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Committee on Women's Rights and Gender Equality

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DRAFT REPORT

with recommendations to the Commission on combating Violence Against
Women
(2013/2004(INL))

Committee on Women's Rights and Gender Equality

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(Initiative – Rule 42 of the Rules of Procedure)

CONTENTS

	Page
MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION.....	3
ANNEX TO THE MOTION FOR A RESOLUTION: DETAILED RECOMMENDATIONS AS TO THE CONTENT OF THE PROPOSAL REQUESTED	8
EXPLANATORY STATEMENT	11

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

with recommendations to the Commission on combating Violence Against Women (2013/2004(INL))

The European Parliament,

- having regard to Article 225 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to the Charter of Fundamental Rights of the European Union and namely its Articles 19 and 23,
- having regard to its resolution of 24 March 2009 on combating female genital mutilation in the EU¹,
- having regard to its declaration of 22 April 2009 on the ‘Say NO to Violence against Women’ campaign²,
- having regard to its resolution of 26 November 2009 on the elimination of violence against women³,
- having regard to the Commission's Strategy for equality between women and men 2010-2015 which was presented on 21 September 2010,
- having regard to the EPSCO Council Conclusions of 8 March 2010 on the eradication of violence against women,
- having regard to the European Added Value Assessment⁴,
- having regard to the opinion of the European Economic and Social Committee of 18 September 2012 on 'Eradicating domestic violence against women'⁵,
- having regard to the EU guidelines on violence against women and girls and combating all forms of discrimination against them,
- having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention),
- having regard to Article 11(1)(d) of the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the UN General Assembly by Resolution 34/180 of 18 December 1979,

¹ OJ C 117 E, 6.5.2010, p. 52.

² OJ C 184 E, 8.7.2010, p. 131.

³ OJ C 285 E, 21.10.2010, p. 53.

⁴ PE 504.467.

⁵ OJ C 351, 15.11.2012, p. 21.

- 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 Covenants on Civil and Political Rights and 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,
- having regard to other UN instruments on violence against women, such as the Vienna Declaration and Programme of Action of 25 June 1993 adopted by the World Conference on Human Rights (A/CONF. 157/23) and the Declaration on the Elimination of Violence against Women of 20 December 1993 (A/RES/48/104),
- having regard to the UN General Assembly resolutions of 12 December 1997 entitled ‘Crime prevention and criminal justice measures to eliminate violence against women’ (A/RES/52/86), of 18 December 2002 entitled ‘Working towards the elimination of crimes against women committed in the name of honour’ (A/RES/57/179), and of 22 December 2003 entitled ‘Elimination of domestic violence against women’ (A/RES/58/147),
- having regard to the reports by the UN High Commissioner for Human Rights’ Special Rapporteurs on violence against women and to General Recommendation No 19 adopted by the Committee on the Elimination of Discrimination Against Women (11th session, 1992),
- having regard to the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women on 15 September 1995 and to Parliament’s resolutions of 18 May 2000 on the follow-up to the Beijing Action Platform¹ and of 10 March 2005 on the follow-up to the Fourth World Conference on Women - Platform for Action (Beijing+10)² and of 25 February 2010 on Beijing +15 - UN Platform for Action for Gender Equality³,
- having regard to the UN General Assembly resolution of 19 December 2006 entitled ‘Intensification of efforts to eliminate all forms of violence against women’ (A/RES/61/143), and to UN Security Council Resolutions 1325 and 1820 on women, peace and security,
- having regard to Rules 42 and 48 of its Rules of Procedure,
- having regard to the report of the Committee on Women’s Rights and Gender Equality and the opinion of the Committee on Civil Liberties, Justice and Home Affairs (A7-0000/2013),

¹ OJ C 59, 23.2.2001, p. 258.

² OJ C 320 E, 15.12.2005, p. 247.

³ OJ C 348 E, 21.12.2010, p. 11.

