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RECOMMENDATION FOR SECOND READING

on the common position established by the Council with a view to the adoption of a European Parliament and Council decision adopting a programme of Community action (the DAPHNE Programme) (2000-2003) on preventive measures to fight violence against children, young persons and women (9150/1/1999 – C5-0181/1999 – 1998/0192(COD))

Committee on Women's Rights and Equal Opportunities

Rapporteur: Maria Antonia Aviles Perea

<i>Symbols for procedures</i>	<i>Abbreviations for committees</i>
<p>* Consultation procedure <i>majority of the votes cast</i></p> <p>**I Cooperation procedure (first reading) <i>majority of the votes cast</i></p> <p>**II Cooperation procedure (second reading) <i>majority of the votes cast, to approve the common position</i> <i>majority of Parliament's component Members, to reject or amend the common position</i></p> <p>*** Assent procedure <i>majority of Parliament's component Members except in cases covered by Articles 105, 107, 161 and 300 of the EC Treaty and Article 7 of the EU Treaty</i></p> <p>***I Codecision procedure (first reading) <i>majority of the votes cast</i></p> <p>***II Codecision procedure (second reading) <i>majority of the votes cast, to approve the common position</i> <i>majority of Parliament's component Members, to reject or amend the common position</i></p> <p>***III Codecision procedure (third reading) <i>majority of the votes cast, to approve the joint text</i></p> <p>(The type of procedure depends on the legal basis proposed by the Commission)</p>	<p>I. AFET Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy</p> <p>II. BUDG Committee on Budgets</p> <p>III. CONT Committee on Budgetary Control</p> <p>IV. LIBE Committee on Citizens' Freedoms and Rights, Justice and Home Affairs</p> <p>V. ECON Committee on Economic and Monetary Affairs</p> <p>VI. JURI Committee on Legal Affairs and the Internal Market</p> <p>VII. INDU Committee on Industry, External Trade, Research and Energy</p> <p>VIII. EMPL Committee on Employment and Social Affairs</p> <p>IX. ENVI Committee on the Environment, Public Health and Consumer Policy</p> <p>X. AGRI Committee on Agriculture and Rural Development</p> <p>XI. PECH Committee on Fisheries</p> <p>XII. REGI Committee on Regional Policy, Transport and Tourism</p> <p>XIII. CULT Committee on Culture, Youth, Education, the Media and Sport</p> <p>XIV. DEVE Committee on Development and Cooperation</p> <p>XV. AFCO Committee on Constitutional Affairs</p> <p>XVI. FEMM Committee on Women's Rights and Equal Opportunities</p> <p>XVII. PETI Committee on Petitions</p>

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PROCEDURAL PAGE - CODECISION PROCEDURE

At its sitting of 16 April 1999 Parliament delivered its opinion at first reading on the proposal for a European Parliament and Council decision adopting a programme of Community action (the DAPHNE Programme) (2000-2003) on preventive measures to fight violence against children, young persons and women (COM(1999)82 - 98/0192(COD)).

At the sitting of 7 October 1999 the President of Parliament announced that the common position had been received and referred to the Committee on Women's Rights and Equal Opportunities as the committee responsible (C5-0181/1999).

At its meeting of 27 July 1999 the committee had appointed Mrs Aviles Perea rapporteur.

It considered the common position and the draft recommendation for second reading at its meetings of 2 September 1999, 20 September 1999, 11 October 1999 and 9 November 1999.

At the latter meeting it adopted the draft legislative resolution unanimously.

The following were present for the vote: Eriksson, acting chairperson; Aviles Perea, rapporteur; Bordes, Doyle (for Zissener pursuant to Rule 153(2)), Fraga Estévez (for De Sarnez pursuant to Rule 153(2)), Ghilardotti, Gorostiaga Atxalandabaso, Gröner, Izquierdo Rojo (for Karamanou), Klass, Kratsa, van der Laan, Lulling, Mann T., Müller E.F., Prets, Ripoll y Martínez de Bedoya (for Smet pursuant to Rule 153(2)), Sandbæk, Sanders-Ten Holte, Sartori, Sornosa Martinez (for Torres Marques), Valenciano Martínez-Orozco, Zappala' (for Sudre pursuant to Rule 153(2)).

The recommendation for second reading was tabled on 10 November 1999.

The deadline for tabling amendments to the common position will be indicated in the draft agenda for the relevant part-session.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the common position established by the Council with a view to the adoption of a European Parliament and Council decision adopting a programme of Community action (the DAPHNE Programme) (2000-2003) on preventive measures to fight violence against children, young persons and women (9150/1/1999 – C5-0181/1999 – 1998/0192(COD))

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (9150/1/1999 – C5-0181/1999),
- having regard to its position at first reading¹ on the Commission's amended proposal to Parliament and the Council (COM(1999) 82)²,
- having regard to the Commission's amended proposal (COM(1999) 244)³,
- having regard to Article 251(2) of the EC Treaty,
- having regard to Rule 80 of its Rules of Procedure,
- having regard to the recommendation for second reading of the Committee on Women's Rights and Equal Opportunities (A5-0056/1999),

1. Amends the common position as follows;
2. Instructs its President to forward its position to the Council and Commission.

