

P7_TA(2011)0155

Use of sexual violence in conflicts in North Africa and the Middle East

European Parliament resolution of 7 April 2011 on the use of sexual violence in conflicts in North Africa and the Middle East

The European Parliament,

- having regard to its resolution of 17 January 2008 on the situation in the Democratic Republic of Congo and rape as a war crime¹,
- having regard to its resolution of 26 November 2009 on the elimination of violence against women²,
- having regard to its resolution of 25 November 2010 on the 10th Anniversary of UN Security Council Resolution 1325 (2000) on Women, Peace and Security³,
- having regard to its resolution of 17 February 2011 on the situation in Egypt⁴,
- having regard to its resolution of 10 March 2011 on the Southern Neighbourhood, and Libya in particular⁵,
- having regard to the declaration by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy (VP/HR), Catherine Ashton, on behalf of the European Union on International Day for the Elimination of Violence against Women, 25 November 2010,
- having regard to the declaration by the VP/HR, Catherine Ashton, on behalf of the European Union on International Women Day, 8 March 2011,
- having regard to the Universal Declaration of Human Rights of 10 December 1948,
- having regard to UN Security Council Resolutions 1325 (2000) and 1820 (2008) on women, peace and security, and UN Security Council Resolution 1888 (2009) on sexual violence against women and children in situations of armed conflict,
- having regard to the appointment in March 2010 of a Special Representative to the UN Secretary-General on Sexual Violence in Conflict, and the new UN Gender Entity (UN Women),
- having regard to the EU guidelines on violence and discrimination against women and girls and the EU guidelines on children and armed conflict,
- having regard to the UN Convention against Torture and Other Cruel, Inhuman or

¹ OJ C 41 E, 19.2.2009, p. 83.

² OJ C 285 E, 21.10.2010, p. 53.

³ Texts adopted, P7_TA(2010)0439.

⁴ Texts adopted, P7_TA(2011)0064.

⁵ Texts adopted, P7_TA(2011)0095.

Degrading Treatment or Punishment of 10 December 1984, and to UN General Assembly Declaration 3318 on the Protection of Women and Children in Emergency and Armed Conflict of 14 December 1974, in particular paragraph 4 thereof, which calls for effective measures against persecution, torture, violence and degrading treatment of women,

- 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, and the 1951 Convention relating to the Status of Refugees,
 - 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 Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women of 15 September 1995 and to Parliament’s resolutions of 18 May 2000 on the follow-up to the Beijing Action Platform¹, 10 March 2005 on the follow-up to the Fourth World Conference on Women - Platform for Action (Beijing+10)² and 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 the Rome Statute of the International Criminal Court, adopted in 1998, and particularly Articles 7 and 8 thereof, which define rape, sexual slavery, enforced prostitution, forced pregnancy and forced sterilisation or any form of sexual violence as crimes against humanity and war crimes and equate them with a form of torture and a serious war crime, whether or not such acts are systematically perpetrated during international or internal conflicts,
 - having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas women have actively participated in the uprisings for more democracy, rights and freedoms in North Africa and the Middle East,

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.

