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The report used the following terminology to shed light into the pervasive power relations hampering women and girls' enjoyment of their rights and fundamental freedoms, thus perpetuating their unequal position in all areas of society. Furthermore, this terminology provides a framework for understanding women's structural historical oppression resulting from patriarchal societies: women have systematically been set aside and absent on the international law discourses. Their rights have consistently been denied. We encourage decision-makers to use these definitions and concepts when working on legislative texts and policies.

Asylum-seeking women

Under Art.14 of the Universal Declaration of Human Rights, everyone has the right to seek and enjoy in other countries asylum from persecution. An asylum-seeker is an individual who has fled their country and is seeking protection from persecution and serious human rights violations in another country, but who has not been legally recognised as a refugee yet.

This includes the women waiting for their application results, those who express the intent to apply for international protection, those who have seen their application rejected and those possessing an expulsion order. In these different situations, their undocumented status can last for an extended period which hinders these

women's access to certain rights, protection and services (e.g., healthcare or maternity services) and puts them at high risk of male violence and retraumatisation, sexual and labour exploitation and trafficking, marginalisation and social exclusion.

Coercive control

Coercive control refers to a repeated or continuous controlling, oppressive, dominating or restraining behavior towards another person within the context of an interpersonal relationship, with negative effects on the victim. Coercive control is primarily committed by men against women within a context of power. As such, it represents an integral part of the continuum of male violence against women and girls and ought to be addressed within

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this framework. While coercive control goes beyond psychological violence and can be associated with other forms of violence against women, it should not be used to mask, dismiss or prevent the qualification and prosecution of said forms of violence as such.

Domestic violence

According to the Istanbul Convention, it refers all acts of physical, sexual, psychological, or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim, including coercive control of the victim through repeated acts of intimidation, threats, humiliation and others. In this document, we also consider that domestic violence encompasses verbal violence that should be dissociated from psychological violence.

Due diligence

Requires States to take a level of care or activity in the exercise of their duties to ensure the enjoyment of human rights, and to act in good faith. For instance, State parties to CEDAW must act with due

diligence, which means that States are accountable for all discrimination against women committed by State and non-State actors, in both private and public spheres, including preventing, prohibiting, identifying, providing redress, imposing sanctions for discrimination, as well as promoting women's rights and accelerating de facto equality.

Femicide

Expanding on the Latin American Model Protocol for the investigation of gender-related killings of women, femicide in this document is defined as "the murder of women because they are women, whether it is committed within the family, a domestic partnership, or any other interpersonal relationship, or by anyone in the community [or wider society], or whether it is perpetrated or tolerated by the state or its agents". Femicide exists in direct and indirect forms, with different categories, such as murder of women as a result of intimate partner violence; torture and misogynistic slaying of women; killing of women and girls in the name of honour; targeted killing of women and girls in the context of armed conflict; dowry-related killing of women; killing of aboriginal and indigenous women

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and girls because of their sex; female infanticide; genital mutilation-related deaths; accusations of witchcraft; other types of femicide connected with gangs, organised crime, drug dealers, and human trafficking, killing of women in prostitution, forced suicide, etc. Globally, killings by intimate partners or family members make up 55 % of all femicides.

Forced labour

All work or service which is exacted from any person who, under any circumstances, has not offered themselves voluntarily.

Forced marriage

Forced marriage is a form of violence against women that entails serious violations of fundamental rights and in particular of women's and girls' rights to physical integrity, physical and mental health, sexual and reproductive health, education, private life, freedom and autonomy. Neither culture, custom, religion, tradition nor so-called "honour" can justify such violations.

"Honour" crime

Any act whereby a family or community member kills, maims, burns, injures, tortures,

or harms a woman or a girl with the aim of restoring family "honour" and reputation, on the ground that, by her life choices, her desire for emancipation, her refusal of marriage, her sexual, social or romantic life, her sexual orientation, or any particular behaviour she "has transgressed cultural, religious, social or traditional norms or customs of appropriate behaviour".

Intersectional discrimination

Intersectionality describes the unique forms of discrimination, oppression and marginalisation that can result from the interplay of two or more grounds of discrimination, such as sex and race, sex and migration status or migration status and religion, for example. Migrant, refugee and asylum-seeking women and girls in Europe face persistent inequalities as well as specific barriers to protection and enjoyment of their fundamental rights. As a group they are at the intersection of multiple systems of structural oppression (patriarchy, colonialism, and capitalism) and, as a result, they face multiple forms of violence (male violence, racism, exclusion, administrative violence, etc.). Among migrant women, some belong to other discriminated groups

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(women with disabilities, lesbian women, underage girls, single mothers, etc.).

Legally binding document

A document that carries formal legal obligations for the Parties by which they are bound. This includes Treaties, Conventions, EU directives EU Charter, etc.

