

## **Combating violence against women**

### **European Parliament resolution on the current situation in combating violence against women and any future action (2004/2220(INI))**

*The European Parliament,*

- having regard to the provisions in the United Nations (UN) legal instruments in the field of human rights, in particular those concerning women's rights, such as the Charter of the UN, the Universal Declaration of Human Rights, the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination Against Women and its Optional Protocol, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
- having regard to other UN instruments on violence against women, such as the Vienna Declaration and Programme of Action of 25 June 1993<sup>1</sup>, the Declaration on the Elimination of Violence against Women of 20 December 1993<sup>2</sup>, the Resolution on the Elimination of Domestic Violence against Women of 22 December 2003<sup>3</sup>, the Resolution Working towards the elimination of crimes against women committed in the name of honour of 30 January 2003<sup>4</sup>, the Resolution on crime prevention and criminal justice measures to eliminate violence against women of 2 February 1998<sup>5</sup>, the reports by the UN High Commissioner for Human Rights' Special Rapporteurs on violence against women, and the Committee on the Elimination of Discrimination Against Women's General Recommendation No 19<sup>6</sup>,
- having regard to the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women on 15 September 1995 and its resolution of 18 May 2000 on the follow-up to the Beijing Action Platform<sup>7</sup>,
- having regard to Charter of Fundamental Rights of the European Union<sup>8</sup>,
- having regard its resolution of 16 September 1997 on the need to establish a European Union wide campaign for zero tolerance of violence against women<sup>9</sup>,
- having regard to its resolution of 10 March 2005 on the follow-up to the Fourth World Conference on Women - Platform for Action (Beijing + 10)<sup>10</sup>,

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<sup>1</sup> Adopted by the World Conference on Human Rights, 14-25 June 1993.

<sup>2</sup> UN General Assembly resolution 48/104.

<sup>3</sup> UN General Assembly resolution 58/147.

<sup>4</sup> UN General Assembly resolution 57/179.

<sup>5</sup> UN General Assembly resolution 52/86.

<sup>6</sup> Adopted at the CEDAW's 11th session, 1992.

<sup>7</sup> OJ C 59, 23.2.2001, p. 258.

<sup>8</sup> OJ C 364, 18.12.2000, p. 1.

<sup>9</sup> OJ C 304, 6.10.1997, p. 55.

<sup>10</sup> OJ C 320 E, 15.12.2005, p. 247.

- having regard to its resolution of 20 September 2001 on female genital mutilation<sup>1</sup>,
  - having regard to Rule 45 of its Rules of Procedure,
  - having regard to the report of the Committee on Women's Rights and Gender Equality and the opinion of the Committee on Civil Liberties, Justice and Home Affairs (A6-0404/2005),
- A. whereas violence against women has been defined by the UN Declaration on the Elimination of Violence against Women as 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,
- B. whereas Article 6 of the UN Declaration on the Elimination of Violence against Women states, "[n]othing in the present Declaration shall affect any provision that is more conducive to the elimination of violence against women that may be contained in the legislation of a State or in any international convention, treaty, or other instrument in force in a State",
- C. whereas violence occurs in many types of relationship and the definitions used in research and the cultural context vary; whereas the primary focus of this resolution is men's violence against women e.g. where the perpetrator is a man and the victim is a woman who has or has had a relationship with the perpetrator; whereas such violence represents the overwhelming majority of cases of violence in close relationships, according to three prevalence studies carried out in Finland, Sweden and Germany; whereas, although many cases of that type of violence occur in the home, the place where the violence takes place is of secondary importance,
- D. whereas men's violence against women is not only criminal but also constitutes a serious social problem; whereas men's violence against women represents a violation of human rights, notably the right to life, the right to safety, the right to dignity, and the right to physical and mental integrity; whereas men's violence against women is therefore an obstacle to the development of a democratic society,
- E. whereas men's violence against women can affect women of any age, irrespective of education, income or social position; whereas large-scale prevalence studies in Sweden, Germany and Finland have shown that at least 30-35 % of women between 16 and 67 have at one time been victims of physical or sexual violence; whereas if psychological violence is included, the proportion of women affected rises to between 45 and 50 %,
- F. whereas men's violence against women is a universal phenomenon linked to the unequal distribution of gender power, which still characterises our society; whereas inequality also contributes to the fact that men's violence against women is not sufficiently prioritised and prosecuted,
- G. whereas the kind of violence affecting women is typically perpetrated by their close relatives or by partners,

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<sup>1</sup> OJ C 77 E, 28.3.2002, p. 126.

