

## **Elimination of violence against women**

### **European Parliament resolution of 26 November 2009 on the elimination of violence against women**

*The European Parliament,*

- 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, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
- having regard to other UN instruments on violence against women, such as the Vienna Declaration and Programme of Action of 25 June 1993 adopted by the World Conference on Human Rights (A/CONF. 157/23), the Declaration on the Elimination of Violence against Women of 20 December 1993 (A/RES/48/104), 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), the reports by the UN High Commissioner for Human Rights' Special Rapporteurs on violence against women, and the 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 Parliament's resolutions of 18 May 2000 on the follow-up to the Beijing Action Platform<sup>1</sup> and of 10 March 2005 on the follow-up to the Fourth World Conference on Women - Platform for Action (Beijing+10)<sup>2</sup>,
- having regard to the report of the UN Secretary-General of 6 July 2006 entitled "In-depth study on all forms of violence against women" (A/61/122/Add.1),
- having regard to the Charter of Fundamental Rights of the European Union,
- 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),
- having regard to resolution 2003/45 of the UN Commission on Human Rights of 23 April

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<sup>1</sup> OJ C 59, 23.2.2001, p. 258.

<sup>2</sup> OJ C 320 E, 15.12.2005, p. 247.

2003 entitled "Elimination of violence against women" (E/CN.4/RES/2003/45),

- having regard to the resolution of the Inter-Parliamentary Union adopted by the 114th Assembly on 12 May 2006 on the role of parliaments in combating violence against women,
  - having regard to its resolution of 16 September 1997 on the need to establish a European Union wide campaign for zero tolerance of violence against women<sup>1</sup>,
  - having regard to its resolution of 2 February 2006 on the current situation in combating violence against women and any future action<sup>2</sup>,
  - having regard to its resolution of 11 October 2007 on the murder of women (femicide) in Mexico and Central America and the role of the European Union in fighting the phenomenon<sup>3</sup>,
  - having regard to its resolution of 24 March 2009 on combating female genital mutilation in the EU<sup>4</sup>,
  - having regard to the questions of 1 October 2009 to the Council (O-0096/2009 – B7-0220/2009) and Commission ( O-0097/2009 – B7-0221/2009) on elimination of violence against women,
  - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas the Beijing UN Platform for Action defined violence against women as any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty,
- B. whereas the Beijing UN Platform for Action stated that violence against women is a manifestation of the historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and the prevention of women's full advancement,
- C. whereas men's violence against women is not only a public health problem, but also an aspect of inequality between women and men, which is an area in which the EU has the mandate to take action,
- D. whereas equality between women and men is a core principle of the EU, recognised in the EC Treaty and in the Charter of Fundamental Rights of the European Union,
- E. whereas men's violence against women represents a violation of human rights, and in particular: the right to life, the right to safety, the right to dignity, the right to physical and mental integrity, and the right to sexual and reproductive choice and health,
- F. whereas men's violence against women is an obstacle to the participation of women in

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<sup>1</sup> OJ C 304, 6.10.1997, p. 55.

<sup>2</sup> OJ C 288 E, 25.11.2006, p. 66.

<sup>3</sup> OJ C 227 E, 4.9.2008, p. 140.

<sup>4</sup> Texts adopted, P6\_TA(2009)0161.

social activities, in political and public life and in the labour market, and can lead to marginalisation and poverty for women,

