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8 October 2003

## REPORT

on violation of women's rights and EU international relations  
(2002/2286(INI))

Committee on Women's Rights and Equal Opportunities

Rapporteur: Miet Smet



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## PROCEDURAL PAGE

At the sitting of 13 February 2003 the President of Parliament announced that the Committee on Women's Rights and Equal Opportunities had been authorised to draw up an own-initiative report, pursuant to Rule 163 of the Rules of Procedure, on violation of women's rights and EU international relations, and that the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy had been asked for its opinion.

The Committee on Women's Rights and Equal Opportunities had appointed Miet Smet rapporteur at its meeting of 26 November 2002.

It considered the draft report at its meetings of 1 September and 2 October 2003.

At the last meeting it adopted the motion for a resolution unopposed, with one abstention.

The following were present for the vote: Anna Karamanou, chairperson; Olga Zrihen Zaari, vice-chairperson; Miet Smet, rapporteur; Ulla Maija Aaltonen, María Antonia Avilés Perea, Regina Bastos, Johanna L.A. Boogerd-Quaak, Armonia Bordes, Lone Dybkjær, Fiorella Ghilardotti, Rodi Kratsa-Tsagaropoulou, Thomas Mann, Maria Martens, Ria G.H.C. Oomen-Ruijten (for Emilia Franziska Müller), Patsy Sörensen, Joke Swiebel, Feleknas Uca, Elena Valenciano Martínez-Orozco and Sabine Zissener .

The Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy decided on 21 January 2003 not to deliver an opinion.

The report was tabled on 8 October 2003.

## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### on violation of women's rights and EU international relations (2002/2286(INI))

*The European Parliament,*

- having regard to EU external relations, as defined in particular in Articles 11, 177, 178 and 181 of the EC Treaty,
- having regard to the human rights clause in EU association agreements and in particular Article 25 of the Cotonou Agreement,
- having regard to Articles 4, 5, 6, 20 and 21, paragraph 1 of the EU Charter of Fundamental Rights,
- having regard to the EU Annual report on human rights 2001<sup>1</sup>,
- having regard to Recommendation (2002)5 of the Committee of Ministers of the Council of Europe to Member States on the protection of women against violence, which was adopted on 30 April 2002,
- having regard to Resolution 2003/44 on the integration of women's rights in the UN system and Resolution 2003/45 on violence against women of the UN Commission on Human Rights<sup>2</sup>,
- having regard to the 1979 UN Convention on the elimination of all forms of discrimination against women (CEDAW), and to General Recommendations Nos 12, 14 and 19 of the CEDAW Committee<sup>3</sup>,
- having regard to the Vienna Declaration and Programme of Action, as adopted by the World Conference on Human Rights on 25 June 1993<sup>4</sup>,
- having regard to the outcome document on the Beijing Plus 5 Review on the follow-up to the Beijing Action Platform (130a)<sup>5</sup>,
- having regard to the declarations of the Greek Presidency of the EU Council according to which a sustained effort is undertaken to make gender aspects an integral part of the work of the General Affairs Councils; preoccupied by the fact that women continue to be subjected to violence in many areas of the world,
- having regard to its resolution of 20 September 2001 on female genital mutilation<sup>6</sup>,

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<sup>1</sup> P5\_TA(2002)0203

<sup>2</sup> <http://www.un.org/>

<sup>3</sup> <http://www.unifem.org/>

<sup>4</sup> [http://www.unhchr.ch/huridoca.nsf/\(Symbol/A.CONF.157.23](http://www.unhchr.ch/huridoca.nsf/(Symbol/A.CONF.157.23)