- A. whereas in Directive 2012/29/EU¹ establishing minimum standards on the rights, support and protection of victims of crime, gender-based violence is defined as violence 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;
- B. whereas gender-based violence may result in physical, sexual, emotional or psychological harm, or economic loss, to the victim;
- C. whereas gender-based violence is understood to be a form of discrimination and a violation of the fundamental freedoms of the victim and includes violence in close relationships, sexual violence (including rape, sexual assault and harassment), trafficking in human beings, slavery, and different forms of harmful practices, such as forced marriages, female genital mutilation and so-called 'honour crimes';
- D. whereas gender-based violence involves victims and perpetrators of all ages, educational backgrounds, incomes and social positions and is linked to the unequal distribution of power between women and men in our society;
- E. whereas violence is a traumatic experience for any man, woman or child, but gender-based violence is more often inflicted by men on women and girls, and both reflects and reinforces inequalities between men and women and compromises the health, dignity, security and autonomy of its victims;
- F. whereas male violence against women shapes women's place in society: their health, access to employment and education, integration into social and cultural activities, economic independence, participation in public and political life and decision-making, and relations with men;
- G. whereas violence against women can leave deep psychological scars, damage the general health of women and girls, including their reproductive and sexual health, and in some instances results in death;
- H. whereas studies on gender-based violence estimate that one-fifth to one-quarter of all women in Europe have experienced physical acts of violence at least once during their adult lives, and more than one-tenth have suffered sexual violence involving the use of force; whereas research also shows that 26 % of children and young people report physical violence in childhood;
- I. whereas, according to the European Added Value Assessment, the annual cost to the EU of gender-based violence against women is estimated at EUR 228 billion in 2011 (i.e 1,8 % of EU GDP), of which EUR 45 billion a year in public and state services and EUR 24 billion of lost economic output;
- J. whereas the Commission stressed in its Strategy for gender equality 2010-2015 that gender-based violence is one of the key problems to be addressed in order to achieve

¹ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (OJ L 315, 14.11.2012, p. 57).

genuine gender equality;

- K. whereas no single intervention will eliminate violence against women, but a combination of infrastructural, legal, judicial, enforcement, educational, health, and other service-related actions can significantly reduce it and its consequences;
- L. whereas women in the Union are not equally protected against male violence, due to differing policies and legislation across Member States;
- M. whereas women victims of gender-based violence and their children often require special support and protection because of the high risk of secondary and repeat victimisation, of intimidation and of retaliation connected with such violence;
- N. whereas in many cases women fail to lodge complaints against acts of gender violence against them, for reasons that are complex and diverse and include psychological, economic, social and cultural factors, while they may also lack trust in the police, the legal system, and social and health services;
- O. whereas comparable data on different types of violence against women in the Union are not collected on a regular basis, which makes it difficult to ascertain the real extent of the problem and to find appropriate solutions;
- P. whereas the rejection on 12 December 2012 by the European Parliament of the Commission's proposal for a regulation of the European Parliament and of the Council on European statistics on safety from crime¹ reiterates the need for a new proposal for EU legislation which establishes a coherent system for collecting statistics on violence against women in the Member States, and whereas the Council, in its conclusions of December 2012, called for improvements to the collection and dissemination of comparable, reliable and regularly updated data concerning all forms of violence against women at both national and EU level;
- Q. whereas Female Genital Mutilations (FGM) is recognised internationally as a violation of human rights of girls and women, reflects deep-rooted inequality between the sexes, constitutes an extreme form of discrimination against women, is nearly always carried out on minors and is a violation of the rights of children;
- R. whereas the adoption of EU guidelines on Violence against Women and girls and combating all forms of discrimination against them is a mark of the EU's clear political will to treat the subject of women's rights as a priority and to take long-term action in that field; whereas coherence between the internal and external dimensions in policies concerning human rights can sometimes expose a gap between rhetoric and behaviour;
- S. whereas, according to Amnesty International reports, FGM concern hundreds of thousands of women and girls in Europe; whereas the disparities between legal provisions in Member States are leading to the phenomenon of so-called cross border “FGM tourism” within the EU;

¹ Texts adopted, P7_TA(2012)0494.

