



Plenary sitting

A8-0266/2017

19.7.2017

INTERIM REPORT

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))

Committee on Civil Liberties, Justice and Home Affairs
Committee on Women's Rights and Gender Equality

Rapporteurs: Christine Revault D'Allonnes Bonnefoy, Anna Maria Corazza Bildt

(Joint committee meetings – Rule 55 of the Rules of Procedure)

CONTENTS

	Page
MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION	3
MINORITY OPINION	15
MINORITY OPINION	16
OPINION OF THE COMMITTEE ON LEGAL AFFAIRS	17
PROCEDURE – COMMITTEE RESPONSIBLE	23
FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE.....	24

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

**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))**

The European Parliament,

- having regard to the proposal for a Council Decision (COM(2016)0109),
- having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence, which opened for signature in Istanbul on 11 May 2011 (hereinafter the ‘Istanbul Convention’),
- having regard to Article 2 and Article 3(3), second subparagraph, of the Treaty on European Union (TEU),
- having regard to the Treaty on the Functioning of the European Union (TFEU), and in particular to its Articles 8, 19, 157, 216 and 218(6), second subparagraph, point (a),
- having regard to Articles 21, 23, 24 25 and 26 of the Charter of Fundamental Rights of the European Union,
- having regard to the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women on 15 September 1995, and to the subsequent outcome documents adopted at the United Nations Beijing +5 (2000), Beijing +10 (2005), Beijing +15 (2010) and Beijing +20 (2015) special sessions,
- having regard to the provisions of the UN legal instruments in the sphere of human rights, in particular those concerning women’s rights, such as the UN Charter, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the 1951 Convention relating to the Status of Refugees and the principle of non-refoulement, and the UN Convention on the Rights of the Child,
- having regard to the UN Convention on the Rights of Persons with Disabilities, to which the EU is a State Party, including the 2015 Concluding Observations of the United UN Committee on the Rights of Persons with Disabilities (UNCRPD) to the EU, which call on the EU to accede to the Istanbul Convention as a way to protect women and girls with disabilities from violence,
- having regard to its report on the implementation of the UN Convention on the Rights of Persons with Disabilities, which calls for the EU to become a party to the Istanbul Convention as a further step in combating violence against women and girls with disabilities,

- having regard to the General Comment adopted on 26 August 2016 by the UN Committee on the Rights of Persons with Disabilities on Article 6 (‘Women and Girls with Disabilities’) of the UN Convention on the Rights of Persons with Disabilities,
- having regard to its resolution of 9 June 2015 on the EU Strategy for equality between women and men post 2015¹,
- having regard to its resolutions of 26 November 2009 on the elimination of violence against women², of 5 April 2011 on priorities and outline of a new EU policy framework to fight violence against women³, and of 6 February 2013 on ‘The 57th session on UN CSW: Elimination and prevention of all forms of violence against women and girls’⁴,
- having regard to its resolution of 25 February 2014 with recommendations to the Commission on combating violence against women⁵ and to the European Added Value Assessment,
- having regard to its resolution of 24 November 2016 on the EU accession to the Istanbul Convention on preventing and combating violence against women⁶,
- having regard to the European Pact for Gender Equality (2011-2020), adopted by the Council of the European Union in March 2011,
- having regard to the EU guidelines on violence against women and girls and combating all forms of discrimination against them,
- having regard to the Commission staff working document of 3 December 2015 entitled ‘Strategic engagement for gender equality 2016-2019’ (SWD(2015)0278),
- having regard to its resolution of 9 September 2015 on empowering girls through education in the EU⁷,
- having regard to the EU Presidency Trio declaration of 7 December 2015 by the Netherlands, Slovakia and Malta on gender equality,
- having regard to Directive 2012/29/EU of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA⁸,
- having regard to Directive 2011/99/EU of 13 December 2011 on the European protection order⁹ and to Regulation (EU) No 606/2013 of 12 June 2013 on mutual

¹ OJ C 407, 4.11.2016, p. 2.

² OJ C 285 E, 21.10.2010, p. 53.

³ OJ C 296 E, 2.10.2012, p. 26.

⁴ OJ C 24, 22.1.2016, p. 8.

⁵ Texts adopted, P7_TA(2014)0126.

⁶ Texts adopted, P8_TA(2016)0451.

⁷ Texts adopted, P8_TA(2015)0312.

⁸ OJ L 315, 14.11.2012, p. 57.