<sup>5</sup> <http://www.unifem.org/>

<sup>6</sup> OJ C 77, 28.03.2002, p. 126

- having regard to its resolution of 7 February 2002 on EU policy towards Mediterranean countries in relation to the promotion of women's rights and equal opportunities in these countries<sup>1</sup>
  - having regard to Rule 163 of its Rules of Procedure,
  - having regard to the report of the Committee on Women's Rights and Equal Opportunities (A5-0334/2003),
- A. aware that, as stated by the CEDAW Committee in its General Recommendation No 19, violence against women constitutes a form of discrimination, as by undermining women's physical and psychological integrity it compromises women's full enjoyment of universal and basic human rights, such as the right to life and the right to security and integrity of the person, as set out in Universal and European human rights instruments,
  - B. recalling that, as stated in the Declaration from the 1993 Vienna World Conference on Human Rights, 'the human rights of women and the girl-child are an inalienable, integral and indivisible part of universal human rights', and that, as reaffirmed by the 1995 Beijing Declaration and Platform of Action, action has to be taken 'towards the elimination of violence against women in public and private life',
  - C. aware that victims of violence are both women and men; however, international implementation of human rights in practice tends to take less into consideration violence against women, which stems from the unequal nature of the relations between men and women which is a feature of most societies, and unacceptable references to culture and tradition,
  - D. taking into account the fact that, based on its mandate to respect and protect human rights in international policy, the EU should positively contribute and undertake actions towards the elimination of violence in all its varied forms but until this final goal is achieved, eliminating the more serious, degrading and/or life-threatening forms of violence against women should be the first essential step,
  - E. whereas practices such as genital mutilation, stoning, public castigation, burning, raping, mutilation with acid, crimes of vengeance, forced marriages, enslavement and sexual exploitation constitute particularly horrific and unacceptable forms of violence perpetrated against women and girls,
  - F. whereas, although the individual and collective rights of women are formally enshrined in international law, many EU partner countries have drawn up various provisos to that legislation so that it is legally impossible to implement a large part thereof; whereas, however, where important international agreements are signed and ratified without proviso, they are difficult to implement owing to inadequate mechanisms and traditional or religious stereotypes, while positive measures are rarely taken to defend the rights of women and integrate them into economic and social life,

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<sup>1</sup> OJ C 284, 21.11.2002, p. 337

- G. firmly believing that such practices are neither tolerable nor justifiable on the basis of their inscription in tradition, and that no cultural relativism is to be invoked and accepted when gross human rights violations are at stake,
- H. regretting that women are constantly the subject of different forms of violence in many countries which are EU partners in trade and development agreements and thus there should be an integrated approach towards the social, cultural, economic and legal factors which keep women far from the centres of power and relegate them to an inferior social and economic position,
- I. whereas the Council has already set out in development and trade agreements a series of legal and political instruments aiming to secure the respect in partner countries of human rights, democracy and the rule of law<sup>1</sup>,
- J. whereas women are specifically the victims of poverty and violence but whereas they are also essential participants in the development (and essential contributors to the social cohesion) of their country, and whereas these two considerations should be taken into account in the EU's cooperation and development policy,
1. Welcomes the communication from the Commission on mainstreaming gender in EU external relations<sup>2</sup>, while stressing the need for a more straightforward and pressing action to fight violence against women;
  2. Welcomes the inclusion in the Cotonou Agreement with ACP countries of provisions addressing the issue of gender as part of the political dialogue (Article 8), of equality between men and women and gender mainstreaming (Article 31) and of genital mutilation (Article 25)<sup>3</sup>;
  3. Recalls its initiative in the relevant lines of the 2003 budget to include a clause that 'lack of action to prevent and combat severe violence against women (stoning, public castigation, genital mutilation, burning or rape) will constitute a reason to suspend EU assistance';
  4. Welcomes the implementation of the EU's new programme launched in January 2003 on the sexual and reproductive health of women in 22 ACP countries and calls for further expansion and strengthening of that programme;
  5. Calls for greater participation of women in international organisations, official diplomatic missions and international initiatives in order to take account of the experience, the perspective and the needs of 50% of the population, which will contribute towards resolving problems and towards the long-term sustainability of decisions concerning women, given that gender is an important but neglected variable in the conduct of foreign policy;

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<sup>1</sup> COM 1995/216 of 25 May 1995; Council Regulation (EC) 975/1999 of 29 April 1999, OJ L 120/; Council Regulation (EC) 976/1999 of 29 April 1999, OJ L 120/8.

<sup>2</sup> COM 2001/295, XXX.