- H. whereas, in addition to taking measures to help victims of violence, there is also a need for proactive and preventive strategies aimed at the perpetrators and those at risk of becoming perpetrators of violence on the one hand and effective, proportionate, and dissuasive penalties on the other,
- I. whereas the types of violence affecting women can vary according to cultural tradition, ethnic origin, and social background; whereas female genital mutilation, so-called crimes of honour, and forced marriages are a reality in the EU,
- J. whereas men's violence against women often occurs in secret and in the home, and can do so because society does not impose adequate penalties; whereas deep-rooted historical and cultural norms often contribute to legitimising men's violence against women,
- K. whereas only a few Member States have gathered data and compiled statistics relating to the prevalence of different forms of men's violence against women, making it difficult to understand the real extent of such violence on the one hand and to draw up an efficient response at EU level on the other,
- L. whereas no detailed EU-level study has been carried out into the financial costs and social and human consequences of men's violence against women; whereas, however, it is vital to conduct such a study in order to highlight the phenomenon and combat this serious violation of human rights,
- M. whereas men's violence against women is an important factor in the lives of those women and girls who become victims of human trafficking for sexual exploitation, including prostitution, or other purposes; whereas surveys show that 65-90% of prostituted women have been subjected to sexual abuse in the past,
- N. whereas marginalisation and poverty are basic causes of prostitution and of increased trafficking in women,
- O. whereas men's violence against women is an obstacle to women's participation in society and the labour market and can lead to women's marginalisation and poverty,
- P. whereas there is a large number of reports showing that women are most at risk of severe violence from their partners or former partners during or shortly after separating from them,
- Q. whereas violence against mothers directly and indirectly has negative short and long-term effects on their children's emotional and mental health and can create a cycle of violence and abuse, which is perpetuated through generations,
- R. whereas, apart from the fact that women are often economically dependent on men, they frequently do not report violence against them, in particular domestic or sexual violence, because there is a lingering myth in society that they are to blame for the violence or that it is a private matter, as well as because of their desire to hold their relationship and family together; whereas women also tend not to report violence because they lack confidence in the police, the judicial system and social services,

- S. whereas the risk of men perpetrating violence against women increases in a society which does not take a sufficiently strong and clear stand against it; whereas legislation and effective enforcement are important instruments in combating violence,
- T. whereas in the Communication from the Commission to the Council and the European Parliament establishing for the period 2007-2013 a framework programme on Fundamental Rights and Justice (COM(2005)0122), fighting violence against women, children and young people plays a very important role, as part of the effort to create an area of freedom, security and justice,
- U. recalling that, as stated by Commission Vice-President Franco Frattini in a speech to the European Parliament on 21 June 2005, an estimated number of at least 700-900 women die each year from intimate partner violence in the 15 old Member States and this number is likely to be underestimated,
1. Recommends, as regards men's violence against women, the Commission and the Member States:
- (a) to regard it to be a violation of human rights, reflecting unequal gender power relations and to adopt an all-encompassing policy approach to combat it, including effective methods of prevention and punishment;
  - (b) to regard men's violence against women as a structural phenomenon and as one of the main impediments to efforts to overcome inequality between women and men;
  - (c) to formulate a zero-tolerance policy as regards all forms of violence against women;
  - (d) to adopt a framework for cooperation between governmental and non-governmental organisations (NGOs), with a view to developing policies and practices to combat domestic violence;
  - (e) to establish harmonised methodology, definitions and criteria, in cooperation with Eurostat, the Fundamental Rights Agency, and the future European Gender Institute in order to gather comparable and compatible data throughout the EU concerning men's violence against women, in particular, comprehensive studies of prevalence;
  - (f) to appoint national rapporteurs in order to gather, exchange and process information and statistics on men's violence against women, including information on children growing up in violent environments, and to promote the exchange of best practice among Member States, accession and candidate countries;
  - (g) to highlight in all work relating to men's violence against women how such violence affects the children;
  - (h) to establish a single system of recording instances of assault by Member States' competent authorities, such as the judiciary, the police, hospitals and social services, in order to ensure that the data is recorded jointly and that greater use is made of them;

