REPORT

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

Committee on Women's Rights and Gender Equality

Rapporteur: Antonyia Parvanova
(Initiative – Rule 42 of the Rules of Procedure)
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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 Article 2 and 3 of the Treaty of the European Union (TEU),

– having regard to the Charter of Fundamental Rights of the European Union and namely its Articles 23, 24, and 25,

– having regard to its resolution of 24 March 2009 on combating female genital mutilation in the EU\(^1\), and its resolution of 14 June 2012 on ending female genital mutilation,\(^2\)

– having regard to its declaration of 22 April 2009 on the ‘Say NO to Violence against Women’ campaign\(^3\),

– having regard to its resolution of 26 November 2009 on the elimination of violence against women\(^4\),

– having regard to its resolution of 5 April 2011 on priorities and outline of a new EU policy framework to fight violence against women\(^5\),

– having regard to its resolution of 6 February 2013 on the 57th session on UN CSW: elimination and prevention of all forms of violence against women and girls\(^6\),

– 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\(^7\),

– 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 Commission’s Action Plan Implementing the Stockholm Programme (COM(2010)0171),

– having regard to the 2014-2020 Rights, Equality and Citizenship Programme,

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\(^1\) OJ C 117 E, 6.5.2010, p. 52.
\(^2\) OJ C 332 E, 15.11.2013, p. 87.
\(^3\) OJ C 184 E, 8.7.2010, p. 131.
\(^6\) Texts adopted, P7_TA(2013)0045.
\(^7\) OJ C 227 E, 4.9.2008, p. 140.
– having regard to the EPSCO Council Conclusions of 8 March 2010 on the eradication of violence against women,


– having regard to the opinion of the European Economic and Social Committee of 18 September 2012 on 'Eradicating domestic violence against women'²,

– 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,

– 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, the United Nations Convention on the rights of persons with disabilities,

– 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) and of the UN General Assembly resolution of 5 March 2013 entitled "Intensifying global efforts for the elimination of female genital mutilations" (A/RES/67/146),

– 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 the Conclusions of the 57th session of the Commission on the Status of Women on the elimination and prevention of all forms of violence against women and girls,

– having regard to the UN Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, of 16th May 2012,

– having regard to article 5 of the Madrid International Action Plan on Ageing,

– having regard to the European Added Value Assessment⁴,

– 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 (A7-0075/2014),

A. whereas in Directive 2012/29/EU⁵ 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; whereas it may result in physical, sexual, emotional or psychological harm, or economic loss, to the victim and 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

¹ OJ C 59, 23.2.2001, p. 258.
⁴ PE 504.467.
and so-called ‘honour crimes’;

B. 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 and to ideas and behaviours based on stereotypes in our society which need to be combated at the earliest stage with a view to changing attitudes;

C. whereas women are increasingly being subjected to violence at the hands of husbands, partners, ex-husbands, or former partners; whereas in some countries the number of victims has risen sharply and the consequences that they suffer have shown a tendency to become far more serious, extending even to death and statistics show, the number of women killed is accounting for a growing proportion of the total murders;

D. whereas statistical surveys in some countries show that although the number of murders has not risen overall, the number of women killed is accounting for a growing proportion of the total, proving that violence against women is increasing;

E. 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;

F. whereas greater independence and social and economic involvement makes women less vulnerable and reduces gender-based violence;

G. whereas new stereotypes, and forms of discrimination and violence have arisen recently from the growing use of online social networks, like abusive grooming practices targeting namely teenagers;

H. whereas sexist attitudes amongst the younger generation about gender roles are persistent; young women who are victims of violence continue to be blamed and stigmatised by their peers and the rest of society;

I. 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;

J. whereas children who have witnessed violence to a close relative have to be taken into consideration and cared for from the point of view of the necessary psychological treatment and welfare provisions, furthermore whereas children who have witnessed violence are at great risk of being affected by emotional and relationship problems;

K. 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;

L. whereas women and children who experience violence need specific shelters where they would be offered adequate health care services, legal assistance and psychological counselling and therapy; whereas women’s shelters should be given adequate funding by
the Member States;