<sup>3</sup> <http://www.eurosur.org/wide/EU/Cotonou/newcotonou.htm>

6. Stresses the need for a comprehensive definition of violence, whether private or public, along the lines provided by the CEDAW and by the Beijing Action Programme to be included in trade and development agreements, and calls on third States to sign that instrument and to incorporate it into their internal legal order,
7. Urges the Council and the Commission to include in future trade and development agreements, irrespective of and in addition to the clause for the respect of human rights, a specific clause providing for the imposition of sanctions and, ultimately, the suspension of the agreement in cases of serious and repeated violations of women's rights (meaning widespread episodes of violence such as genital mutilation, mutilation with acid, public castigation, burning, blood feuds, stoning, raping and trafficking in women, murders of honour, forced marriages and slavery);
8. Considers that sanctions or the suspension of the agreement should be enacted in cases where, despite evidence of expanding and serious violence against women, the partner country's government systematically refrains from positively reacting to these phenomena at legislative, administrative and judicial level. In any event the impact of sanctions or suspension of the agreement on the population, and in particular on children and women, should be carefully studied and evaluated,
9. Asks the European Commission to involve in its actions local women's organisations from partner countries active in the fight against violence to women;
10. Invites the Commission to establish favourable or unfavourable trade terms for partner countries according to their record for fighting violence against women, as well as to establish incentives for partner countries according to their achievements in the fields of democratisation and the rule of law,
11. Calls upon the Commission and the Member States to ensure that their development-aid programmes include projects specifically designed to combat violence against women and to promote female emancipation; similarly, calls upon the Commission and the Member States to tailor a significant percentage of their aid projects exclusively to women and to women's welfare and development; emphasises the need to ensure that such projects include active participation by local women;
12. Urges the Commission to take into account the status and progression of women's situation in the economic, legal, social and cultural fields (in particular the stage reached in the ratification of the CEDAW and the Additional Protocol thereto) and to initiate discussion with partner countries on certain sensitive areas such as discriminatory provisions in family law and criminal law, domestic violence, discrimination in access to health and education services and legal aid; underlines the necessity to adequately use existing EU funds to finance positive actions in countries where strong imbalances of power between the sexes inhibit women's emancipation, participation in society and education, thus putting women at special risk of violence;
13. Calls upon the Member States, when considering applications for, and possible recognition of, refugee status, to take into account persecution and/or the fear of persecution which may be suffered by women on account of their sex;



14. Stresses the need to fully include issues of violence against women and to impress upon the Iranian Government the importance of ratifying the CEDAW in the current negotiations on the conclusion of a trade and cooperation agreement,
15. Appeals to the governments of the partner countries:
  - to show the necessary political will and step up the legal, administrative and other reforms to establish the equality of men and women in law and to incorporate gender equality into all their policies, giving particular encouragement to the participation of women in decision-making processes,
  - to develop information campaigns and policies to combat violence against women, promoting special training for police and the judiciary, encouraging equal opportunities in education (in particular by deterring girls from suspending or abandoning their studies) and strengthening health programmes;
16. Suggests the establishment of permanent contacts through Commission delegations with the relevant local, national and international institutions and NGOs working in partner countries, in order to collect all available and useful data on issues relating to gender and violence and the situation of women in third countries and to issue a yearly Communication on the data thus collected and the general information supplied by third countries;
17. Calls for participation by women to be made an integral part of the process of concluding agreements with third countries, so that the gender dimension can be systematically incorporated and the impact on the lives and the status of women be taken into account;
18. Encourages the Commission to train and recruit personnel with expertise in the field of gender theories and mainstreaming, enabling the Commission to provide data desegregated by gender in Country and Regional Strategy Papers, to coordinate EU action to combat violence against women when necessary and to evaluate its impact,
19. Asks the Commission to raise issues relating to violence against women in all relevant international contexts, conferences and organisations, such as G8 meetings and WTO rounds, and to accordingly propose anti-violence measures and clauses in multilateral agreements,
20. Urges Member States to fully support all present and future EU measures aiming to combat violence against women, at all levels of negotiation and implementation, within bilateral and multilateral agreements,
21. Urges Member States to pass legislation – or to ensure that existing legislation is more strictly complied with – prohibiting and imposing penalties for genital mutilation in their own country, and at the same time to develop national prevention programmes in order ultimately to eradicate the practice of genital mutilation;
22. Urges again Member States and the Commission to take concrete and coordinated action against women trafficking in Europe in cooperation with EUROPOL, INTERPOL and EUROJUST, in line with its resolution of February 2001, and to ratify the UN's New Protocol on Trafficking in Human Beings;

23. Instructs its President to forward this resolution to the Commission, the Council, the governments of the Member States and of the accession countries as well as the EU trade and association partners.