1. Requests the Commission to submit, by the end of 2014, on the basis of Article 84 of the Treaty on the Functioning of the European Union, a proposal for an act establishing measures to promote and support the action of Member States in the field of prevention of violence against women, following the detailed recommendations set out in the Annex hereto;
2. Calls on the Commission to submit a revised proposal for a Regulation on European statistics that would target violent crimes and include a coherent system for collecting statistics on gender-based violence in the Member States;
3. Asks the Council to activate the *passerelle clause*, by adopting a unanimous decision identifying gender based violence (including FGM) as an area of crime listed in Article 83(1) of the Treaty on the Functioning of the European Union;
4. Calls on the Commission to promote national ratifications and launch the procedure for the accession of the EU to the Istanbul Convention on violence against women, once it has evaluated the impact and added value this would have;
5. Requests the Commission to present an EU-wide Strategy and an Action Plan to combat violence against women;
6. Encourages the Commission to adopt the first steps towards establishing a European Observatory on Violence Against Women, building on existing institutional structures (European Institute for Gender Equality (EIGE));
7. Urges the Commission to establish in the next three years an EU Year to End Violence against Women with the aim of raising awareness among citizens;
8. Confirms that the recommendations respect fundamental rights and the principles of subsidiarity and proportionality;
9. Considers that the financial implications of the requested proposal should be covered by the EU budget;
10. Instructs its President to forward this resolution and the accompanying detailed recommendations to the Commission and the Council, and to the Parliaments and Governments of the Member States.

ANNEX TO THE MOTION FOR A RESOLUTION: DETAILED RECOMMENDATIONS AS TO THE CONTENT OF THE PROPOSAL REQUESTED

Recommendation 1 on the objective and scope of the Regulation to be adopted

The objective of the Regulation should be to establish measures to promote and support the action of Member States in the field of prevention of gender-based violence.

Gender-based violence should be considered (as already indicated in Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA¹) as violence 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. It may result in physical, sexual, emotional or psychological harm, or economic loss, to the victim and may include violence in close relationships, sexual violence (including rape, sexual assault and harassment), trafficking in human beings, slavery, and different forms of harmful practices, such as forced marriages, female genital mutilation and so-called 'honour crimes'.

Measures should include: designing, implementing and evaluating comprehensive strategies and programmes; conducting research, including data collection and analysis; organising training for the officials involved; exchanging experience, information and best practices; awareness raising; establishing help lines; open and equip shelters with facilities and staff.

The Regulation should apply to Member States.

Recommendation 2 on prevention measures

Member States should develop a series of measures in order to prevent gender-based violence. They should namely:

- design, implement and evaluate yearly comprehensive strategies and programmes, including public education programmes and training for teachers aimed at removing obstacles that prevent women and girls from enjoying their full rights and freedom out of violence and at changing the mind-set of societies;
- conduct relevant research on gender-based violence, including on the causes and motives of violence and data collection and analysis, while pursuing efforts to standardise the criteria for registering gender-based violence, so that the data collected are comparable;
- organise training for officials likely to come into contact with cases of gender-based violence – including law enforcement, social welfare, healthcare and emergency centre staff – in order to detect, identify and properly deal with such cases, with a special focus on the needs and rights of victims;
- exchange expertise, experience, information and best practices through the European Union Crime Prevention Network (EUCPN);

¹ OJ L 315, 14.11.2012, p. 57.

- establish awareness-raising campaigns, where relevant in cooperation with NGOs and other stakeholders;
- create – if not already existing – national help lines free of charge with specialised staff;
- open specialised shelters and equip them with facilities and staff, offering places for at least 1 woman per 10 000 inhabitants.

Recommendation 3 on national rapporteurs or equivalent mechanisms

Within one year from the entry into force of the Regulation, Member States shall take the necessary measures to establish national rapporteurs or equivalent mechanisms. The tasks of such mechanisms should include the carrying out of assessments of trends in gender-based violence, the measuring of results of measures taken to combat it at national and local level, the gathering of statistics and yearly reporting to the European Commission and the competent Committees of the European Parliament.

Recommendation 4 on coordination of the Union strategy on combating violence against women

In order to contribute to a coordinated and consolidated Union strategy to combat gender-based violence, Member States shall transmit to the European Commission the information referred to in Recommendation 3.

Recommendation 5 on reporting

The Commission shall, by 31 December every year and starting from the year after the entry into force of this Regulation, submit a report to the European Parliament and the Council, assessing to which extent Member States have taken the necessary measures in order to comply with this Regulation.

The report will list the measures taken and highlight areas where measures still need to be taken.

Recommendation 6 on the creation of a civil society forum

The European Commission shall maintain a close dialogue with relevant civil society organisations and relevant competent bodies operating in the field of fight against gender-based violence at local, regional, national, European or international level and shall set up a Civil Society Forum for this purpose.