M. whereas male violence against women alters women’s place in society and their self-determination in terms of 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 as well as gaining self-respect;

N. whereas violence against women can leave deep physical and psychological scars, damage the general health of women and girls, including their reproductive and sexual health, and in some instances results in death, also called feminicide;

O. whereas there is a need for education and training from a very young age to combat violence against women and gender based violence in general as it develops the skills for young people to treat their partners with respect regardless of their gender and to be aware of the principles of equality;

P. whereas violence against women is assuming ever more unacceptable forms, including membership of women in groups organising the trafficking of women for sexual exploitation;

Q. whereas studies on violence against women 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\(^1\);

R. 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;

S. whereas the Fundamental Rights Agency issued in March 2013 some preliminary results of its European survey on violence against women, showing inter alia that: four in five women did not turn to any service, such as healthcare, social services, or victim support, following the most serious incidents of violence by people other than their partners; women who sought help were most likely to turn to medical services, highlighting the need to ensure that healthcare professionals can address the needs of victims of violence; two in five women were unaware of laws or political initiatives to protect them in cases of domestic violence, and half were unaware of any preventative laws or initiatives;

T. 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 genuine gender equality;

U. whereas the legal framework defined by the Lisbon Treaty offers new opportunities for increasing cooperation on criminal justice policy at EU level, enabling institutions and Member States to work together, on firm foundations, in establishing a common EU legal

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culture to combat all types of violence and discrimination against women, in respect of
national legal systems and traditions without replacing them;

V. whereas awareness raising and mobilization, including through media and social media, is
an important component of an effective prevention strategy;

W. whereas no single intervention will eliminate violence against women, but a combination
of infrastructural, legal, judicial, enforcement, cultural, educational, social, health, and
other service-related actions can significantly raise awareness and reduce violence and its
consequences;

X. whereas the six inseparable goals underlying any measures to combat violence against
women are policy, prevention, protection, prosecution, provision and partnership;

Y. whereas it is important to step up action against the industry which perceives young girls
and women as sexual objects;

Z. whereas women in the Union are not equally protected against male violence, due to
differing policies and legislation across Member States, as regards among other the
definition of offenses and the scope of the legislation, and are therefore vulnerable to such
violence;

AA. whereas, due to factors such as race, ethnicity, religion or belief, health, civil status,
housing, migration status, age, disability, class, sexual orientation and gender identity,
women may have special needs and be more vulnerable to multiple discriminations;

AB. whereas in many cases women fail to lodge complaints against acts of gender-based
violence against them, for reasons that are complex and diverse and include
psychological, economic, social and cultural factors, and because they may also lack trust
in the ability of the police, the legal system, and social and health services to concretely
help them; whereas in some cases the authorities consider gender-based violence to be a
family problem and hence one that can be resolved at that level;

AC. whereas reproductive health policy should be at the heart of this debate;

AD. whereas it is essential to gather comparable disaggregated qualitative and quantitative
data, covering all aspects of the problem, in order to comprehend the real extent of
violence against women in the Union and hence produce effective policies;

AE. 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 crime\(^1\) 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;

\(^1\) Texts adopted, P7_TA(2012)0494.
AF. whereas Female Genital Mutilations (FGM) is recognised internationally as a violation of human rights, a form of torture against girls and women, and reflects a deep-rooted inequality between the sexes; whereas FGM constitutes an extreme form of discrimination against women, is nearly always carried out on minors and is a violation of the rights of children;

AG. whereas prostitution may be viewed as a type of violence against women, owing to the effect this has on their physical and mental health, especially in cases of forced prostitution and of trafficking in women for the purpose of prostitution;

AH. whereas there is an increasing dangerous trend of honour killings within the borders of the Union, a trend which mostly affects young girls;

AI. whereas elder abuse is recognized internationally as a violation of human rights of older women, as well as the need to prevent and fight elder abuse in all EU countries;