⁹ OJ L 338, 21.12.2011, p. 2

recognition of protection measures in civil matters¹,

- having regard to Directive 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims² and to Directive 2011/92/EU of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA³,
- having regard to Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast) and Directive 2004/113/EC on implementing the principle of equal treatment between men and women in the access to and supply of goods and services, which define and condemn harassment and sexual harassment,
- having regard to the Commission roadmap on a possible EU accession to the Istanbul Convention, published in October 2015,
- having regard to the Third Quarterly Activity Report of the Commissioner of Human Rights of the Council of Europe of 16 November 2017, in relation to the definition of gender-based violence in the Istanbul Convention,
- having regard to the Joint Statement by the Presidency, the European Commission and the European Parliament calling for swift EU accession to the Istanbul Convention on combating violence against women adopted in Malta on 3 February 2017,
- having regard to its resolutions of 14 March 2017 on equality between women and men in the European Union in 2014-2015⁴, and of 10 March 2015 on progress on equality between women and men in the European Union in 2013⁵,
- having regard to the study of 2016 by its Policy Department for Citizens' Rights and Constitutional Affairs entitled 'Knowledge and Know-How: The Role of Self-Defence in the Prevention of Violence against Women', in particular in relation to the contribution of self-defence training to implementing Article 12 of the Istanbul Convention,
- having regard to Rule 99(5) of its Rules of Procedure,
- having regard to the joint deliberations of the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Women's Rights and Gender Equality under Rule 55 of the Rules of Procedure,
- having regard to the interim report of the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Women's Rights and Gender Equality and the opinion of the Committee on Legal Affairs (A8-0266/2017),

¹ OJ L 181, 29.6.2013, p. 4.

² OJ L 101, 15.4.2011, p. 1.

³ OJ L 335, 17.12.2011, p. 1.

⁴ Texts adopted, P8_TA(2017)0073.

⁵ OJ C 316, 30.8.2016, p. 2.

- A. whereas gender equality is a core value of the EU; whereas the right to equal treatment and non-discrimination is a fundamental right enshrined in the Treaties and in the Charter of Fundamental Rights and should be fully respected, promoted and applied in legislation, practice, case law and daily life; whereas, according to the Gender Equality Index, no EU country has yet fully achieved equality between women and men; whereas gender-based violence is both a cause and a consequence of inequalities between women and men;
- B. whereas modern forms of slavery and human trafficking, which mainly affect women, are still persistent in the EU;
- C. whereas Member States have to acknowledge that once violence has occurred society has failed in its first and foremost duty of protection, and the only means left are reactive measures such as compensating the victims and prosecuting the offenders;
- D. whereas the EU must take all necessary measures, in cooperation with its Member States, to promote and protect the right of all women and girls to live free from violence, whether physical or psychological, in both the public and the private spheres;
- E. whereas gender-based violence should not be taken lightly or seen as an issue that can be postponed and dealt with later, since it affects over 250 million women and girls in the EU alone and has tremendous effects on society, increasing fear and polarisation and contributing to stress and mental illness as it threatens the security of half the population; whereas the European Institute for Gender Equality (EIGE) estimates that the cost to society from sexual-based violence in the EU is EUR 226 billion yearly;
- F. whereas violence against women¹ and gender-based violence, both physical and psychological, are widespread in the EU and are to be understood as an extreme form of discrimination and a violation of human rights affecting women at all levels of society, regardless of age, education, income, social position or country of origin or residence, and representing a major hindrance to equality between women and men, also economically and politically; whereas further measures are needed to encourage women who have been the victims of violence to report their experiences and seek assistance, and to ensure that they receive appropriate support in line with their needs, are informed about their rights, and have access to justice in order for the perpetrators to be prosecuted;
- G. whereas the report published in March 2014 by the European Union Agency for Fundamental Rights entitled ‘Violence against women: an EU-wide survey’ shows that one-third of all women in Europe have experienced physical or sexual acts of violence at least once during their adult lives, 20 % have experienced online harassment, one in twenty have been raped and more than one-tenth have suffered sexual violence involving the use of force;
- H. whereas one in ten women have been subjected to sexual harassment or stalking using new technology, while 75 % of women in higher decision-making roles have had to

¹ For the purposes of the Istanbul Convention, the term ‘women’ includes girls aged under 18 (Article 3).

withstand sexual harassment; whereas this shows that no woman or girl, regardless of age and position in life, is safe from sexual-based violence;