## EXPLANATORY STATEMENT

### EU external relations

EU external relations cover a vast and varied spectrum of connections with third countries. These connections can be as one-dimensional as food aid or as complicated as partnership agreements or future membership agreements. There is a great variety of in-between relations, from simple trade agreements to the Cotonou Agreement which embraces trade, development, cultural and other aspects.

**Trade policy** has its legal basis in Article 133 of the Treaty, which sets the objective "to contribute,... to the harmonious development of world trade, the progressive abolition of restrictions on international trade and the lowering of customs barriers". In addition, EU trade policy has to take into account more general social and economic standards, among which the equality between women and men, as general aim inherent to all EU policies (Article 2).

**Development policy**, based on Article 177 of the Treaty, shall foster the sustainable economic and social development of the developing countries, their integration into the world economy and the campaign against poverty. Furthermore, "(it)... shall contribute to the general objective of developing and consolidating democracy and the rule of law, and to that of respecting human rights and fundamental freedoms" (Article 177(3)). This latter must be taken into account in all policies which are likely to affect developing countries (Article 178) as well as in all forms of economic, financial and technical co-operation with third countries (Article 181bis).

As a general guideline, **External policy**, according to Article 11 of the EU Treaty, should be defined and implemented with the objective (*inter alia*) "to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms".

In theory, the European Community replaces the Member States in external relations in the fields that fall under its exclusive competence. However, Member States continue to participate alongside the Commission and/or the Council. Any action therefore in this field has to be a joint undertaking by both the EU and its Member States.

### Respect for human rights

Since 1992, the EC has included in all its agreements with third countries a clause defining respect for human rights and democracy. A 1995 Council decision fixed the general terms on the basis of this clause, which constitutes an "essential element" of the agreement: according to the 1969 Vienna Convention on the Law of Treaties, the breach of an essential element allows the parties to withdraw from the agreement.

This was a major innovation in bilateral agreements and has been further developed in the Cotonou agreement signed with ACP countries in June 2000. With the exception of food aid, where such a clause is inadmissible for humanitarian reasons, the respect of human rights and democracy forms now an integral part of the EU external relations.

On this basis, a wide range of instruments have been developed such as *démarches* and

interventions in UN fora, and targeted sanctions which can range from a refusal to give visas to senior members of the regime to freezing assets held in EU countries. The "freezing", in 1980 of the agreement with Turkey because of widespread human rights abuses following the military intervention in this country is an example of such measures.

Other instruments consist of positive actions, such as financial co-operation, bilateral dialogue or monitoring. The 'initiative for democracy and human rights' has a budget of some 100 million Euro and can be allocated to projects also in countries with which no agreement exists.

### **Human rights and violence against women**

Any form of physical or mental violence against human beings is considered a serious violation according to the UN Charter on Fundamental Rights. On this basis, violence against women is a serious violation of human rights; women enjoy the same rights as men and therefore, in theory, there is no need for special provisions for women.

However, rights recognised in human society do not have absolute value. Indeed, there are cases where another value, higher in the hierarchy, supersedes the previous right, as is the case of medical interventions.

Whereas this is clear where one value belongs to a higher order than the other, values such as tradition, social peace and dignity are far more difficult to place in the hierarchy. Thus violence against women is considered, in many instances, as having less value than, for example, tradition, social cohesion or honour of the male partners in a family. Sexual mutilation of women is assessed as upholding the tradition, honour crimes as keeping social peace and stoning and public castigation of women as safeguarding the social order.

A social philosophy in which not all human beings are equal and women's rights are secondary to those of men cannot be accepted and indeed it is not widely approved even in cases of initial international indifference, as during the Taliban regime in Afghanistan.

