



2016/0062(NLE)

5.4.2017

AMENDMENTS

1 - 35

Draft opinion

Jiří Maštálka

(PE601.097v01-00)

on the proposal for a Council decision on the conclusion, by the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence
(COM(2016)0109 – 2016/0062(NLE))

AM_Com_NonLegOpinion

Amendment 1
Jytte Guteland

Draft opinion
Recital A

Draft opinion

A. whereas gender equality is a core value of the EU, which it has committed to integrating into all its activities;

Amendment

A. whereas gender equality is a core value of the EU, ***recognised in the Treaties and in the Charter of Fundamental Rights***, which the EU has committed to integrating into all its activities; ***whereas women's rights are human rights and gender equality is fundamental to achieving the overall Europe 2020 objectives of sustainable growth, decent employment and social inclusion;***

Or. en

Amendment 2
Daniel Buda

Draft opinion
Recital A

Draft opinion

A. whereas gender equality is a core value of the EU, which it has committed to integrating into all its activities,

Amendment

A. whereas gender equality is a core value ***and an objective*** of the EU, which it has committed to integrating into all its activities,

Or. ro

Amendment 3
Jiří Maštálka, Kostas Chrysogonos

Draft opinion
Recital A a (new)

Draft opinion

Amendment

Aa. whereas the right to equal treatment and to non-discrimination is a defining fundamental right which is recognised in the Treaties;

Or. en

Amendment 4
Daniel Buda

Draft opinion
Recital A a (new)

Draft opinion

Amendment

Aa. whereas the European Charter of Fundamental Rights recognises the right to human dignity, the right to life, and the right to the integrity of the person, and prohibits inhuman or degrading treatment, as well as all forms of slavery and forced labour (Articles 1 to 5 of the Charter),

Or. ro

Amendment 5
Daniel Buda

Draft opinion
Recital A b (new)

Draft opinion

Amendment

Ab. whereas although the European Union has adopted firm positions^{1a} on the need to eradicate violence against women, running special campaigns and local projects to combat this phenomenon and while current legislation, for example, in the field of the protection of victims of crime, sexual abuse and the sexual

exploitation of children, asylum and migration takes into consideration the special needs of victims of gender-based violence, the scale of violence against women continues to give serious cause for concern across the EU,

^{1a} See, for example: Commission Communication COM(2010) 491 final – Strategy for equality between women and men 2010-2015 – <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52010DC0491&from=EN>; Council conclusions on the Eradication of Violence Against Women in the European Union – https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/lsa/113226.pdf

Or. ro

Amendment 6 **Daniel Buda**

Draft opinion **Recital B**

Draft opinion

B. whereas according to the Fundamental Rights Agency's study on "Violence against women: an EU wide survey" gender-based violence is still a widespread phenomenon, with one-third of all women in Europe having experienced physical or sexual acts of violence at least once during their adult lives, 20% of young women (18-29 years of age) having experienced online sexual harassment and one in five women (18%) having been stalked, one in twenty women having been raped and more than one in ten having suffered sexual violence involving lack of consent or the use of force, with most incidents of violence not being reported to

Amendment

B. whereas according to the **EU** Fundamental Rights Agency's study on "Violence against women: an EU-wide survey" **published in 2014^{1a}**, gender-based violence is still a widespread phenomenon, with one-third of all women in Europe having experienced physical or sexual acts of violence at least once during their adult lives, 20% of young women (18-29 years of age) having experienced online sexual harassment and one in five women (18%) having been stalked, one in twenty women having been raped and more than one in ten having suffered sexual violence involving lack of consent or the use of force, with most incidents of violence not

any authorities,

being reported to any authorities,

1a

<http://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report>

Or. ro

Amendment 7

Jiří Maštálka, Kostas Chrysogonos

Draft opinion

Recital B a (new)

Draft opinion

Amendment

Ba. whereas according to the European Added Value Assessment, the annual cost to the EU of violence against women and gender-based violence was estimated at EUR 228 billion a year, of which EUR 45 billion a year was in the form of spending on public and state services and EUR 24 billion in lost economic output;