Migrant women

Encompasses migrant, refugee, and asylum-seeking women. According to the UN's International Organization for Migration, a migrant woman is an umbrella term, not defined under international law, reflecting the common understanding of a person who moves away from her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons. We follow this inclusive definition, which considers that the term migrant covers all forms of movements, including fleeing from war, persecution and disasters linked with the climate crisis.

Non-binding document

A document that does not carry formal legal obligations for the Party. However, it can

indicate an emerging rule of international or European human rights law. This includes Recommendations, EU resolutions, EU agency or EU institution reports, etc.

Non-State actors

The United Nations Security Council defined non-state actors as “any individual or entity not acting under the lawful authority of the State” (Resolution 1540, 2004).

Non-State Torture (NST)

It is torture that is committed by non-state actors, in public or private, in relationships, perpetrated within families, in human trafficking, in prostitution, in pornographic exploitation, by violent individuals, groups and gangs, dismissed as socio-cultural, traditional, or religious acts or norms, and can be committed during migration, displacement, in humanitarian and civil unrest, for example.

Pornography

From a general perspective, pornography is defined as the image or representation of one or several persons engaged in real or simulated sexually explicit conduct. Since the mid-2010s, online platforms for sharing

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sexual content have appeared leading to the massification of commercial pornography. In the pornography industry, pornographers recruit, entice, or obtain people – mostly women – for the purpose of photographing, filming, or recording a live commercial sex act. The business of pornography is a system of oppression and sexual exploitation, which plays a direct part in the continuum of violence against women and girls as well as the prevention of equality between women and men. The overarching similarities between pornography and traditionally recognised forms of prostitution, in terms of recruiting techniques, methods, and consequences on the victims, lead this report's authors to consider pornography as filmed prostitution.

Prostitution

Prostitution is the purchase of a sexual act, which can be defined as the solicitation, acceptance or obtainment of a sexual act from a person in a situation of prostitution in exchange for remuneration, the promise of remuneration, the provision of a benefit in kind or the promise of such a benefit. To avoid the circularity of this definition, we chose to replace “from a person in a situation of prostitution” with “from another

person”. We also acknowledge and highlight that the majority of persons in prostitution are women and girls.

Reproductive Exploitation

In this document, the term “reproductive exploitation” is used with the understanding that there is no agreed EU-level or international legal definition of it. Reproductive exploitation shall include the prohibition of abortion, forced abortion, forced reduction of embryos, forced pregnancy, surrogate motherhood, and surrogate egg retrieval, as practices rooted in inequality between women and men and a manifestation of structural discrimination against women.

Sex disaggregated data

Any data on individuals that is cross-classified by sex, presenting information separately for women and men, girls and boys, allowing for measurement of differences between women and men on various social, cultural, and economic dimensions. When data is not disaggregated by sex, it is more difficult to identify existing and potential inequalities. Statistics on violence against women or equality between women and men rely on

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these sex-disaggregated data to reflect the realities of the lives of women and men and lead to evidence-based policies to reduce existing gaps.

Sexual Exploitation

In this document, the term “sexual exploitation” is used with the understanding that there is no agreed EU-level or international legal definition of it. Sexual exploitation shall include prostitution, as per the Palermo Protocol, as well as pornography, rape, and other forms of sexual violence, FGM, forced marriage, etc. It is generally understood as the abuse of vulnerabilities and/or differential power and/or trust, to obtain acts of a sexual nature.

Substantive equality or *de facto* equality

Substantive equality goes far beyond creating formal legal equality for women (where all are equal under the law) and means that governments are responsible for the impact of laws. This requires governments to tailor legislation to respond to the realities of women's lives. Striving for substantive equality also places a responsibility on governments to implement laws, through governance that takes into account the

women's rights perspective and functioning justice systems that meet women's needs. Substantive equality is a concept expressed in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). It recognises that because of historical discrimination, women do not start on an equal footing to men.

Victim

In the context of this document, which constitutes a legal analysis, victims are understood as persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss, or impairment of their fundamental rights, through acts or omissions that violate laws operative within any given States, including those laws proscribing criminal abuse of power.

Violence against women and girls

The term “violence against women” means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

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Violence against women shall be understood to encompass, but not be limited to, the following:

- (a) Physical, sexual, and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation, and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
- (b) Physical, sexual, and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women, and forced prostitution;
- (c) Physical, sexual, and psychological violence perpetrated or condoned by the State, wherever it occurs.

The Istanbul Convention defines gender-based violence against women as violence that is directed against a woman or a girl because she is a woman or that affects women and girls disproportionately. It is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of violence that result

in or are likely to result in, physical, sexual, psychological, or economic harm or suffering to women and girls, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

For the purpose of the report we chose to use the terminology “violence against women and girls” and/or “male violence against women and girls” to address the important sex-specific aspect of this type of violence.

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