For the EU, human rights and democracy must prevail against any custom or social philosophy, which contravenes these values. The EU upholds the principle that the human rights of women and the girl-child are an inalienable, integral and indivisible part of universal human rights, as stated already in the 1993 UN Vienna Declaration <sup>1</sup>and reaffirmed by the 1995 Beijing Declaration. Moreover, respect for women's human rights with a special focus on prevention of violence against women has been identified as the major priority for the 21<sup>st</sup> Century by the European Parliament in the first Annual Report on Human Rights, which declared that 'the European Union has a great responsibility to promote women's rights all over the world'.

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<sup>1</sup> *The 1993 Vienna Declaration also stated that "Gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person, and must be eliminated".*

Violence against women has been highlighted already in the 1980 Copenhagen UN Conference, which recommended that: "Legislation should be enacted and implemented in order to prevent domestic and sexual violence against women"

In its General Recommendation No. 19 of 1992, the CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women) Committee defines gender-based violence as "violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion or deprivations of liberty".

States can be held responsible when they refrain from preventing or investigating and punishing acts of violence.

### **Need for specific measures**

Violence against women cannot be eliminated without contesting the factors which concur directly or indirectly in making women its easy object. A cultural heritage placing men in privileged positions in a number of legal, social, economic and political domains grant them power: such power is the breeding ground of physical or moral violence against women.

According to the CEDAW Recommendation, violence can be generated by traditional attitudes and stereotypes imposed on women, especially in rural areas. Other sources of violence are pornography, trafficking in women and exploitation of women's prostitution, sex tourism, sexual harassment at workplace, compulsory sterilisation or abortion and domestic and family violence.

It is thus evident that promoting economic development, education and participation of women in the decision-making process is the main method for combating violence, be it public or domestic.

Equally, close co-operation between international bodies such as the UN and the EU on one hand, and national governments and NGOs on the other, based on mainstreaming gender into development policy is an essential instrument.

Actions undertaken by the EU to promote democracy and safeguard human rights should be also used with the specific aim to eliminate all forms of violence against women and safeguard women's fundamental rights. A general clause on respect of human rights fails to address and give relevance to the issue of violence against women.

### **EU action to combat violence**

World-wide, the Commission provided support to enhance the status of women and combat discrimination and violence, such as in programmes to promote equal access to education, to elections, help for victims of trafficking or sexual abuse.

Since November 1982, the EU Council of Ministers has adopted various sets of relevant conclusions and/or resolutions. At first, these narrowly addressed development co-operation and the role of women in developing countries. Gradually they evolved towards addressing

Women in Development (WID) and, later, Gender and Development (GAD).

In a major Resolution on Integrating Gender Issues in Development Co-operation (No 12847/95) adopted in December 1995 on the basis of a Commission Communication, the Council recognised that "reducing existing gender disparities is a crucial issue in development". It called for mainstreaming gender in development co-operation activities, and, more in particular for gender analysis of development policies, gender monitoring and evaluation of policies, equal participation, and political power sharing.

On this basis, Article 31 of Cotonou provides that co-operation will be aimed also to secure women's access "to all resources required for the full exercise of their fundamental rights". More specifically, measures should also be taken with respect to women's access to basic social services (education and training, health care and family planning) and productive resources, and women's situation in emergency aid and rehabilitation operations. In Article 25 EC supports efforts to prevent genital mutilation of women.

### **Need for further EU action**

As EU external relations are defined by both the EU Institutions and the Member States, combating violence against women presupposes a strong commitment at both these levels. The same principles as for the defence of human rights and democracy and the same political and legal instruments should be used to identify and fight against violence to women both internally and in third countries.

A specific clause, prohibiting violence against women should be introduced in external agreements. To make the clause effective, the assessment of violence could be based studies or reports by EU and International bodies as well as ad hoc missions to which the European Parliament should participate.

A definition of violence, along the definition given by the CEDAW Committee, could be included in the agreements. The definition should be vast enough to apply to all forms of violence including those due to a systemic oppression of women in many fields of social and political life.

As with human rights and democracy, however, EU Member States must ensure that all forms of violence against women are recognised and penalised by their own law and practice.

In this respect, it should be pointed out that in the EU only Sweden, Great Britain and Belgium have specific legislation on genital mutilation. Essentially these practices are sanctioned on the basis of legislation on physical integrity of minors. In France there have been some court cases on genital mutilation but in the main the problem seems to be ignored.