The Forum will constitute a mechanism for the exchange of information and pooling of knowledge. It shall ensure there is a close dialogue between the EU Institutions and relevant stakeholders.

The Forum shall be open to relevant stakeholders in accordance with the first paragraph and shall meet at least once a year.

Recommendation 7 on financial support

The Regulation should establish the source of the financial support within the frame of the EU budget for the actions listed under Recommendation 3.

EXPLANATORY STATEMENT

Violence against women is a pervasive violation of human rights and a form of gender-based discrimination. It is the root cause of gender inequality, as it is an obstacle to women's full participation in economic, social, political and cultural life. Women, who are subject of violence, face long term severe psychological and physical traumas. Besides the significant economic burden it imposes in the form of healthcare costs, policing and legal costs, lost productivity and wages.

Around 20 to 25 per cent of women in Europe have experienced acts of physical violence at least once during their adult lives and over 10 per cent have suffered sexual violence involving the use of force. As many as 45 per cent of women have endured some form of violence; 12 to 15 per cent of women in Europe are victims of domestic violence and seven women die every day in the European Union from it (PE 504.467).

In consequence of economic crisis budget cuts, the most common argument states that countries cannot allocate more resources to fight against and prevent gender based violence. According the studies, the economic cost of violence against women in the EU in 2011 is estimated to EUR 228 billion each year, including EUR 45 billion for services, EUR 24 billion in lost economic output and EUR 159 billion on pain and suffering. The costs of preventive measures are substantially less than the cost of violence (PE 504.467).

Need of an EU legislative act to promote and support the action of Member States in the field of prevention of violence against women

Today in the EU, there is neither a legislative act establishing measures to promote and support the action of Member States in the field of prevention of violence against women, nor a comprehensive strategy to combat violence against women.

Indeed the European Parliament has been insisting for years in favour of a proposal for a Directive on combating violence against women. In 2010 International Women's Day event in the EP was dedicated to VAW. Eva-Britt Svensson's report on "Priorities and outline of a new EU policy framework to fight violence against women" (2010/2209(INI)) adopted on 5 April 2011 called for "a new comprehensive policy approach against gender-based violence, including a criminal-law instrument in the form of a directive against gender-based violence". In 2012, once again the European Parliament called for actions in Sophie In't Veld report on "Equality between women and men in the European Union - 2011" (2011/2244(INI)). In the report adopted on 13 March 2012, the European Parliament insisted on a "need for the Commission to present an EU-wide strategy to end violence against women including a legislative criminal-law instrument to combat gender-based violence as requested by Parliament in several resolutions".

There is indeed an absence of a common understanding, definition and regime on the issue of violence against women in national legislation.

Thus, the outcomes and levels of protection of women and girls against all forms of violence within the 28 EU Member States differ widely. To prevent and protect victims of violence, a

minimum harmonization at EU level should sooner or later be put in place, at least in terms of a common and overarching understanding of the phenomenon.

Violence against women has a cross border dimension and needs to be tackled at EU level. Considering people's mobility in Europe, potential victims should be protected no matter their location in the EU, for instance women from one Member State, living in a second and working in a third EU country. There is a need for minimum standards and common definitions, need for common action to combat violence against women and ensure that more than half of the EU population fully benefits of the right of free movement across the EU.

The legislative act has to promote and support the action of Member States in the field of prevention of violence (namely for gathering and exchanging information, training of the officials involved, exchange of experiences and good practices, awareness raising and funds.).

The EU should therefore become the leading international actor in preventing gender based violence and serve as a successful example for those around the world who are fighting (legislatively; culturally and politically) for eradication of violence against women and against gender-based discrimination.

The Rapporteur considers that the Regulation is the best tool to reach such aim, since it is a self-executing instrument, it does not require any implementing measures and becomes immediately enforceable as law in all Member States.

Problems to collect data on VAW

Today at EU level, there is evident lack of available and systematically collected data on violence against women. First, it is very difficult to measure the true extent of violence against women as most incidences of domestic violence and sexual assault go unreported. Second, it is difficult to provide comparable analysis as there is no agreed common methodology for obtaining administrative data.