¹ OJ C 219, 30.7.1999, p.505.

² OJ C 89, 30.3.1999, p.42.

³ OJ C 162, 9.6.1999, p.11.

(Amendment 1)
Recital 1

(1) (Whereas) physical, sexual and psychological violence against children, young persons and women constitutes a serious threat to the physical and mental health of the victims of such violence; the effects of such violence are so widespread throughout the Community as to constitute a major health scourge;

(1) (Whereas) physical, sexual and psychological violence against children, young persons and women constitutes a breach of their right to life, safety, freedom, dignity and physical and emotional integrity and a serious threat to the physical and mental health of the victims of such violence; the effects of such violence are so widespread throughout the Community as to constitute a major health scourge;

(Amendment 2)
Recital 2a (new)

(2a) (Whereas) according to the World Health Organisation's definition, health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity; whereas, in accordance with point (p) of Article 3 of the Treaty, Community action shall include a contribution to the attainment of a high level of health protection;

(Amendment 3)
Recital 19

(19) (Whereas) an agreement on a modus vivendi between the European Parliament, the Council and the Commission concerning the implementing measures of acts adopted in accordance with the procedure laid down in Article 251 of the EC Treaty¹ was concluded on 20 December 1994;

¹ OJ C 102, 4.4.1996, p.1.

(19) (Whereas) the Council Decision of 28 June 1999 laid down the procedures for the exercise of the implementing powers conferred on the Commission¹;

¹ OJ L 184, 17.07.1999, p. 23.

(Amendment 4)
Article 1(2)

2. This programme aims to contribute towards ensuring a high level of protection of physical and mental health by the protection of children, young persons and women against violence (including violence in the form of sexual exploitation and abuse), by the prevention of violence and by the provision of support for the victims of violence, in order, in particular, to prevent future exposure to violence. By so doing, the programme will contribute to social well-being.

2. This programme aims to contribute towards ensuring a high level of protection of physical and mental health by the protection of children, young persons and women against violence (including violence in the form of sexual exploitation and abuse), by the prevention of violence and by the provision of support for the victims of violence, in order, in particular, to prevent future exposure to violence. It further aims to assist and encourage NGOs and other organisations active in this field. By so doing, the programme will contribute to social well-being.

(Amendment 5)
Article 5

1. In the implementation of this programme, the Commission shall be assisted by a committee composed of representatives of the Member States and chaired by the representative of the Commission.

1. In the implementation of this programme, the Commission shall be assisted by a committee composed of representatives of the Member States and chaired by the representative of the Commission.

2. The representatives of the Commission shall submit to the Committee a draft of the measures to be taken concerning:
– the committee's rules of procedure,
– the implementing provisions,
– the annual plan of work for the implementation of the measures in the programme, including the budgetary implications and selection criteria,
– the general balance between the various sections of the programme,
– the procedures for coordination with programmes and initiatives which are of direct relevance to achievement of the aim of this programme,
– the arrangements for cooperating with the third countries and international organisations referred to in Article 7,
– the procedures for monitoring and

2. The measures to be taken for the implementation of this decision concerning the matters listed below shall be adopted according to the management procedure laid down in Article 4 of Decision 1999/468/EC, without prejudice to Article 8 thereof.

evaluating the programme.

The Committee shall deliver its opinion on the draft within a time-limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 205(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

3(a) The Commission shall adopt measures which apply immediately.

(b) However, if these measures are not in accordance with the opinion of the committee, they shall be communicated by the Commission to the Council forthwith. In that event:

- the Commission shall defer application of the measures which it has decided for a period of two months from the date of such communication;
- the Council, acting by a qualified majority, may take a different decision within the time-limit referred to in the preceding indent.

4. In addition, the Commission shall consult the Committee on other appropriate matters relating to the implementation of this programme.

In this case, the representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time-limit which the Chairman may lay down according to the urgency of the matter, if necessary by taking a vote. The opinion shall be recorded in the

3. The matters referred to in paragraph 2 concern:

- the committee's rules of procedure,
 - the implementing provisions,
 - the annual plan of work for the implementation of the measures in the programme, including the budgetary implications and selection criteria,
 - the general balance between the various sections of the programme,
 - the procedures for coordination with programmes and initiatives which are of direct relevance to achievement of the aim of this programme,
 - the arrangements for cooperating with the third countries and international organisations referred to in Article 7,
 - the procedures for monitoring and evaluating the programme.
- The period provided for in Article 4(3) of Decision 1999/468/EC shall be two months.

4. The measures to be taken for the implementation of this Decision concerning all matters other than those referred to in paragraph 3, shall be adopted according to the advisory procedure laid down in Article 3 of Council Decision 1999/468/EC without prejudice to Article 8 thereof.

minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account.

5. The representative of the Commission shall keep the committee regularly informed of :

- financial assistance granted under this programme (amount, duration, breakdown and beneficiaries),
- Commission proposals or Community initiatives and the implementation of programmes in other fields which are of direct relevance to achievement of the objective of this programme, so as to ensure consistency and complementarity as referred to in Article 4.