Commission delegations should employ staff trained in gender equality issues and mainstreaming in development policies; there should be collection and desegregation of data by gender in order to verify their impact on women and evaluate the "violence" or risk of violence.

In terms of political instruments, the EU should keep open all channels of dialogue with third

countries on the basis of clear statement engaging the Parties in such dialogue on the specific issue of gender equality and violence. In this respect, Article 8 of the Cotonou could provide a good example (political dialogue).

In case of reported violence reactions and remedies have to vary from positive actions (integration of anti-violence programs and projects) to negative measures such as sanctions or suspension of the agreement. This would depend on the degree of violence and the co-operation from the relevant countries (in particular, the signature/ratification of and compliance with the CEDAW). In implementing whatever sanction, careful consideration has to be given to its social and economic impact on women and the population at large.

Finally, the EU could generalise the horizontal proviso in the 2003 budget: 'Lack of action to prevent and combat severe violence against women (stoning, public castigation, genital mutilation, burning or rape) will constitute a reason to suspend EU assistance'<sup>2</sup>.

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<sup>2</sup> *This clause has been inserted by the European Parliament in the financial and technical co-operation with third countries and the one on consolidation of democracy, the rule of law, respect of human rights and fundamental freedoms.*

## **ANNEX**

### **THE EUROPEAN REACTION TO VIOLENCE AGAINST WOMEN IN THIRD COUNTRIES: THE PRACTICE**

In this paper, the concrete reaction of the European Commission towards persistent violations of women's rights is scrutinised. This is done through the analysis of case studies of six countries, linked with the European Union through different agreements. This text is mainly based on information available on the Commission's website and on answers to written questions<sup>1</sup> to the Commission. The same questions were also asked to the Council in January and February 2003, but until now have had no response.

#### **ACP-EU partnership: Kenya, Nigeria and Zambia**

Co-operation between the EU and Kenya, Nigeria and Zambia is based on the ACP-EU partnership. The Cotonou Agreement, which outlines the general framework for ACP-EU relations for the next 20 years, refers to respect for human rights, including the equality of women and men, as an essential element of the agreement and to the need for a comprehensive dialogue between the two parties.

#### **Kenya**

Violence and discrimination against women is widespread in Kenya, according to Amnesty International. The majority of Kenyan women and girls are genitally mutilated although there exists a law prohibiting female genital mutilation for girls younger than 17. Sexual violence is another major problem, faced by a lot of Kenyan women.<sup>2</sup> The Commission has already brought the subject of violence against women to the attention of the Kenyan government and some non-governmental agents on several occasions and will continue to do this. The Commission supports adequate measures to ensure progress on human rights, including women's rights. It also contributes financially to specific civil society initiatives to fight violence against women, amongst others a project focusing on female genital mutilation.

#### **Nigeria**

In Nigeria, women are increasingly the victims of flogging or death by stoning for adultery. These sentences are ordered by the courts in the northern states of Nigeria using religious law (sharia).<sup>3</sup> In the individual cases of women, the Commission made appeals, directly to the President or through diplomatic channels, and intervened at the level of the Nigerian government to end the application of the death penalty. The European Parliament<sup>4</sup> and the Presidency of the Council<sup>5</sup> have expressed on several occasions their aversion to the use of the

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<sup>1</sup> E-0182/02; E-0515/03; E 0517-03; E 0519-03; E 0521/03 and E 0523/03.

<sup>2</sup> <http://web.amnesty.org/web/wire.nsf/March2002/Kenya>

<sup>3</sup> <http://web.amnesty.org/library/Index/engAFR440082002?OpenDocument&of=THEMES\WOMEN?OpenDocument&of=THEMES\WOMEN>

<sup>4</sup> B5-0109/2001 (PV of 15/02/2001), B5-0711/2001 (PV of 15/11/2001), B5-0035/2002 (PV of 07/02/02), A5-0106/2002 (PV of 25/04/02) and B5-0172/2003 (PV of 13/03/2003).