- I. whereas measures must be taken to address the emerging phenomenon of gender-based violence online, including bullying, harassment and intimidation, particularly of young women and girls and of LGBTI people;
- J. whereas citizens and residents in the Union are not equally protected against gender-based violence, owing to the lack of a European strategy, including a legislative act, and to the existence of differing policies and legislation across Member States, as regards inter alia the definition of offences and the scope of the legislation, and therefore remain vulnerable to such violence; whereas there are also differences within the EU in terms of information, access to and provision of shelters, support services and rights;
- K. whereas violence against women is linked to the unequal distribution of power between women and men, to sexism and gender stereotypes, that have led to domination over and discrimination against women by men and to the prevention of women's full advancement;
- L. whereas violence against women contributes to the persistence of gender-based inequalities by hampering victims' access to employment, with negative effects on their financial independence and the economy in general;
- M. whereas an important factor to why women do not report sexual-based violence is due to their economic dependency on the perpetrator;
- N. whereas extreme poverty increases the risk of violence and other forms of exploitation that hamper the full participation of women in all areas of life and the achievement of gender equality;
- O. whereas more must be done to facilitate and encourage the participation of women in the political, economic, and social spheres and to increase the visibility of women in leadership positions, so as to combat objectification and a culture of gender-based violence;
- P. whereas the Istanbul Convention stipulates that all its provisions, in particular measures to protect the rights of victims, shall be secured 'without discrimination on any ground such as sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, disability, marital status, migrant or refugee status, or other status';
- Q. whereas women with disabilities are 1.5 to 10 times more likely to be the subject of gender-based violence, and because of their position of dependence it is even harder for these women to report the violence; whereas women and girls with disabilities do not form a homogenous group, but, rather, a group which includes women of different status and in diverse situations and women with different types of impairments, such as physical, psychosocial, intellectual or sensory conditions that may or may not be accompanied by functional limitations; whereas the UNCRPD requires that States Parties take measures to ensure the full and equal enjoyment by women with disabilities

of all human rights and fundamental freedoms;

- R. whereas some groups of women and girls, such as migrant women, women refugees and asylum seekers, women and girls with disabilities, LGBTI women and Roma women, are at risk of multiple discrimination and are therefore even more vulnerable to violence, owing to motives fuelled by sexism coupled with racism, xenophobia, homophobia, transphobia or intersexphobia as well as discrimination based on age, disability, ethnicity or religion; whereas women in Europe face intersecting and multiple forms of discrimination that prevent them from accessing justice and support and protection services and from enjoying their fundamental rights; whereas women should be granted specialist support services in the implementation of protection measures;
- S. whereas violence against women, including domestic violence, is too often considered as a private issue and too easily tolerated; whereas in fact it constitutes a systemic violation of fundamental rights and a serious crime that must be punished as such; whereas impunity must end by ensuring that perpetrators are prosecuted and that women and girls who are survivors of violence receive proper support and recognition from the judicial system, in order to break the vicious circle of silence and loneliness for those who have been the victims of violence, independently of their geographic origin or social class;
- T. whereas significant cultural differences exist between Member States concerning the likelihood of women reporting rape or sexual assault, and official statistics reflect this tendency more than the factual number of rapes or sexual assaults committed in a country;
- U. whereas in most cases of murders of women the perpetrators are their husbands, ex-husbands, partners or ex-partners, who do not accept the end of a marriage or relationship;
- V. whereas the perpetrator of gender-based violence is often a person already known to the victim and in many cases the victim is in a position of dependence, which increases the fear of reporting the violence;
- W. whereas gender stereotypes and sexism, including sexist hate speech, occurring worldwide, offline and online and in public and private life, are one of the root causes of all forms of violence against women;
- X. whereas exposure to physical, sexual or psychological violence and abuse has a severe impact on victims which may result in physical, sexual, emotional or psychological harm or economic damage; whereas this impact is also felt by families and relatives and by society as a whole; whereas children do not need to be directly the object of violence to be considered as victims, as witnessing domestic violence is also traumatising;
- Y. whereas the Istanbul Convention, in its Article 3, clearly defines ‘gender-based violence’ as ‘violence that is directed against a woman because she is a woman or that affects women disproportionately’, and furthermore defines ‘gender’ as ‘the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men’;

- Z. whereas in order to reduce the estimated number of unreported cases Member States must have sufficient institutions in place for women to feel safe and able to report gender- based violence;
- AA. whereas only a mix of policies combining legislative and non-legislative measures, such as infrastructural, legal, judicial, cultural, educational, social and health actions, and measures to facilitate victims' access to housing and employment, including providing shelter for victims, as well as equal participation of women in all areas of society, can significantly reduce violence against women and gender-based violence and its consequences; whereas civil society, and women's organisations in particular, make a very important contribution to preventing and combating all forms of violence and their work should be recognised, encouraged and supported so that they can carry it out in the best possible way;
- AB. whereas the education and training of girls and women is an important European value, a fundamental human right and an essential element for the empowerment of girls and women on the social, cultural and professional levels, as well as for the full enjoyment of all other social, economic, cultural and political rights, and subsequently the prevention of violence against women and girls;
- AC. whereas only states are able to provide free and compulsory universal education, which is a sine qua non for guaranteeing equal opportunities for all genders;
- AD. whereas the Istanbul Convention stresses the importance of changing mentalities and attitudes in order to break out of the continuum of gender-based violence; whereas education at all levels and for persons of all ages on equality between women and men, on non-stereotype gender roles and on respect for personal integrity, is therefore required in this regard; whereas self-defence training is one of the efficient tools for reducing victimisation and its negative impact, challenging gender stereotypes and empowering women and girls;
- AE. whereas the immediate accession of all Member States to the Istanbul Convention would contribute substantially to the development of an integrated policy and to the promotion of international cooperation in the fight against all forms of violence against women;
- AF. whereas the EU must work to advance the fight to eliminate gender-based violence in its neighbourhood and around the world, as part of the global effort to achieve the Sustainable Development Goals and including combating the use of sexual violence as a weapon of war;
- AG. whereas the Istanbul Convention is a mixed agreement that allows for accession by the EU in parallel to accession by its Member States;
- AH. whereas all Member States have signed the Istanbul Convention, but only 14 have ratified it; whereas the EU's accession to the Convention does not exonerate Member States from national ratification;
- AI. whereas the ratification of the Istanbul Convention requires proper enforcement, effective implementation, and allocation of adequate financial and human resources;