Or. en

Amendment 8

Jiří Maštálka, Kostas Chrysogonos

Draft opinion

Recital B b (new)

Draft opinion

Amendment

Bb. whereas the Commission stressed in its strategic engagement for gender equality 2016-2019 that violence against women and gender-based violence, which damages women's health and wellbeing, working lives, financial independence and the economy, is one of the key problems to

be addresses in order to achieve genuine gender equality;

Or. en

Amendment 9
Jytte Guteland

Draft opinion
Recital C

Draft opinion

C. whereas the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) is the first legally binding instrument on preventing and combating violence against women at an international level and addressing the issue of violence not only against women, but also men and children, based on the principles of prevention, protection and support, prosecution and elimination of violence against women and domestic violence,

Amendment

C. whereas the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) is the first ***internationally*** legally binding instrument on preventing and combating violence against women at an international level and addressing the issue of violence not only against women, but also men and children, based on the principles of prevention, protection and support, prosecution and elimination of violence against women and domestic violence,

Or. en

Amendment 10
Daniel Buda

Draft opinion
Recital C

Draft opinion

C. whereas the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) is the first legally binding instrument on preventing and combating violence against women at an international level and addressing the issue of violence not only against women,

Amendment

C. whereas the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) is the first legally binding, ***detailed and comprehensive*** instrument on preventing and combating violence against women at an international level and addressing the

but also men and children, based on the principles of prevention, protection and support, prosecution and elimination of violence against women and domestic violence,

issue of violence not only against women, but also men and children, based on the principles of prevention, protection and support, prosecution and elimination of violence against women and domestic violence, ***and stressing the need for integrated policies at national level,***

Or. ro

Amendment 11
Angel Dzhambazki

Draft opinion
Recital D

Draft opinion

D. whereas all EU Member States have signed the Istanbul Convention, ***but only*** 14 have ratified it so far,

Amendment

D. whereas all EU Member States have signed the Istanbul Convention ***and*** 14 have ratified it so far,

Or. en

Amendment 12
Evelyne Gebhardt

Draft opinion
Recital D a (new)

Draft opinion

Da. whereas sexual and reproductive health and rights (SRHR) are human rights, violations of which constitute breaches of women's and girls' rights to equality, non-discrimination, dignity and health and of women's rights to freedom and self-determination;

Or. de

Amendment 13
Jiří Maštálka, Kostas Chrysogonos

Draft opinion
Recital D a (new)

Draft opinion

Amendment

Da. whereas during the meeting in Valetta on 3 February 2017 the Council Presidency, the Commission and the European Parliament committed themselves to zero tolerance to violence against women and girls;

Or. en

Amendment 14
Evelyne Gebhardt

Draft opinion
Recital E (new)

Draft opinion

Amendment

E. whereas opposition to SRHR has increased in Europe and around the world;

Or. de

Amendment 15
Jytte Guteland

Draft opinion
Recital F (new)

Draft opinion

Amendment

F. whereas violence against women (VAW) or gender-based violence is a violence crime that is directed against a person because of that person's gender, gender identity or gender expression or that affects persons of a particular gender

disproportionately; whereas gender-based violence is both a cause and a consequence of inequalities between women and men;

Or. en

Amendment 16
Jytte Guteland

Draft opinion
Recital G (new)

Draft opinion

Amendment

G. whereas the Council under the Maltese Presidency has shown willingness and progress in the process of concluding and finalising the EU accession to the Council of Europe's Convention on preventing and combating violence against women and domestic violence (Istanbul Convention); Whereas the commitment of the EU institutions to zero tolerance to violence against women and girls is a prerequisite for a full and effective implementation of the Convention;

Or. en

Amendment 17
Daniel Buda

Draft opinion
Point i

Draft opinion

Amendment

(i) Recalls that the **Commission** is bound by **Article** 2 TEU and by the Charter of Fundamental Rights to guarantee and promote gender equality;