<sup>5</sup> Declaration of the Presidency on the corporal punishment in Zamfara state of 30/01/2001

(<http://europa.eu.int/abc/doc/off/bull/en/200101/p106030.htm>), declaration of the Presidency on the verdict of the Sokoto Sharia Court of Appeal to allow the appeal submitted by Safiya Hussaini of 22/03/2002

(<http://europa.eu.int/abc/doc/off/bull/en/200203/p106016.htm>), conclusions of the presidency of March 2002 and declaration of the presidency on the death sentence by stoning of Ms Amina Lawal of 21/08/2002



stoning and corporal punishment, to the application of the sharia law and to the death sentence in the country. The two institutions both stated that these practices consist of a severe violation of human rights. The country strategy paper, signed with Nigeria in 2002, includes support for improving the status of women. Judicial reform, including the question of sharia penal law, is being addressed through the European Initiative for Democracy and Human Rights for the country and through aid for civil society organisations. More recently, the EU-ACP Parliamentary Assembly called on the government of Nigeria to take the necessary measures to ensure the respect of the state of law and fundamental rights.

### **Zambia**

According to a Human Rights Watch report of January 2003, girls in Zambia are five times more likely to be infected with the HIV virus than boys, because they are the victims of widespread sexual abuse. Another key problem is the failure of the criminal justice system to deal appropriately with complaints of sexual abuse.<sup>1</sup> The Commissioner responsible discussed this issue very recently with the President of Zambia and as a consequence, the Commission is working together with the Zambian government to prepare special training programmes for judges and police officers. The problem of HIV is tackled partly through the use of budget line B7-6211, which gives grants to improve care and treatment for persons infected but also supports projects to address the needs of young women vulnerable to infection.

For these three countries, the Commission refers to the possibility of holding consultations and, at a later stage, if necessary, issuing appropriate measures whenever there is failure of the respect of the essential elements of the agreement. The suspension of the agreement is only a measure of last resort.

### Euromediterranean partnership: Egypt

Since 1995, relations between Egypt and the European Union have to be seen in the framework of the Barcelona process, which created the basis for a more closely integrated partnership between the Union and its southern neighbours. In connection with the Barcelona Declaration, in 2001, Egypt signed an Association Agreement with the European Union. Although provisions on human rights are included in the Declaration and in the association agreement, Egyptian women still suffer from discrimination and a majority of them are genitally mutilated.

The Egyptian government keeps fighting genital mutilation through the law and through actions, which are designed to change attitudes of the population. In fact, genital mutilation was made illegal in 1996 but this ban was overturned in court. In a resolution of 1997<sup>2</sup>, the European Parliament expressed its regrets on the sentences of the courts and confirmed its support to the Egyptian government, which, later on, successfully re-imposed the ban on genital mutilation. The European Union supports the combat against genital mutilation through programmes in reproductive and basic health and the co-financing of, for example, campaigns regarding mutilation. The Commission gives assistance to different programmes, civil society organisations and non-governmental organisations in the fight against discrimination of women. In fact, the European Union financed for several years programmes on women, in co-

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(<http://europa.eu.int/abc/doc/off/bull/en/200207/p106024.htm>).

<sup>1</sup> <http://www.humanrightswatch.org/reports/2003/zambia/>

<sup>2</sup> B4-0655/1997 (PV of 17/07/1997).

operation with the Ibn Khaldoun institute. In individual cases of violation of human rights, the Commission uses the appropriate diplomatic channels to put pressure on the Egyptian government but, in general, human rights issues are addressed through the political dialogue between Egypt and the Union.

#### Co-operation agreement: Pakistan

Official co-operation between Pakistan and the EU started in 1976; recently a third generation co-operation agreement, which contains a clause calling for respect of human rights and democratic principles, has been signed. In Pakistan, violence against women, particularly 'crimes in the name of honour', rapes, acid throwing, burning and killings, is widespread and has even increased in recent years. According to Amnesty International, the Pakistani authorities fail to provide adequate protection for those women who suffer from violence.<sup>1</sup> The delegation of the European Commission in Pakistan closely monitors all events and initiatives in the field and the European Commission has called officially on the Pakistani government to take effective measures to stop the violence and to end discrimination. In 1999, the Presidency of the Council issued a declaration<sup>2</sup> in which it condemned 'crimes in the name of honour' and asked the Pakistani government to protect its citizens in accordance with the Constitution and international human rights instruments. The European Parliament for its part called upon the government to assure the safety and the equal treatment of women with regard to fundamental freedoms in the country<sup>3</sup>. Women's rights are a cross-cutting theme in the different European projects in Pakistan and they are addressed through the European Initiative for Democracy and Human Rights. In 2002, for example, a programme related to the promotion and the protection of the rights of women was financed through the European Initiative for Democracy and Human Rights.<sup>4</sup>