- B. whereas the incumbent regimes in Libya and Egypt have resorted to sexual assaults as part of the conflict surrounding these revolutions, targeting women and, in particular, making them vulnerable,
- C. whereas sexual violence appears to be being used as a way of intimidating and degrading women, including in refugee camps, and whereas the power vacuum that has emerged can lead to deterioration of the rights of women and girls,
- D. whereas a Libyan woman, Iman al-Obeidi, who told reporters in a Tripoli hotel about being gang-raped and abused by soldiers was detained on 26 March 2011 in an unknown location and is now being sued for defamation by the men she is accusing of rape,
- E. whereas in Egypt female protestors claim they were subjected to ‘virginity tests’ by the military, having been rounded up in the Tahrir Square on 9 March 2011 and subsequently subjected to torture and rape, while the ‘virginity tests’ were performed and photographed in the presence of male soldiers; whereas some Egyptian women will be tried before military courts for failing ‘virginity tests’, and some have been threatened with prostitutions charges,
- F. whereas, when part of a widespread and systematic practice, rape and sexual slavery are recognised under the Geneva Convention as crimes against humanity and war crimes that should be tried before the International Criminal Court (ICC); whereas rape is now also recognised as an element of the crime of genocide when committed with intent to destroy, in whole or in part, a targeted group; whereas the EU should support efforts being aimed at ending impunity for perpetrators of sexual violence against women and children,
- G. whereas it has been proven that armed conflict has a disproportionate and unique impact on women; whereas the roles of women in peace building and conflict prevention should be strengthened, and women and children in war and conflict regions provided with better protection, through participation, prevention and protection,
- H. whereas the implementation of the commitments of UN Security Council Resolutions 1820, 1888, 1889 and 1325 is a common concern and a shared responsibility of each and every UN member state, be it conflict-affected, donor or other; whereas attention should be drawn in this respect to the adoption in December 2008 of EU guidelines on violence against women and girls and EU guidelines on children and armed conflict and combating all forms of discrimination against them, which send out the clear political signal that these are priorities for the Union,
 - 1. Calls on the Commission and the Member State governments to strongly oppose the use of sexual assaults on, and intimidation and targeting of, women in Libya and Egypt;
 - 2. Strongly condemns forced ‘virginity tests’ inflicted by the Egyptian army on women protesters arrested in Tahrir Square and considers this practice as unacceptable, as it amounts to a form of torture; calls on Egypt’s Supreme Military Council to take immediate measures to stop this degrading treatment and to ensure that all security and army forces are clearly instructed that torture and other ill-treatment, including forced ‘virginity tests’, cannot be tolerated and will be fully investigated;
 - 3. Calls on the Egyptian authorities to take urgent steps to end torture, investigate all cases of abuses against peaceful demonstrators, and stop prosecuting civilians before military

tribunals; is particularly concerned by reports from human rights organisations stating that minors have been arrested and sentenced by military tribunals;

4. Recommends that an independent inquiry be established in order to hold the perpetrators accountable, with particular reference to crimes within the meaning of the Rome Statute of the International Criminal Court committed by Muammar Gaddafi; considers that those found responsible for such acts must be brought to justice and that the women who reported such abuses must be protected from reprisals;
5. Stresses that everyone should be able to express their views on the democratic future of their country without being detained, tortured or subjected to degrading and discriminatory treatment;
6. Strongly believes that the changes taking place in North Africa and the Middle East must contribute towards the ending of discrimination against women and their full participation in society on equal terms with men and in compliance with the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
7. Stresses the need to ensure women's rights in general in the new democratic and legal structures of these societies;
8. Emphasises that the role of women in the revolutions and the democratisation processes should be acknowledged, while highlighting the specific threats they face and the need to support and defend their rights;
9. Calls on the EU Member States actively to promote in the long term, both politically and financially, full implementation of UN Security Council Resolution 1325 and the establishment at European level of the control institutions and mechanisms provided for therein, and on the United Nations to ensure implementation of the resolution at all international levels;
10. Stresses that there is a need to prioritise human rights in European Neighbourhood Policy (ENP) measures as an integral part of the democratisation process, and underlines the need to share EU experience on equality policy and on the fight against gender violence;
11. Emphasises the need to implement the principle of the equality of men and women and to support specific actions with a view to achieving an effective and systematic equality approach in the ENP countries; urges governments and civil society to increase women's social inclusion, including the fight against illiteracy and the promotion of employment, and their financial independence, so as to ensure a meaningful presence of women at all levels; stresses that equality must become an integral part of the democratisation process and that, moreover, education for women and girls should be a priority and should include raising awareness of their rights;
12. Calls on the VP/HR, the EEAS and the Commission to place at the top of the agenda for their talks with ENP southern countries the EU's political priorities of death penalty abolition, respect for human rights – including women's human rights – and fundamental freedoms, and the ratification of a number of international legal instruments including the Rome Statute of the International Criminal Court and the 1951 Convention relating to the Status of Refugees;

13. Instructs its President to forward this resolution to the Council, the Commission and the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy.