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Recommendations to the Czech Presidency of the Council of the European Union (EU)

Dear Madam Ambassador,

I am writing to you after having read your Presidency programme and priorities specifically on the areas of the **resilience of democratic institutions** with the specific emphasis on the promotion of human rights and the implementation of the European Year of Youth.

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.

The End FGM European Network (End FGM EU) is a European umbrella organisation consisting of 34 national NGO experts on female genital mutilation (FGM), in 15 European countries. End FGM EU operates as a meeting ground for communities, civil society organisations, decision-makers and other relevant actors at the European level to interact, cooperate and join forces to end all forms of FGM in Europe and beyond. Grassroots voices are at the heart of the work we do to influence European governments and policymakers to act 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 building bridges and

cooperating 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.

We welcome the Czech Presidency of the Council, taking over the objectives set by the Trio formed with France and Sweden. The Trio programme put an emphasis on **protecting citizens and freedoms**, which is of interest to End FGM EU, since it entails the Trio's commitment to promoting gender equality and fighting against gender-based violence and stereotypes, effectively implementing the Gender Equality Strategy 2020-2025 and moving forward with the Commission's legislative proposal to combat gender-based violence. We are also glad to see that the Trio is committed to fighting **against all forms of hate and discrimination**, with specific attention to LGBTIQ rights, anti-racism and the rights of people with disabilities. 2022 being the European Year of Youth, we welcome the place made for the prioritisation of the protection, participation and education of youth, as an important part of the Survivors¹ or people at risk of FGM are often minors. The recent Council Conclusions on the Rights of the Child recognise FGM and other forms of harmful practices as violence against children and call on all Member States to implement effective measures to prevent them.

Moreover, we deem important the focus that the Trio programme puts on **promoting Europe's interests and values in the world**, specifically in relation to accelerating the implementation of the 2030 Agenda and the SDGs. We welcome the Trio's commitment to promote diversity, gender equality, women's, and girls' full enjoyment of all human rights, as well as the empowerment of women and girls. These aspects combined are fundamental to us, as in our work we highlight that an intersectional perspective is key to combat gender inequalities, which are the result of several overlapping forms of discrimination and need to be considered and tackled together.

Concerning the Czech Presidency programmatic document, we deem the focus on the **implementation of the European Action Plan on Human Rights and Democracy 2020-2024** essential. This action plan explicitly considers the protection and empowerment of individuals as a crucial objective, and the achievement of such a goal is only possible if it includes the promotion of women's and girls' rights, the empowerment of the most vulnerable and the advancement of gender equality. On this, we recall the explicit commitment addressed in the Action Plan to eliminate, prevent, and protect from all forms of sexual and gender-based violence including FGM, as well as the access to comprehensive sexual education and healthcare services for Survivors. However, we regret that the Czech Presidency does not prioritise the protection and advancement of women's rights and gender equality.

It is encouraging to see that the Presidency will continue to improve **dialogue with the citizens** and particularly to keep alive **the debates on the future of Europe**. Among the different subjects touched upon by the Conference on the Future of Europe, asylum and migration were largely discussed, a topic that is also at the heart of the Czech Presidency's programmatic document, in particular in relation to the war in Ukraine. We welcome the Czech's Presidency prioritisation of supporting the people fleeing Ukraine and we urge the Presidency to ensure that the rights of girls and women fleeing conflicts, in particular their sexual health and reproductive rights, are guaranteed. Moreover, we call on the Presidency to ensure that this show of solidarity is extended to the EU-wide migration and asylum policies, taking into consideration the obligation to respect and protect the human rights of all people on the move, with a gender-responsive approach for girls and women, and their right to receive international protection when affected or at risk of being affected by FGM in the countries they are fleeing.

¹ At End FGM EU, we use the positive term "Survivors of violence" instead of "victims", in order to emphasize the resilience of persons affected by gender-based violence.