- (i) to provide appropriate education and training for professionals who are responsible for recording incidents and data relating to domestic violence in order to ensure that they carry out their duties with the required consistency;
  - (j) to earmark funds for investigation into the costs of men's violence against women in the EU;
  - (k) to establish the necessary means to monitor the activity and progress of the accession and candidate countries regarding treatment of women in all areas of society, and to make the safety and treatment of women in these countries a criterion for accession;
  - (l) to develop programmes and surveys targeting women who are members of culturally specific communities or ethnic minority groups, with a view to obtaining an account of the specific forms of violence that these women encounter and planning appropriate methods of dealing with them;
  - (m) to closely monitor human trafficking across all borders;
2. Calls on the Member States to establish partnership schemes between the law-enforcement authorities, NGOs, victims' refuges, and other appropriate authorities and to intensify cooperation to ensure the effective implementation of laws aimed at combating men's violence against women, and to raise the awareness of officials at all levels of issues relating to men's violence against women;
3. Urges the Member States to take appropriate measures concerning men's violence against women in their national laws, in particular:
- (a) to recognise sexual violence within marriage as a crime and to make rape within marriage a criminal offence;
  - (b) not to accept any reference to cultural practices as a mitigating factor in cases of violence against women, crimes of honour or female genital mutilation;
  - (c) to cooperate and exchange best practice with the authorities in countries with more experience of crimes of honour;
  - (d) to ensure victims' right to safe access to justice and effective enforcement, including the provision of compensation;
  - (e) to encourage the prosecution of accomplices to crimes of honour, such as any family members of the perpetrator who encouraged or ordered the crime of honour, in order to demonstrate firmly that such behaviour is unacceptable;
  - (f) to take account of the fact that children who witness their mothers being battered could be regarded as victims, and thus to consider whether they should be entitled to damages in accordance with national law;
  - (g) to consider the risks of joint residence orders in favour of perpetrators of violence against women and to establish effective measures that will ensure safe custody of children in cases of separation and divorce;

- (h) not to accept any references to intoxication by alcohol as a mitigating factor in cases of men's violence against women;
  - (i) to combat the idea that working as a prostitute can be equated with doing a job;
4. Calls on the Member States to take appropriate measures to ensure better protection and support of victims and those who are at risk of becoming victims of violence against women by:
- (a) providing qualified protection and legal, medical, social and psychological services and aid, including police protection;
  - (b) providing proper training, in particular, psychological training, including in respect of children, to the staff of competent bodies dealing with men's violence against women, such as police officers, judicial personnel, health personnel, educators, youth and social workers and prison staff; in the event of the treatment of children in the form of talk therapy, it is particularly important that the child psychologists or therapists concerned are familiar with men's violence against women so that the father's violence against the mother and/or the child is not diminished or trivialised;
  - (c) adopting a proactive, preventive and penal strategy towards the perpetrators of violence against women in order to reduce recidivism, and providing advisory services for access by the perpetrators either on their own initiative or under a court order; always carrying out adequate risk assessments in order to ensure the safety of women and any children in the process;
  - (d) recognising the importance of providing support to victims, whether women or children, to help them become financially and psychologically independent from the perpetrator;
  - (e) providing all necessary assistance, including transitional housing, to women and their children in cases of separation or divorce;
  - (f) treating women who are victims of gender-based violence as a category entitled to priority access to community-housing projects;
  - (g) providing safe shelters including sufficient financial resources;
  - (h) providing a minimum income for women who have no other resources, in order to enable them to reintegrate into society in relative safety, in constant cooperation with advisory centres;
  - (i) conducting specific employment action programmes for the victims of gender-based violence, so as to enable them to enter the labour market and achieve financial independence;
  - (j) investigating the possibility of setting up 'multi-agencies' where victims can contact the appropriate authorities, such as representatives from the police, the public prosecutor and social and health services;
  - (k) planning services and centres for the care and support of children of women who are victims of violence;