The Parliament has in several resolutions urged Member States to provide data on VAW and has requested the Fundamental Rights Agency, in November 2011, to collect comparable data on VAW¹. Moreover, the Council has in its conclusion from December 2012 called to improve the collection and dissemination of comparable, reliable and regularly updated data concerning all forms of VAW at both national and EU level.

There is therefore still a need for a new proposal for EU legislation which establishes a coherent system for collecting statistics on VAW in the Member States. Furthermore, the complexity of governmental systems in some EU Member States can have an impact on how offences are defined in legislation, how data collection is organised or what the measures available for protection and prevention are. The Rapporteur insists on the need of common methodology for obtaining data on VAW and urges the Commission to submit a revised proposal for a Regulation on European statistics that would as well include a coherent system

¹ The FRA has proceeded to carry out a survey in 20 EU Member States on gender-based violence, results of which will be published during 2014.

for collecting statistics on VAW in the Member States, taking into account FRA work in collecting comparable data through its EU-wide survey.

Passerelle clause

The Rapporteur suggests to activate the passerelle clause, i.e. adopt a unanimous decision identifying gender based violence (including FGM) as an area of crime listed in article 83 §1.

The Lisbon Treaty provided scope for the EU to introduce common provisions in the field of criminal law, with the objective of harmonisation. The EU also has the right to introduce minimum rules concerning the definition of criminal offences and sanctions in the areas of particularly serious crimes with a cross-border dimension, resulting from the nature or impact of such offences. This competence also applies in cases where there is a specific need to reach consensus on how to combat crime. The text of the Treaty makes particular reference to trafficking in human beings and sexual exploitation of women and children. As regards police and judicial cooperation in criminal matters having a cross-border dimension, the European Parliament and the Council are able to establish a minimum common standard.

Female genital mutilations

FGM is recognized internationally as a violation of the human rights of girls and women. It reflects deep-rooted inequality between the sexes, and constitutes an extreme form of discrimination against women. It is nearly always carried out on minors and is a violation of the rights of children. It is, out of doubts, one of the cruellest forms of violence against women. The practice has severe short- and long-term physical and psychological consequences for the victims.

The European Commission launched this year a public consultation on FGM and is currently analysing the 68 replies. This, as well as the report of the European Institute for Gender Equality on FGM, will feed into further policy initiatives, covering both internal and external issues. Those initiatives may be launched around the international day against violence against women (25 November) but the exact format and the content remains to be decided.

The Rapporteur urges the European Commission to propose an EU action plan on FGM, addressing several issues like prevention and protection.

A common EU policy should be adopted for women and girls who seek asylum on the grounds of FGM which takes into account internationally agreed standards and European Asylum Support Office (EASO) could include FGM as an integrated dimension in the work with trainings and information dissemination. EU should furthermore actively address the issue of FGM in its political dialogue with non-member States.

Istanbul Convention

The Rapporteur urges Member States not having done so yet, to ratify the Istanbul Convention on violence against women and urges the Commission to launch the procedure for the accession of the EU to the same instrument, once it has evaluated the impact this would have.

Up to now, the Istanbul Convention is the most far-reaching legal instrument on violence against women and has the potential of effectively preventing and combating violence against women in Europe and beyond. Decisive action is needed in terms of signing and ratifying, and - most importantly - implementing the Council of Europe's Convention on Violence Against Women and Domestic Violence by individual states and by the European Union. The Convention requires the six-P (policy, prevention, protection, prosecution, provision and partnership) demanded several times by the EP and calls for the involvement of all relevant state agencies and services so that violence are tackled in a coordinated way.

In addition to the legal implications, the accession by the EU to the Istanbul Convention would be a capital political message.

A European observatory on violence

The Rapporteur proposes the extension of EIGE's competences in order to progressively evolve into a European observatory on violence. She thinks that it will be more appropriate to frame it inside EIGE's competences. The Rapporteur decided not to place the issue under the mandate of the EU Anti-Trafficking Coordinator, because it would be understood only as home affairs and trans-border issue, but not as gender equality and human rights issue. It is important that the mandate is placed in the context of gender equality and fundamental rights.

EU Year to End Violence against Women

The Rapporteur suggests the Commission to establish in the next three years an EU Year to End Violence against Women. The aim is raising awareness among citizens.