We welcome the Presidency's objective to continue to **implement the European Year of Youth 2022** by improving the involvement young people in political processes. In line with these commitments, we look forward to having opportunities for young girl advocates and the End FGM EU Youth Ambassadors to engage with the Czech Presidency during the European Week of Action for Girls (10-14 October 2022). The European Year of Youth is about making sure that every child and young person in the EU can have access to more and better opportunities in the future, protected from any form of violence.

Regarding the specific focus of your Presidency on **the strengthening of freedoms and European values**, we are confident that your Presidency will be inspired by the core values of the Union thus supporting human rights, non-discrimination and equality, including gender equality, to counter any backlash on acquired rights and any opposition movement attacking these European values.

As the motto of the Czech Presidency is "**rethink, rebuild, repower**", we hope that these three points will also apply to effectively address gender-based violence, in order to construct a more sustainable and efficient mechanism to protect and support all Survivors in the face of the global pandemic.

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 Czech 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 Czech 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 competencies, 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 to make progress within the New Pact **on Asylum and Migration**. In this context, we call upon the Presidency to bear in mind the key objective of protection of women and girls affected by gender-based violence, including FGM, and to ensure that 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 the international protection of vulnerable groups fleeing past or fearing persecution, including FGM Survivors and people at risk of FGM. These shall include, for example: 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 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.
 - Support the work of the newly created European Union Agency for Asylum especially as regards the cooperation with Member States in assessing protection needs, based on gender-sensitive country of origin information, training of asylum officers, particularly on vulnerabilities of asylum-seekers, and to ensure the 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 border procedures, in line with internationally agreed protection standards.

Istanbul Convention and the Proposed Directive on Violence against Women and Domestic Violence

- ☒ End FGM EU urges the Czech Presidency to work towards **Czechia's ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic violence** (Istanbul Convention) and to ensure the full implementation of its four pillars to end violence against women and girls in the Czech Republic. All Member States who have not done so should ratify the Istanbul Convention and be encouraged to do so, through the example set by those ratifying it.
- ☒ We urge the Presidency to advance work within the Council to achieve the accession of the EU to the Istanbul Convention.
- ☒ We call on the Czech Presidency to **support and strengthen the Commission's proposed Directive on combating violence against women and domestic violence**. We regret to learn that the proposed Directive is being challenged. The objective of this directive is to set higher EU-level minimum standards on gender-based and domestic violence. The pervasive problem of gender-based violence, so worryingly widespread across the EU, needs to be tackled with a comprehensive legal instrument that provides for measures encompassing increased efforts for prevention, protection and change of harmful social and gender norms. Gender-based violence, as well as domestic violence, are widespread enough to create the necessity to tackle them at the European level in a consistent manner including when it comes to sanctions and responsibility. The EU and its Member States lack a harmonised approach aligned with the standards of the Istanbul Convention and that holistically addresses all forms of VAWG and its structural root causes. In the face of the increased and alarming backlash against women's rights, the EU must uphold its values and commitments by collectively acting towards EU-wide legislation on the issue. We call on the Presidency of the Council to pursue the expansion of the list of crimes under Article 83(1) TFEU to include gender-based violence.
- ☒ We urge the Czech Presidency to support the upcoming **Recommendation on Harmful Practices** and promote it in order to support Member States in rightly addressing, preventing and eliminating all forms of harmful practices, including female genital mutilation.

Sustainable Development Goals

- ☒ We call on the Presidency to work 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 including FGM, and the **European Consensus on Development**. The Presidency should ensure that all relevant opportunities and partnerships are used to mainstream combating gender-based violence, eliminating FGM and achieving gender equality.

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.
- ☒ 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, share and implement promising practices** in this area, in close cooperation with civil society.

We wish the Czech Government a fruitful and constructive Presidency Semester, we stand ready to support you and we look forward to a close cooperation during this period and beyond.

Yours sincerely,



Xheni Dani, Policy and Advocacy Coordinator

On behalf of Ms. Emilie Jarrett, Interim Director

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