5. The European Parliament shall be informed by the Commission of committee proceedings on a regular basis, pursuant to Article 7(3) of the Decision. The principles and conditions on public access to documents applicable to the Commission, shall apply to the committee.

6. The representative of the Commission shall keep the committee and the European Parliament regularly informed of :

- financial assistance granted under this programme (amount, duration, breakdown and beneficiaries),
- Commission proposals or Community initiatives and the implementation of programmes in other fields which are of direct relevance to achievement of the objective of this programme, so as to ensure consistency and complementarity as referred to in Article 4.

(Amendment 6)
Annex, Section II, point 1

1. Encouragement of information campaigns in cooperation with the Member States and pilot projects with European added value and awareness-raising activities among the general public and, in particular, among children and young persons, educators and other categories involved about potential risks of violence and of ways of avoiding them, including knowledge of legislative measures, health education and training in the context of the fight against violence.

1. Encouragement of information campaigns in cooperation with the Member States and pilot projects with European added value and awareness-raising activities among the general public, the media, and, in particular, among children and young persons, educators and other categories involved about potential risks of violence and of ways of avoiding them, including knowledge of legislative measures, health education and training in the context of the fight against violence.

EXPLANATORY STATEMENT

Background

The European Parliament and its Committee on Women's Rights have played a major role in putting the issue of violence against women and children firmly on the European agenda. The Daphne programme 2000-2003 will be an important tool in the fight against violence and will give added value to local, regional and national actions in this field, through the setting up of networks, the exchange of information, best practice and cooperation and the raising of public awareness.

The Bannasch Report (A4-0188/99), adopted in plenary on 16 April 1999, contained 36 amendments which had three main objectives:

- widening the 'public health' scope of the programme by including the WHO definition of health as a state of physical, mental and social well-being;
- reaffirming the dimension of violence as a violation of human rights and stressing the need for a multidisciplinary approach;
- including references to specific areas (trafficking, sexual abuse, abandoning of children) which had been deleted from the Commission proposal (COM(99)0082), following the change of legal base.

Further to Parliament's first reading, the Commission amended its proposal for a European Parliament and Council decision (COM(1999) 244) by accepting, entirely or in part, 26 amendments.

Council common position

The Council adopted its common position on 13 September 1999. We welcome the fact that the Council has unanimously recognised the importance of a Community action programme to fight violence against women, young persons and children and accepted, totally or in part, 19 of the 36 amendments proposed by Parliament.

It is regrettable that the programme is to run for four rather than five years, as the Commission, with Parliament's support, had proposed. However, an evaluation is to be produced after two years, and this will make it possible to launch a new programme from 2004, based on the experience that has been gained. As far as the budget is concerned, EUR 20 m over a four-year period is obviously too little to deal with such a wide-ranging problem. However, given that the annual budget allocation provided for in the original proposal (EUR 5 m per annum) remains unaltered, Parliament is able to accept it.

Having regard to our committee's priority objectives, we welcome the fact that the common position contains references to the physical, mental and social well-being aspects of health (in several recitals and Article 1), to quality of life (recitals 8 and 13), and to violence as a violation of human rights (recital 4), and that it states explicitly that victims of trafficking and sexual exploitation will be covered by the programme. All these points had been emphasised in Parliament's amendments. As for the annex, even though it has been substantially redrafted, the common position contains elements to which the EP attached importance: multidisciplinary networks; pilot projects, prevention of violence, support and protection of victims; analysis of violence, including definition of types of violence; reference to sexual exploitation and sexual abuse and to the victims of trafficking; recognition, reporting and management of the consequences of violence.

Amendments proposed

The Committee on Women's Rights and Equal Opportunities therefore recommends that Parliament approve the Council's common position subject to six amendments being made:

- Amendment 1 (Am. 2 at first reading): reference, in the first recital, to violence as a breach of fundamental human rights, which had been rejected by the Council.
- Amendment 2 (Am. 6 at first reading): the WHO definition of health as a state of physical, mental and social well-being has not been incorporated into the Council text. This is an amendment to which our committee attaches very great importance. At first reading, it was deeply opposed to the 'public health' legal basis and took the view that the concept of health should be much more broadly defined.
- Amendment 4: in the common position there is somewhat less focus on NGOs as compared with the original Commission proposal. NGOs and public bodies (local, regional and national) are placed on the same level as to eligibility for support under the programme. We wish to reinstate part of Am. 17 in order to recognise the vital role of NGOs.
- Amendment 6 : reference to the role of the media (contained in Am. 32 rejected by the Council).
- Amendments 3 and 5 : these amendments are required in order to bring the text in line with the Council Decision of 28 June 1999 concerning comitology. In the implementation of the Daphne Programme, the Commission will be assisted by a 'mixed' type committee, involving management and advisory procedures. The EP will be informed by the Commission of committee proceedings on a regular basis and the principles of public access to documents applicable to the Commission will apply to the committee.