presented in September 2020 by the Commission, with the aim of advancing discussions on all instruments bearing in mind the key objective of protection of women and girls affected by gender-based violence, including FGM, and by ensuring these principles are taken into consideration:
 - Mainstream gender and human rights to enhance the protection of migrants, asylum-seekers and refugees, particularly women and girls.
 - Give clear guidelines to Member States as regards to the international protection of vulnerable groups fleeing past or fear of persecution, including FGM survivors and persons at risk of FGM e.g. gender and child sensitivity, access to female interviewers and

interpreters, credibility assessment taking trauma into account, gendered data collection - including concerning country of origin information -, acknowledgement of past persecution etc.

- Develop high gender- children- and culturally-sensitive standards as regards to the qualification process, the asylum procedures process and the reception conditions of asylum-seekers and refugees to ensure the respect of human rights and international law.
 - Create an effective and adequately funded EU Agency for Asylum to support Member States, in particular on gender-sensitive country of origin information, training of asylum officers and fairness of the asylum system.
 - Involve tailored training of professionals e.g. health practitioners, public and asylum officers etc., notably on gender issues and gender-based violence, including FGM.
- ☒ In particular, work with Member States, the European Commission and European Parliament on the new amended proposal for an **Asylum Procedures Regulation** (former Directive 2013/32/EU) tabled by the Commission in September 2020 within the framework of the new Pact on Asylum and Migration, after Council and Parliament did not reach an agreement on the previous text proposed within the CEAS reform in 2016. Ensure that such new text will grant adequate protection for all girls below 18 years old, as a group presenting increased vulnerabilities, and will not submit them to accelerated or border procedures, in line with internationally agreed protection standards.

Istanbul Convention and the Sustainable Development Goals

- ☒ End FGM EU urges the Portuguese Presidency to continue to work towards the ratification of the Council of Europe's Istanbul Convention by the EU and all Member States. We encourage that this is supported through organised bilateral talks with Member States who have not yet ratified the Convention at national level to try and unblock the situation, while waiting for the European Court of Justice's opinion. Once the ECJ opinion is out, we were very happy to learn that the Portuguese Presidency will put again the EU accession on the FREMP working party agenda. We stand ready to support in this process. Furthermore, we recommend ensuring to overcome obstacles for the **ratification of the Istanbul Convention by the EU** by the end of the Presidency semester and that there is full unreserved implementation. To this purpose, ensure that a clear, specific and detailed Code of Conduct is adopted within the shortest delay as a framework for EU and Member States' actions. Finally, ensure that an EU Coordinator on ending violence against women is appointed within the European Commission to overview the implementation.
- ☒ We recommend the Presidency works with relevant stakeholders, notably the European Commission, European Parliament, EEAS, the UN, EU Member States' governments and third countries to develop internal and external joint actions towards the implementation of **Agenda 2030** on Sustainable Development, with particular attention to SDG 5.3 on eliminating all harmful practices, and the **European Consensus on Development**.

Data collection and funding

- ☒ Encourage **data collection** using a common methodology on the prevalence of gender-based violence in each Member State, including on refugee status granted on such ground within the asylum system, with a special focus on FGM. Ensure the cross-border coordination and sharing of collected data through e-databases among Member States.

- ☒ Work in collaboration with the European Parliament and the European Commission, including on the new Multiannual Financial Framework 2021-2027, to ensure **adequate, sustainable, accessible and flexible funding**, especially concerning its geographical scope and timeframe, on relevant matters e.g. joint programmes between EU and third-countries, programmes against harmful practices and violence against women and girls, longer-term community-led awareness-raising and behavioural change programmes, etc. Regarding the MFF 2021-2027 and the EU's recovery plans, after the strong sign from the German Presidency in terms of top-ups for flagship programmes such as the Citizenship Equality Rights and Values programme, the only programme funding work promoting gender equality and against gender-based violence, we **urge the Portuguese Presidency to encourage all EU Member States to demonstrate their political leadership and commitment to protecting equality between women and men and eliminating violence against women and girls in all of their activities and to increase funds to gender equality and the fight to end violence against women and girls.**

Member States

- ☒ Call for Member States to develop and fund **education and awareness-raising** actions and programmes on **human rights** and on **gender-based violence**, including on FGM and in collaboration with FGM-affected communities.
- ☒ Call for Member States to ensure appropriate **training of relevant professionals** (health practitioners, public officers, asylum officers, police, teachers, social workers, journalists, etc.) and **access to holistic and specialised services** to address the issue of gender-based violence, including FGM.
- ☒ Call for Member States to develop actions and programmes to end violence against women and girls, including FGM, dedicated to **prevention and protection**, and to collaborate with each other as well as third-country partners to identify and implement promising practices in this area.

We wish the Portuguese Government a fruitful and constructive Presidency Semester and we are looking forward to a close cooperation during this period and beyond.

Yours sincerely,



Chiara Cosentino
Head of Policy & Advocacy

On Behalf of Ms. Anna Widegren, Director

End FGM European Network

Mundo B, Rue d'Edimbourg 26, Brussels 1050, Belgium
T: 0032 2 893 09 02 / Mobile: 0032 489 709 272
E: ccosentino@endfgm.eu / W: www.endfgm.eu