#### No agreement: Iran

At this moment, no agreement has been signed with Iran. Nevertheless, negotiations on a Trade and Co-operation Agreement are engaged, notwithstanding serious violations of women's rights<sup>5</sup> in the country. In Iran, women are stoned and tortured and there is a systematic discrimination against women, e.g., the minimum age for marriage for girls with judicial consent is 9 years old, which is considered by the EP as "*legally sanctioned potential sexual abuse*"<sup>6</sup>.

The European Commission emphasises that the ongoing negotiations with Iran on a Trade and Co-operation Agreement are linked to negotiations on political dialogue and counter-terrorism and this corresponds with the decision by the General Affairs and External Relations Council of 12 July 2002 on the political package. The European Parliament stressed in different resolutions that the Trade and Co-operation Agreement with Iran has to include a human rights

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<sup>1</sup> <http://web.amnesty.org/library/Index/engASA330062002?OpenDocument?OpenDocument>

<sup>2</sup> Declaration of the presidency on Pakistan of 13 August 1999 (<http://europa.eu.int/abc/doc/off/bull/en/9907/p104021.htm>).

<sup>3</sup> B5-0265/2001 (PV of 05/04/2001).

<sup>4</sup> Commission Staff Working Document, Brussels, 20 December 2001, REV 1-Final.

<sup>5</sup> The violence against women was one of the concerns expressed by the European Parliament in its resolution of 13 December 2001. (Resolution A5-0418/2001 of the EP)

<sup>6</sup> PE 302.056 : report on relations between EU and Iran.

clause. In those resolutions, the European Parliament expressed its opposition towards the discrimination faced by Iranian women and against the application of death sentence and the stoning. The Members of the European Parliament want the Iranian authorities to take the necessary measures to guarantee equal treatment for women and men.<sup>1</sup> In December 2002, a specific human rights dialogue with the EU has been launched. One of the first issues addressed by this dialogue was discrimination against women. During its first meeting, the EU stressed the importance of Iran's accession to the Convention on the Elimination of all forms of Discrimination against Women and also stressed their desire to see the United Nations Rapporteur on Violence against women invited to visit Iran. Recently some positive news came from Iran that the UN rapporteur on violence against women has indeed been invited and that a moratorium on stoning has been in effect since late 2002.

## CONCLUSIONS

Although the fact that the agreements with Kenya, Nigeria, Zambia, Egypt and Pakistan explicitly refer to human rights as an essential element and although the different examples of violence against women clearly prove the non-respect of those human rights, the European Union did not suspend the agreements with these countries. The diplomatic channels and the established political dialogue were used to put pressure on the countries to improve their records on women's rights. At the same time, the European Union has been working positively together with third countries to fight violence against women through supporting and financing initiatives from the government as well from NGOs and the civil society, in the framework of the different co-operation and association agreements and EU-programmes, e.g., MEDA<sup>2</sup> and European Initiative for Democracy and Human Rights.

It is very evident that the European Union has, in the case of Iran, less instruments to fight violence against women because until now the European Union has not made any agreement with that country, although the European Union can link the signature of the Trade and Co-operation Agreement with Iran to a considerable improvement in the situation of women in this country.

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<sup>1</sup> B4-0059/97 (PV of 20/02/1997), B4-1125/98 (PV of 17/12/1998), B5-0035/2002 (PV of 07/02/02), A5-0106/2002 (PV of 25/04/02), B5-0527/2002 (PV of 24/10/02) and B5-0592/2002 (PV of 21/11/2002).

<sup>2</sup> MEDA is the principal financial instrument of the European Union for the implementation of the Euro-Mediterranean Partnership.