1. Welcomes the fact that on 4 March 2016 the Commission proposed the EU's accession to the Istanbul Convention, namely the first comprehensive legally binding instrument on preventing and combating violence against women and gender-based violence, including domestic violence,¹ at international level;
2. Welcomes the signing of the EU's accession to the Istanbul Convention on 13 June 2017; regrets, however, that the limitation to two areas, i.e. matters related to judicial cooperation in criminal matters and asylum and non-refoulement, raises legal uncertainties as to the scope of the EU's accession, as well as concerns regarding the implementation of the Convention;
3. Condemns all forms of violence against women, and deplores the fact that women and girls are often exposed to domestic violence, sexual harassment, psychological and physical violence, stalking, sexual violence, rape, forced marriage, female genital mutilation (FGM), forced abortion, forced sterilisation, sexual exploitation and human trafficking and other forms of violence, which constitute a serious violation of their human rights and dignity; stresses that the Istanbul Convention lays down that culture, custom, religion, tradition or so-called 'honour' cannot be a justification of any acts of violence against women; denounces the fact that more and more women and girls are victims of gender-based violence on the internet and on social media; calls on the Member States to adopt concrete measures to address these new forms of crime, including sex-extortion, grooming, voyeurism and revenge pornography, and to protect the victims, who can experience serious trauma leading sometimes even to suicide;
4. Strongly affirms that the denial of sexual and reproductive health and rights services, including safe and legal abortion, is a form of violence against women and girls; reiterates that women and girls must have control over their bodies and sexualities; calls on all the Member States to guarantee comprehensive sexuality education, ready access for women to family planning, and the full range of reproductive and sexual health services, including modern contraceptive methods and safe and legal abortion";
5. Stresses that forced pregnancy is defined as a crime against humanity in Article 7 of the Rome Statute of the International Criminal Court of 17 July 1998 and is a form of gender-based violence against women that constitutes a serious violation of the human rights and dignity of women and girls;
6. Stresses that the Istanbul Convention follows a holistic, comprehensive and coordinated approach placing the rights of the victim at the centre, by addressing the issues of violence against women and girls and gender-based violence, including domestic violence, from a wide range of perspectives, providing for measures such as the prevention of violence, the fight against discrimination, criminal law measures to combat impunity, victim protection and support, the protection of children, the protection of women asylum seekers and refugees, and better data collection and awareness-raising campaigns or programmes, including in cooperation with national human rights and equality bodies, civil society and NGOs;
7. Highlights that the Istanbul Convention provides a sound basis for changing the social structures that create, legitimate and perpetuate violence against women, and provides

¹ See the definitions in Article 3 of the Istanbul Convention.

tools for the introduction of measures to that effect; stresses that the Convention simultaneously addresses prevention, protection and prosecution (the 'three-tiered approach') and applies a comprehensive and coordinated approach, stemming from the principle of due diligence which establishes a positive obligation on states to respond effectively to all acts of violence (Article 5 of the Convention);