- (l) providing social and psychological support to children who have witnessed domestic violence;
  - (m) providing free testing for sexually transmitted diseases in rape cases;
  - (n) ensuring that all perpetrators of violence receive professional help and treatment;
  - (o) providing proper protection for immigrants, especially single mothers and their children, who often have inadequate means of defence or knowledge of available resources to counter domestic violence in Member States;
5. Calls on Member States to make use of the Daphne II Programme<sup>1</sup> in order to combat honour crimes in the Member States, to build and maintain more shelters for women who are victims of violence, including honour crimes, and to train experts who specialise in dealing with honour crime victims;
  6. Calls on the EU to address the problem of honour crimes, which has become an EU-wide problem with cross-border implications, and calls on Commission Vice President Frattini to follow up on his promise to organise a European conference on the issue;
  7. Calls on the Member States to act in order to lift the secrecy still surrounding men's violence against women in society, especially domestic violence by adopting measures to raise collective and individual awareness about men's violence against women;
  8. Calls on the Member States to develop public awareness and information programmes on domestic violence and to reduce the social stereotyping of the position of women in society through the education systems and the media;
  9. Calls on the Member States to take appropriate measures to stop female genital mutilation; stresses that preventing and banning female genital mutilation and prosecuting perpetrators must become a priority in all relevant EU policies and programmes; points out that immigrants residing in the Community should be aware that female genital mutilation is a serious assault on women's health and a violation of human rights; calls on the Commission in this context to devise a comprehensive strategic approach at EU level, with the aim of putting an end to the practice of female genital mutilation in the EU;
  10. Urges Member States to define acts of female genital mutilation as an illegal act of violence against women, which constitutes a violation of their fundamental rights and a serious aggression against their physical integrity; consequently regardless of where or in which country this act occurs against EU citizens or residents, such acts will be illegal;
  11. Calls on Member States either to implement specific legal provisions on female genital mutilation or to adopt such laws and to prosecute each person who conducts female genital mutilation;
  12. Calls for doctors who conduct genital mutilation of young women and girls not only to be prosecuted but also to have their practising licence withdrawn;

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<sup>1</sup> OJ L 143, 30.4.2004, p. 1.

13. Calls on the Member States to ensure that parents are held legally liable when acts of female genital mutilation occur on minors;
14. Calls on the Member States to ensure that female genital mutilation is considered a reasonable argument for an asylum claim in order to protect the asylum seeker from inhuman treatment;
15. Asks the Commission to declare a European Year against men's violence against women, as repeatedly requested by Parliament, and to produce a work plan to enable the phenomenon to be highlighted more clearly and provide means of speaking out against the current situation;
16. Calls on the Commission to establish a programme entitled "Fight against violence" as a separate part of its framework programme on Fundamental Rights and Justice for the period 2007-2013;
17. Considers it of utmost importance that reliable statistics exist regarding women's reporting of brutal or inhuman treatment to the law enforcement authorities;
18. Regrets that, as the above-mentioned reporting is usually left unrecorded when no action is taken by law enforcement authorities, the statistics remain untrustworthy and unreliable;
19. Calls, therefore, on the Member States to ensure that all reports by women of brutal or inhuman treatment are recorded, as well as the percentage of cases in which the law enforcement authorities took action and which types of action were used;
20. Recalls that the burden of proof is often placed on women who are already in a disadvantaged situation;
21. Calls on the Commission to establish a mechanism on the basis of which it would be possible to identify those Member States in which the situation of violence against women appears to be comparatively worse;
22. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, health-care professional bodies and consumer organisations.