

Analysis of EU directives from a gendered perspective

EIGE has carried out an analysis of the EU Victims' Rights Directive from a gender perspective and an analysis of the EU Anti-Trafficking Directive from the perspective of a victim of gender-based violence:

- The first study (2014): [An analysis of the Victims' Rights Directive from a gender perspective \(2014\)](#)
- The second study (2017): [Gender-specific measures in anti-trafficking actions](#)

The purpose of undertaking a gender analysis is primarily to make visible the fact that gender relations are likely to impact the solution to a problem, to indicate the form that impact will take and to propose mitigating factors or alternative courses of action [1]. Gender analysis is a sub-set of socio-economic analysis that aims to inform policy making and challenge the often held assumption that interventions are gender-neutral, which can often reflect or even reinforce existing imbalances.

2017: Gender-specific measures in anti-trafficking actions

Building on EIGE's analysis of the Victims' Rights Directive from the perspective of the specific needs of victims of gender-based violence, EIGE conducted an analysis of the Anti-Trafficking Directive, (Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA), assessing it in conjunction with the Victims' Rights Directive, in order to:

- 1 | Assess whether the measures set out in the Anti-Trafficking Directive regarding assistance and support, protection, compensation and prevention meet the needs of women and

children trafficked for sexual exploitation and forced marriage;

- 2 Assess whether victims of gender-based violence have equal rights regardless of the form of violence they have experienced, in order to identify whether all victims of gender-based violence can access the same basic level of rights.

Following a gender analysis of the Anti-Trafficking Directive and a comparative legal analysis with the Victims' Rights Directive, recommendations were developed for a gender sensitive and holistic approach to implementation of the Anti-trafficking Directive, specifically regarding Articles 11-17 concerning protection and assistance.

2014: An analysis of the Victims' Rights Directive from a gender perspective

The study, 'Analysis of the Victims' Rights Directive from a gender perspective', considers Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, also called the 'Victims' Rights Directive'.

The study is focused on the specificities of the implementation of the Directive vis-à-vis victims of gender-based violence (GBV) and their access to justice.

The aim was to assess the Directive from the perspective of victims of gender-based violence so as to critically examine measures that could be counterproductive or cause unintended effects, as well as those that could support victims.

Main Findings

- Though the Victims' Rights Directive includes many provisions directly or indirectly referring to victims of gender-based violence, for the most part, they do not regulate the issues of support and protection for these victims in an optimum manner.
- Some provisions do not account for the specific nature of gender-based violence at all.
- SWOT analysis performed for each of the Directive's provisions showed that virtually each provision represents a strength and a weakness – an opportunity and a threat:
 - Most provisions introduce new (or emphasise existing) duties for Member States respecting victim support and protection.
 - Very frequently, these provisions are too general, or do not provide reference to

instruments such as codes of conduct, in the absence of which, the application of legal solutions can prove limited.


Publications

[Analysis of the Victims' Rights Directive from a gender perspective](#)



[Gender-specific measures in anti-trafficking actions: report](#)



[1] Gender analysis is explained in more depth in [this publication by the United Nations Development Programme](#) .