8. Emphasises that the EU's accession will provide a coherent European legal framework to prevent and combat violence against women and gender-based violence and to protect and support victims in the EU's internal and external policies, as well as bringing about better monitoring, interpretation and implementation of EU laws, programmes and funds relevant to the Convention, together with better collection of comparable disaggregated data at EU level; considers that by acceding to the Convention the EU will become a more efficient global actor in the field of women's rights;
9. Asks the Council, the Commission and the Member States to take into account the following recommendations:
 - (a) To urge the Member States to speed up negotiations on the ratification and implementation of the Istanbul Convention; to strongly condemn attempts to retract measures already taken in implementing the Istanbul Convention and in combating violence against women;
 - (b) To ask the Commission to initiate, without delay or postponement, a constructive dialogue with the Council and Member States, in cooperation with the Council of Europe, so as to address reservations, objections and concerns expressed by Member States, and in particular to clarify misleading interpretations of the Istanbul Convention on the definition of gender-based violence and the definition of gender in Article 3(c) and (d), in accordance with the General Remarks of the Commissioner of Human Rights of the Council of Europe;
 - (c) To keep Parliament fully informed of the relevant aspects of the negotiations at all stages, so that it may properly exercise the rights conferred on it by the Treaties in accordance with Article 218 TFEU;
 - (d) To ensure, despite the signing of the EU's accession to the Istanbul Convention, a broad EU accession to the Convention without any limitations;
 - (e) To make sure that the Member States enforce the Istanbul Convention and allocate adequate financial and human resources to preventing and combating violence against women and gender-based violence, including domestic violence, empowering women and girls, and protecting victims and enabling them to be compensated, especially in the case of those living in areas where protection services for victims do not exist or are very limited;
 - (f) To ask the Commission to draw up a holistic EU strategy on combating violence against women and gender-based violence that includes a comprehensive plan to combat all forms of gender inequalities, integrating all EU efforts to eradicate violence against women;

- (g) To designate an EU Coordinator to act as representative of the EU to the Committee of the Parties at the Council of Europe once the Istanbul Convention is ratified by the EU; this coordinator would be responsible for the coordination, implementation, monitoring and evaluation of policies and measures to prevent and combat all forms of violence against women and girls;
- (h) To ensure that Parliament will be fully engaged in the monitoring process of the Istanbul Convention following the EU's accession; to proceed with a swift agreement on a code of conduct concerning cooperation between the EU and its Member States for the implementation of the Convention, which should also involve civil society organisations, particularly women's rights organisations;
- (i) To urge the Commission and the Member States to produce practical guidelines and strategies for the application of the Istanbul Convention, in order to facilitate its smooth implementation and enforcement in those Member States that have already ratified it, while also responding to the concerns of those that have not yet ratified it and encouraging them to do so;
- (j) To ensure appropriate training, procedures and guidelines for all professionals dealing with the victims of all acts of violence covered by the scope of the Convention in order to avoid discrimination or re-victimisation during judicial, medical and police proceedings;
- (k) To ensure preventive measures to address the specific needs of vulnerable persons, such as women with disabilities, refugee women, child victims, pregnant women, LGBTI women and women with additional support needs, including targeted and easily accessible specialist support services, together with adequate healthcare services and safe accommodation for women who have been the victims of gender-based violence and their children;
- (l) To take into account significant incidents of violence against women and gender-based violence, including domestic violence, when determining custody and visiting rights; the rights and needs of child witnesses should be also taken into account when providing protection and support services to victims;
- (m) To actively promote a change in attitudes and behaviour and to combat sexism and stereotyped gender roles, including by promoting gender-neutral language, making concerted efforts to address the key role of media and advertising in this area, and encouraging everyone, including men and boys, to play an active part in preventing all forms of violence; to call on the Member States, therefore, to adopt and implement active policies for social inclusion, intercultural dialogue, sex and relationship education, human rights education and anti-discrimination, as well as gender equality training for law enforcement and judicial professionals; to encourage Member States to include in their education systems the elimination of all obstacles to genuine equality between women and men and to fully promote that goal;
- (n) To encourage Member States to implement policies that aim to build societies free from violence of any kind and to use the Istanbul Convention in this

manner;

- (o) To ensure that the proactive measures against violence acknowledge the gender-based reality where the absolute majority of perpetrators are men; to encourage Member States to work with evidence-based violence-reducing tactics to target this problem;
 - (p) To take the necessary measures pursuant to Articles 60 and 61 of the Convention on migration and asylum, taking into account the fact that migrant women and girls, whether properly documented or not, and women asylum seekers, have the right to live free from violence whether in the public or private sphere and are particularly vulnerable to gender-based violence, recalling that gender-based violence, including FGM, can be recognised as a form of persecution and that the victims can thus avail themselves of the protection offered by the 1951 Convention relating to the Status of Refugees; to ensure that Member States respect a gender-sensitive approach in all asylum and reception procedures and respect the principle of non-refoulement;
 - (q) To promote gender budgeting as a tool for preventing and combating against gender-based violence in relevant policy areas, as well as ensuring resources and funding for access to justice for victims and survivors of violence;
 - (r) To improve and promote the collection of relevant disaggregated comparable data on cases of violence of all kinds covered by the Istanbul Convention, in cooperation with EIGE, including data broken down by age and gender of the perpetrators and relationship between the perpetrator and the victim, in order to build a common methodology to compare databases and data analysis, thus ensuring a better understanding of the problem, and to raise awareness of and assess and improve Member States' actions to prevent and combat violence against women and gender-based violence;
10. Stresses that in order to be more effective, measures combating violence against women should be accompanied by actions tackling gender-based economic inequalities and promoting the financial independence of women;
 11. Calls on the Commission to submit a legal act to support Member States in the prevention and suppression of all forms of violence against women and girls and of gender-based violence;
 12. Calls on the Council to activate the passerelle clause by adopting a unanimous decision to identify violence against women and girls (and other forms of gender-based violence) as an area of crime under Article 83(1) TFEU;
 13. Calls on the Commission to revise the EU framework decision currently in force on combating certain forms and expressions of racism and xenophobia by means of criminal law, in order to include sexism, bias crime and incitement to hatred on grounds of sexual orientation, gender identity and sex characteristics;
 14. Calls on the Member States to fully implement Directive 2011/99/EU on European Protection order, Regulation (EU) on mutual recognition of protection measures in civil