(i) Recalls that the **Member States, institutions, agencies, bodies and offices of the European Union, and the European Union as a whole, are** bound by **the Treaties, and especially Articles 2 and 3 of the Treaty on European Union**

(TEU), *by Article 8 of the Treaty on the Functioning of the European Union*, and by the Charter of Fundamental Rights of the European Union, and especially *Article 23 thereof*, to guarantee and promote gender equality;

Or. ro

Amendment 18
Jytte Guteland

Draft opinion
Point i

Draft opinion

(i) Recalls that the Commission is bound by Article 2 TEU and by the Charter of Fundamental Rights to guarantee and promote gender equality;

Amendment

(i) Recalls that the Commission is bound by Article 2 *and 3* TEU, *Article 8 Treaty on TFEU* and by the Charter of Fundamental Rights to guarantee and promote gender equality;

Or. en

Amendment 19
Daniel Buda

Draft opinion
Point i a (new)

Draft opinion

(ia) *Welcomes the fact that the Istanbul Convention's approach is fully in line with the Union's multifaceted approach to the phenomenon of gender-based violence and the thrust of measures in place through internal and external EU policies;*

Amendment

Or. ro

Amendment 20
Daniel Buda

Draft opinion
Point ii

Draft opinion

(ii) Reiterates that equal treatment and non-discrimination are essential for the development of society and should apply in legislation, in practice, in case law and in daily life;

Amendment

(ii) ***In the context of violence against women constituting a violation of human rights and an extreme form of discrimination, stresses and*** reiterates that equal treatment and non-discrimination are essential for the development of society and should apply in legislation, in practice, in case law and in daily life;

Or. ro

Amendment 21
Evelyne Gebhardt

Draft opinion
Point ii

Draft opinion

(ii) Reiterates that ***equal treatment*** and non-discrimination are essential for the development of society and should apply in legislation, in practice, in case law and in daily life;

Amendment

(ii) Reiterates that ***equality*** and non-discrimination are essential for the development of society and should apply in legislation, in practice, in case law and in daily life;

Or. de

Amendment 22
Jytte Guteland

Draft opinion
Point iii

Draft opinion

(iii) Recognises with grave concern that

Amendment

(iii) Recognises with grave concern that

women and girls are often exposed to **serious** forms of domestic violence, sexual harassment, rape, forced marriage and other crimes, which constitute a **serious** violation of the human rights and dignity of women and girls;

women and girls are often exposed to forms of domestic violence, sexual harassment, rape, forced marriage and other crimes, which constitute a violation of the human rights and dignity of women and girls;

Or. en

Amendment 23
Heidi Hautala

Draft opinion
Point iii

Draft opinion

(iii) Recognises with grave concern that women and girls are often exposed to serious forms of domestic violence, sexual harassment, rape, forced marriage and other crimes, which constitute a serious violation of the human rights and dignity of women and girls;

Amendment

(iii) Recognises with grave concern that women and girls are often exposed to serious forms of domestic violence, ***female genital mutilation, honour killings, prostitution-linked human trafficking,*** sexual harassment, rape, forced marriage and other crimes, which constitute a serious violation of the human rights and dignity of women and girls;

Or. en

Amendment 24
Jiří Maštálka, Kostas Chrysogonos

Draft opinion
Point iii a (new)

Draft opinion

(iiia) Recognises that domestic violence affects women disproportionately, but men and children may also be victims of domestic violence, including as witness of violence in the family;

Amendment

Or. en

Amendment 25
Heidi Hautala

Draft opinion
Point iv

Draft opinion

(iv) Is concerned that most incidents of violence are considered a private issue and therefore tolerated and not reported to any authorities, which shows that further measures are needed to encourage victims to report their experiences and get assistance, and to ensure that service providers can meet the needs of victims and inform them about their rights and existing forms of support;

Amendment

(iv) Is concerned that most incidents of violence are considered a private issue and therefore tolerated and not reported to any authorities, which shows that further measures are needed to encourage victims to report their experiences and get assistance, and to ensure that service providers can meet the needs of victims and inform them about their rights and existing forms of support; ***recalls that prosecution rates for incidents of violence against women are unacceptably low;***