- G. whereas, in its extreme form, violence against women can lead to their murder,
- H. whereas violence against women goes hand in hand with violence against children and has an impact on children's psychological wellbeing and lives,
- I. whereas violence against women as mothers directly and indirectly affects and has a long-lasting negative impact on their children's emotional and mental health, and can create a cycle of violence and abuse which is perpetuated through generations,
- J. whereas men's violence against women is a structural and widespread problem throughout Europe and the world, a phenomenon affecting victims and perpetrators irrespective of age, education, income or social position, and is linked to the unequal distribution of power between women and men in our society,
- K. whereas the types of violence perpetrated against women vary in different cultures and traditions, and whereas female genital mutilation, so-called crimes of honour and forced marriages are a reality in the EU,
- L. whereas situations of war and armed conflict, post-conflict reconstruction and economic, social and/or financial crises increase the vulnerability of women individually and collectively to male violence against them and should not be considered as an excuse to tolerate male violence,
- M. whereas trafficking in women for sexual and other purposes constitutes a fundamental violation of women's human rights, and is harmful to the individual victims as well as to society at large,
- N. whereas the tolerance of prostitution in Europe leads to an increase in trafficking of women into Europe for sexual purposes, and to sex tourism,
- O. whereas there is no regular and comparable data collection on different types of violence against women in the EU, which makes it difficult to ascertain the real extent of the phenomenon and find appropriate solutions to the problem,
- P. whereas the number of women victims of gender-based violence is alarming,
- Q. whereas the frequently distorted, consumerist image of women conveyed by the media undermines respect for human dignity,
- R. whereas, apart from economic dependence (which is often the case for women), important factors in female victims not reporting violence lie in the societal culture and representations suggesting that men's violence against women is a private matter or that women themselves are often to blame for such violence,
- S. whereas frequently, for a variety of complex psychological, financial, social, and cultural reasons, women do not report men's violence against them and are sometimes deterred from doing so by a lack of confidence in the police, the judicial system and social and medical services,

- T. whereas it has frequently called for the creation of a European Year for the elimination of all forms of violence against women,
- U. whereas the UN has declared 25 November the International Day for Elimination of Violence Against Women, and whereas an international seminar on violence against women is to be held at the European Parliament in December 2009,
- V. whereas there is a pressing need to introduce a comprehensive legal instrument aimed at combating all forms of violence against women in Europe, including trafficking in women,
1. Urges the Member States to improve their national laws and policies to combat all forms of violence against women, in particular through the development of comprehensive national action plans to combat violence against women, based on an analysis of the gender-equality implications of violence against women and the international treaty obligations of Member States to eliminate all forms of discrimination against women, and including concrete measures to prevent male violence, protect victims and prosecute perpetrators;
  2. Urges the Member States to provide assistance, under appropriate national programmes and financing schemes, to voluntary bodies and organisations which offer shelter and psychological support to female victims of violence, not least in order to enable them to re-enter the labour market and in that way fully regain their human dignity;
  3. Calls on the Commission to submit to the Parliament and the Council a targeted and a more coherent EU policy plan to combat all forms of violence against women, as stated in the Commission communication of 1 March 2006 entitled "A Roadmap for equality between women and men 2006-2010" (COM(2006)0092), to include measures to combat violence against women in its action programme for equal opportunities for men and women for 2011-2016, as well as concrete measures to prevent all forms of violence, protect victims and prosecute perpetrators, and to ensure that an analysis of the gender equality implications of male violence against women in all policy areas is carried out and that the EU institutions and the Member States develop a coordinated, committed and coherent response in order to eradicate such violence;
  4. Urges the Commission to study the option of adopting new measures to combat violence against women;
  5. Calls on the Commission to organise a special high-level conference to be attended by representatives of political bodies, civil society and social and institutional organisations, with the aim of contributing to a process of developing more coherent policies addressing all forms of violence against women;
  6. Calls on the EU to guarantee the right to assistance and support for all victims of violence, including trafficking in human beings, regardless of the victim's nationality, and protection of female victims of domestic violence whose legal status might depend on their partner;
  7. Calls on the EU to set up mechanisms to ensure that the gender-equality analysis of trafficking in human beings is part of all laws and policies aimed at preventing and combating trafficking, and to address the root causes of violence through preventive measures such as sanctions, education and awareness campaigns;
  8. Points out that it is still waiting for the results of the Commission study on legislation on

gender-based violence and violence against women;