matter and Directive 2012/29/EU on protection of victims, as well as Directive 2011/36/EU on preventing and combating trafficking in Human being and Directive 2011/92/EU on preventing and combating child sexual abuse and exploitation;

15. Calls once again on the Commission to set up a European Monitoring Observatory on gender-based violence (along the lines of the existing European Institute for Gender Equality);
16. Urges the Estonian Presidency to accelerate the EU's ratification of the Istanbul Convention;
17. Instructs its President to forward this resolution to the Council, the Commission, the governments of the Member States, and the Parliamentary Assembly of the Council of Europe.

MINORITY OPINION

pursuant to Rule 52a(4) of the Rules of Procedure

Ana Záborská

No civilized society can tolerate violence against women and domestic violence. All EU Member States criminalize violent behavior against women and children, protect its victims and make a continuous effort to prevent them from happening. On the EU level, the Daphne program has been a major long-term investment aimed at prevention and assistance to women victims. However, only half of the EU Member States chose to ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence as their citizens are becoming increasingly wary of its ambiguous language and possible adverse consequences.

The EU accession to this convention would violate both the Treaties and the fundamental human rights of its citizens such as the right of parents to be the primary educators of their children, and the right to freedom of religion. Unfortunately, the co-rapporteurs and the FEMM and LIBE committees decided to follow the political imperative of the European Commission proposal. By doing that, they risk not only the annulment of the resulting legislative act but also alienation of the European public. Therefore, it is my sincere hope that the European Parliament will reject this report and the Commission proposal in the plenary vote.

MINORITY OPINION

pursuant to Rule 52a(4) of the Rules of Procedure

Marek Jurek

There is no legal or objective justification for the EU's accession to the Council of Europe Convention on preventing and combating violence against women and domestic violence.

The parties to the Convention are states, and states possess instruments under criminal law to combat domestic violence. It is states that are able – through the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) – to enforce obligations reciprocally under the Convention. Each Member State of the European Union has legislation to punish violence against women and domestic violence, and to protect the victims of such crimes. If such crimes were tolerated, these states would not have been able to become Member States of the European Union.

The EU itself does not possess any legal instruments to enforce the Convention, and participation in the Convention can only be motivated by a desire to acquire an additional instrument to monitor decisions taken by Member States that exceeds the powers granted to the Union under the Treaties (in violation of the very principle of the rule of law).

Given that the Convention is controversial in some countries not in view of the evident need to combat violence, but in view of the methods proposed to prevent it, the Union's desire to participate in the Convention is characteristic of interference in legitimate disputes in the Member States (including the oldest and most powerful, such as Germany). Therefore, it is a manifestation of an ideological passion that shows contempt for the rule of law, and in particular, for the principle of conferral set out in Article 5 of the TEU.

31.5.2017

OPINION OF THE COMMITTEE ON LEGAL AFFAIRS

for the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Women's Rights and Gender Equality

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))

Rapporteur: Jiří Maštálka

PA_Consent_Interim

SUGGESTIONS

The Committee on Legal Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Women's Rights and Gender Equality, as the committees responsible, to incorporate the following suggestions into their report:

Recitals

- A. whereas gender equality is a core value and an objective of the Union, recognised in the Treaties and in the Charter of Fundamental Rights of the European Union (the “Charter”), which it 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;
- B. whereas the right to equal treatment and to non-discrimination is a defining fundamental right, which is recognised in the Treaties;
- C. whereas the Charter 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);
- D. whereas, despite the fact that the Union has adopted firm positions¹ on the need to

¹ 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/lisa/113226.pdf

eradicate violence against women, running special campaigns and local projects to combat this phenomenon, and that 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 account the special needs of victims of gender-based violence, the scale of violence against women continues to give serious cause for concern across the Union;