Or. en

Amendment 26
Daniel Buda

Draft opinion
Point iv a (new)

Draft opinion

(iva) ***Considers that the signing and conclusion of the Istanbul Convention would also help consolidate the EU's legal framework and action targeting violence against women by achieving a more coordinated approach internally and stepping up its role in international fora;***

Or. ro

Amendment 27
Angel Dzhambazki

Draft opinion
Point v

Draft opinion

(v) ***Calls on*** the Council and the Commission ***to speed up negotiations on the signing and conclusion of*** the Convention;

Amendment

(v) ***Suggests to*** the Council and the Commission ***to sign and conclude*** the Convention;

Or. en

Amendment 28
Evelyne Gebhardt

Draft opinion
Point v a (new)

Draft opinion

(va) ***Emphasises that the possibility for women and girls to exercise their fundamental rights to take their own decisions about their sexual and reproductive lives and to decide whether and when to have children is essential to self-determination for women and to gender equality;***

Or. de

Amendment 29
Jiří Maštálka, Kostas Chrysogonos

Draft opinion
Point v a (new)

Draft opinion

(va) ***Calls on the Commission and the Council to ensure that Parliament will be fully engaged in the Convention's monitoring process following the EU accession to it;***

Amendment

Amendment 30
Angel Dzhambazki

Draft opinion
Point vi

Draft opinion

(vi) Recalls that the EU's accession to the Istanbul Convention does not ***exonerate*** Member States from national ratification; ***calls therefore on all Member States which have not yet done so to ratify and fully implement the Convention;***

Amendment

(vi) Recalls that the EU's accession to the Istanbul Convention does not ***exempt*** Member States from national ratification;

Amendment 31
Heidi Hautala

Draft opinion
Point vi

Draft opinion

(vi) Recalls that the EU's accession to the Istanbul Convention does not exonerate Member States from national ratification; calls therefore on all Member States which have not yet done so to ratify and fully implement the Convention;

Amendment

(vi) Recalls that the EU's accession to the Istanbul Convention does not exonerate Member States from national ratification ***and from having in place a national action plan combatting violence against women***; calls therefore on all Member States ***to ensure that a national action plan combatting violence against women is in place, and those Member States*** which have not yet done so to ratify and fully implement the Convention;

Amendment 32
Evelyne Gebhardt

Draft opinion
Point vi a (new)

Draft opinion

Amendment

(via) Stresses that SRHR are fundamental rights which may not be curtailed for any reason;

Or. de

Amendment 33
Jytte Guteland

Draft opinion
Point vii (new)

Draft opinion

Amendment

(vii) Reiterates that the EU is exclusively competent pursuant to Article 3(2) TFEU for the conclusion of an international agreement when its conclusion is provided for in a legislative act of the Union or is necessary for the Union to exercise its internal competence, therefore the EU accession to the Istanbul Convention is a EU legal competence which may affect common rules or alter their scope as regards matters pertaining to the residence status of third-country nationals and stateless persons, including beneficiaries of international protection also as regards of the rights of crime victims;

Or. en

Amendment 34
Jytte Guteland

Draft opinion
Point ix (new)

Draft opinion

Amendment

(ix) Reiterates the Parliament's call on the Commission made in its resolution of 25 February 2014, which contained recommendations to combat violence against women, to submit a legal act providing a coherent system for collecting statistical data as well as a strengthened approach by Member States to the prevention and suppression of all forms of violence against women and girls and of gender-based violence, and to making low-threshold access to justice possible;

Or. en

Amendment 35
Jytte Guteland

Draft opinion
Point x (new)

Draft opinion

Amendment

(x) Notes that the Commission proposal COM(2016) 109 for EU accession to the Istanbul Convention mentions that Article 83(1) TFEU provides a legal basis for action concerning sexual exploitation of women and children; calls therefore the Council to activate the passerelle clause, by adopting a unanimous decision identifying violence against women and girls (and other forms of gender-based violence) as an area of crime listed in Article 83(1) TFEU;

Or. en