9. Calls on the Commission and the Member States to ensure that female victims of violence have proper access to legal aid and to protection, irrespective of their nationality and the nature of their involvement in police investigations;
10. Urges the Council and Commission to establish a clear legal basis for combating all forms of violence against women, including trafficking;
11. Calls on the Commission to start work on drafting a proposal for a comprehensive directive on action to prevent and combat all forms of violence against women;
12. Calls on the Commission and the Member States to act to tackle the causes of violence against women, not least by employing preventive measures and undertaking awareness campaigns on the different forms that such violence can take;
13. Calls on the Commission and the Member States to embark on concerted action, including public awareness and information campaigns, on domestic violence, as well as strategies aimed at changing the social stereotyping of women through education and the media, and to encourage the exchange of good practice;
14. Calls on the Commission and the Member States to address violence against women and the gender-related dimension of human rights violations internationally, in particular in the context of the bilateral association and international trade agreements in force and those under negotiation;
15. Deplores, in this context, the lack of a meaningful gender dimension in the compulsory sustainability impact assessments which are carried out prior to the conclusion of such agreements, let alone any acknowledgement of the issue of sexual violence, and of a set of tools to analyse gender impact, and calls on the Commission to come forward as soon as possible with a proposal to solve this problem;
16. Calls on the Member States to have due regard for the specific circumstances of certain categories of women who are particularly vulnerable to violence, such as women belonging to minorities, female immigrants, female refugees, women living in poverty in rural or isolated communities, women in prison or other institutions, girls, homosexual women, women with disabilities, and older women;
17. Urges the Member States to step up measures to prevent gender-based violence among young people by providing for targeted education campaigns and better cooperation among stakeholders and the various circles affected by the phenomenon, such as families, schools, the public space, and the media;
18. Calls on the Commission also to address the international dimension of violence against women in the context of its work on corporate social responsibility, in particular in relation to European undertakings working in export-processing zones;
19. Stresses the importance of proper training for those working with female victims of male violence, including representatives of the justice system and law enforcement, with particular reference to the police, the courts, social, medical and legal services, labour market agencies, employers and trade unions;

20. Calls for the creation of mechanisms to facilitate access for women who are victims of gender violence or trafficking networks to free legal aid enabling them to assert their rights throughout the Union; insists on the need to improve cooperation among legal professionals and the exchange of best practices in the fight against discrimination and gender violence, and to find ways of eliminating obstacles to the recognition of legal acts in other Member States, including sentences for gender-violence offences and injunctions against violent men;
21. Welcomes the fact that courts have been set up in some Member States to deal with violence against women, and calls on all Member States to take this initiative further;
22. Calls for records concerning gender-based violence to play a central role within the European Criminal Records Information System (ECRIS);
23. Urges the Member States to introduce a coherent system for collecting statistics on violence against women, with particular reference to violence against minors, and including murders committed in the context of violence within the family or close relationships, in close cooperation with the European Institute for Gender Equality in order to obtain comparable data concerning violence against women throughout the EU;
24. Urges the Member States to recognise sexual violence and rape against women, including within marriage and intimate informal relationships and/or where committed by male relatives, as a crime in cases where the victim did not give consent, and to ensure that such offences result in automatic prosecution and reject any reference to cultural, traditional or religious practices or traditions as a mitigating factor in cases of violence against women, including so-called 'crimes of honour' and female genital mutilation;
25. Notes that some Member States have been implementing policies aimed at recognising sexual violence between partners, and specifically marital violence, as a crime; calls on the Member States to study the outcome of those policies with a view to encouraging a Europe-wide exchange of good practice;
26. Calls on the Member States to take appropriate measures to stop female genital mutilation; points out that immigrants residing in the Community should be aware that female genital mutilation is a serious assault on women's health and a violation of human rights; calls on Member States either to implement specific legal provisions on female genital mutilation or to adopt such laws and prosecute all persons who conduct genital mutilation;
27. Calls on the EU to guarantee the right to assistance and support for all victims of male violence against women;
28. Urges the Member States to investigate without delay the extreme human rights abuses against Roma women, penalise the perpetrators and provide adequate compensation to victims of forced sterilisation;
29. Instructs its President to forward this resolution to the Council, the Commission, the governments of the Member States and the UN Secretary-General.