- E. whereas, according to the European Union Agency for Fundamental Rights' study on "Violence against women: an EU wide survey" published in 2014,¹ 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 any authorities;
- F. whereas, according to the European Added Value Assessment, the annual cost to the Union 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;
- G. 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;
- H. whereas the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) is the first internationally legally binding detailed and comprehensive instrument on preventing and combating violence against women at an international level, which addresses 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, and stresses the need for integrated policies at national level;
- I. whereas the Council under the Maltese Presidency has shown willingness and progress in the process of concluding and finalising the accession of the Union to the Council of Europe's Convention on preventing and combating violence against women and domestic violence (Istanbul Convention); whereas the commitment of the Council, the Commission and Parliament to a zero tolerance approach to violence against women and girls in Valetta on 3 February 2017 is a prerequisite for a full and effective implementation of the Convention;
- J. whereas all Member States have signed the Istanbul Convention but only 14 have ratified it so far;
- K. whereas sexual and reproductive health and rights (SRHR) are human rights,

¹ <http://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report>.

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;

- L. whereas opposition to SRHR has increased in Europe and around the world;
- M. whereas violence against women or gender-based violence is a violent 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;

Recommendations

- (i) Recalls that the Member States, institutions, agencies, bodies and offices of the Union, and the Union as a whole, are bound by the Treaties and by the Charter of Fundamental Rights of the European Union (the "Charter") to guarantee and promote gender equality, in particular by Articles 2 and 3 of the Treaty on European Union (TEU) and by Article 8 of the Treaty on the Functioning of the European Union (TFEU), and by Article 23 of the Charter;
- (ii) 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 Union policies;
- (iii) Stresses and reiterates, in the context of violence against women constituting a violation of human rights and an extreme form of discrimination, 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;
- (iv) 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;
- (v) Recognises that domestic violence affects women disproportionately, but that men and children may also be victims of domestic violence, including as witnesses of violence in the family;
- (vi) 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 receive 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;
- (vii) Considers that the signing and conclusion of the Istanbul Convention would also help consolidate the Union's legal framework and action targeting violence against women by achieving a more coordinated approach internally and stepping up its role in international fora;

- (viii) Calls on the Council and the Commission to speed up negotiations on the conclusion of the Convention;
- (ix) Calls on the Commission and the Council to ensure that Parliament will be fully engaged in the Convention's monitoring process following the Union's accession to it;
- (x) Recalls that the Union's accession to the Istanbul Convention does not exonerate Member States from ratifying the Convention at national level 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 on those Member States which have not yet done so to ratify and fully implement the Convention;
- (xi) Stresses that SRHR are fundamental rights which may not be curtailed for any reason;
- (xii) Reiterates that the Union 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 to enable the Union to exercise its internal competence, therefore the Union's accession to the Istanbul Convention is a legal competence of the Union 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 victims of crime;
- (xiii) 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;
- (xiv) Notes that the Commission proposal COM(2016)0109 on the accession of the Union 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, on 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.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	The EU accession to the Council of Europe Convention on preventing and combating violence against women and domestic violence
References	COM(2016)0109 – 2016/0062(NLE)
Committees responsible	LIBE FEMM
Rapporteur Date appointed	Jiří Maštálka 4.10.2016
Discussed in committee	28.2.2017 23.3.2017
Date adopted	30.5.2017
Result of final vote	+: 21 –: 0 0: 2
Members present for the final vote	Max Andersson, Joëlle Bergeron, Marie-Christine Boutonnet, Jean-Marie Cavada, Kostas Chrysogonos, Rosa Estaràs Ferragut, Lidia Joanna Geringer de Oedenberg, Sylvia-Yvonne Kaufmann, Gilles Lebreton, António Marinho e Pinto, Pavel Svoboda, József Szájer, Axel Voss, Tadeusz Zwiefka
Substitutes present for the final vote	Pascal Durand, Angel Dzhambazki, Evelyne Gebhardt, Virginie Rozière, Kosma Złotowski
Substitutes under Rule 200(2) present for the final vote	João Pimenta Lopes, Jarosław Wałęsa, Josef Weidenholzer

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

21	+
ALDE	Jean-Marie Cavada, António Marinho e Pinto
GUE/NGL	Kostas Chrysogonos, João Pimenta Lopes
EFDD	Joëlle Bergeron
ENF	Marie-Christine Boutonnet, Gilles Lebreton
PPE	Rosa Estaràs Ferragut, Pavel Svoboda, József Szájer, Axel Voss, Jarosław Wałęsa, Tadeusz Zwiefka
S&D	Mady Delvaux, Evelyne Gebhardt, Lidia Joanna Geringer de Oedenberg, Sylvia-Yvonne Kaufmann, Virginie Rozière, Josef Weidenholzer
Verts/ALE	Max Andersson, Pascal Durand

0	-

2	0
ECR	Angel Dzhambazki, Kosma Złotowski

Key to symbols:

+ : in favour

- : against

0 : abstention

PROCEDURE – COMMITTEE RESPONSIBLE

Title	The EU accession to the Council of Europe Convention on preventing and combating violence against women and domestic violence		
References	COM(2016)0109 – 2016/0062(NLE)		
Committees responsible Date announced in plenary	LIBE	FEMM	
Committees asked for opinions Date announced in plenary	JURI		
Rapporteurs Date appointed	Christine Revault D'Allonnes Bonnefoy 24.5.2016	Anna Maria Corazza Bildt 24.5.2016	
Discussed in committee	29.11.2016	27.3.2017	8.6.2017
Date adopted	11.7.2017		
Result of final vote	+: -: 0:	58 12 4	
Members present for the final vote	Daniela Aiuto, Jan Philipp Albrecht, Maria Arena, Beatriz Becerra Basterrechea, Malin Björk, Vilija Blinkevičiūtė, Michał Boni, Caterina Chinnici, Anna Maria Corazza Bildt, Agustín Díaz de Mera García Consuegra, André Elissen, Frank Engel, Monika Flašíková Beňová, Kinga Gál, Iratxe García Pérez, Arne Gericke, Ana Gomes, Nathalie Griesbeck, Sylvie Guillaume, Jussi Halla-aho, Anna Hedh, Dietmar Köster, Agnieszka Kozłowska-Rajewicz, Barbara Kudrycka, Cécile Kshetu Kyenge, Marju Lauristin, Juan Fernando López Aguilar, Monica Macovei, Florent Marcellesi, Claude Moraes, Angelika Niebler, Maria Noichl, Margot Parker, Soraya Post, Judith Sargentini, Birgit Sippel, Csaba Sógor, Michaela Šojdrová, Jaromír Štětina, Traian Ungureanu, Ernest Urteaga, Bodil Valero, Ángela Vallina, Elissavet Vozemberg-Vrionidi, Jadwiga Wiśniewska, Anna Záborská, Tomáš Zdechovský, Auke Zijlstra		
Substitutes present for the final vote	Izaskun Bilbao Barandica, Kostas Chrysogonos, Carlos Coelho, Pál Csáky, Stefan Eck, Julie Girling, Marek Jurek, Kostadinka Kuneva, Miltiadis Kyrkos, Jean Lambert, Jeroen Lenaers, Edouard Martin, Morten Helveg Petersen, John Procter, Christine Revault D'Allonnes Bonnefoy, Petri Sarvamaa, Branislav Škripek, Jordi Solé, Axel Voss, Julie Ward, Kristina Winberg		
Substitutes under Rule 200(2) present for the final vote	Richard Corbett, Josu Juaristi Abaunz, Georg Mayer, Miroslav Mikolášik, Lieke Wierinck		
Date tabled	19.7.2017		

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

58	+
ALDE	Beatriz Becerra Basterrechea, Izaskun Bilbao Barandica, Nathalie Griesbeck, Lieve Wierinck, Morten Helveg Petersen
ECR	Monica Macovei
EFDD	Daniela Aiuto
GUE/NGL	Malin Björk, Kostas Chrysogonos, Stefan Eck, Josu Juaristi Abaunz, Kostadinka Kuneva, Ángela Vallina
EPP	Michał Boni, Carlos Coelho, Anna Maria Corazza Bildt, Pál Csáky, Agustín Díaz de Mera García Consuegra, Frank Engel, Agnieszka Kozłowska-Rajewicz, Barbara Kudrycka, Jeroen Lenaers, Angelika Niebler, Petri Sarvamaa, Jaromír Štětina, Csaba Sógor, Traian Ungureanu, Axel Voss, Elissavet Vozemberg-Vrionidi, Tomáš Zdechovský
S&D	Maria Arena, Vilija Blinkevičiūtė, Caterina Chinnici, Richard Corbett, Monika Flašíková Beňová, Iratxe García Pérez, Ana Gomes, Sylvie Guillaume, Anna Hedh, Cécile Kashetu Kyenge, Miltiadis Kyrkos, Dietmar Köster, Marju Lauristin, Juan Fernando López Aguilar, Edouard Martin, Claude Moraes, Maria Noichl, Soraya Post, Christine Revault D'Allonnes Bonnefoy, Birgit Sippel, Julie Ward
GREENS/ALE	Jan Philipp Albrecht, Jean Lambert, Florent Marcellesi, Judith Sargentini, Jordi Solé, Ernest Urtasun, Bodil Valero

12	-
ECR	Arne Gericke, Jussi Halla-aho, Marek Jurek, Branislav Škripek, Jadwiga Wiśniewska
ENF	André Elissen, Georg Mayer, Auke Zijlstra
EPP	Kinga Gál, Miroslav Mikolášik, Michaela Šojdrová, Anna Záborská

4	0
ECR	Julie Girling, John Procter
EFDD	Margot Parker, Kristina Winberg

Key to symbols:

+ : in favour

- : against

0 : abstention