AJ. whereas the adoption of EU guidelines on Violence against Women and girls and combating all forms of discrimination against them as well as the specific chapter on the protection of women against gender-based violence in the EU Human Rights Strategic Framework and Action Plan are marking 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 polices concerning human rights can sometimes expose a gap between rhetoric and behaviour;

AK. whereas, according to the Commission and to Amnesty International reports, FGM concern hundreds of thousands of women and girls in Europe and the figure of 500 000 victims is commonly cited; whereas the disparities between legal provisions in Member States are leading to the phenomenon of so-called cross border “FGM tourism” within the EU;

AL. whereas there is a continuing need for the EU to work with third countries to eradicate the violent practice of FGM; whereas those Member States and third countries with national legislation criminalising FGM should act on this legislation;

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 and girls (VAWG), 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 of any kind against women 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 violence against women and girls (and other forms of gender based violence) 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 the latter would have;

5. Requests the Commission to present an EU-wide Strategy and an Action Plan to combat all forms of violence against women and girls (VAWG), as foreseen in 2010 in the Action plan implementing the Stockholm programme, with the aim of protecting women’s integrity, equality (Article 2 TEU), and well-being (Article 3(1) TEU) tangibly and effectively in an area of freedom, security and justice, focusing in particular on making women aware of their rights and men and boys (from an early age) of the need to respect women’s physical and psychological integrity, in order to help prevent such violence, stressing the need for police and judicial services to be given proper training in dealing with the specific challenges of gender-based violence, and encouraging Member States to make arrangements to help victims rebuild their lives and recover their self-confidence, so as to guard against future vulnerability or dependence; considers that such strategy should devote particular attention to vulnerable groups such as older persons, people with disabilities, immigrants and LGBT (lesbian, gay, bisexual and transgender) persons and that it should also comprise measures to support children who have witnessed violence and recognise them as victims of crime;

6. Calls on the Commission to promote the collaboration between Member States and women NGOs and organisations in order to prepare and implement an efficient strategy to eliminate violence against women;

7. Encourages the Commission to adopt the first steps towards establishing a European Observatory on Violence Against Women and girls, building on existing institutional structures (European Institute for Gender Equality (EIGE)) and directed by a EU Coordinator on VAWG;

8. Urges the Commission to establish in the next three years an EU Year to End Violence against Women and Girls with the aim of raising awareness among citizens and among all politicians of this widespread problem which affects all the Member States, with a view to presenting a clear plan of action to end violence against women;

9. Calls on the Commission and Member States to take action in order to end impunity of feminicide and any kind of violence against women by enhancing access to justice of women, ending impunity of perpetrators, disaggregating data collection and supporting national capacity and assistance;

10. Calls on the Member States to ratify the Istanbul Convention at the earliest opportunity, as this is one of the most elaborate international instruments for combating violence against women and domestic violence;

11. Calls on the Member States to legally classify gender-based violent killing of women as feminicide and to develop a legal framework to eradicate it;

12. Encourages Member States to implement and subsequently enforce national legislation which criminalises all forms of violence against women;
13. Calls on the Member States to combat honour killings by providing education and shelter for possible victims and to mobilise awareness campaigns of the extreme form of human rights abuses and the numbers of tragic deaths caused by honour killings;

14. Urges the Member States to transpose Directives 2012/29/EU, 2011/99/EU and 2011/36/EU and calls on the Commission to closely monitor their application;

15. Calls on the Member States and stakeholders, working with the Commission, to help disseminate information about EU programmes and the funding available under them to combat violence against women;

16. Recalls that violence against women is not limited to the borders of Europe; strongly condemns the continued use of sexual violence against women as a weapon of war and calls on the Commission and on the Member States to address, in programmes of cooperation and development, the question of violence against women; stresses that more needs to be done to ensure respect of international law, access to appropriate healthcare and psychological support for women and girls abused in conflicts, and protection of victims;

17. Calls on the European External Action Service (EEAS) to develop a detailed action plan to end any kind of violence against women; asks the EEAS to cooperate with third countries to end gender-based killing of women or feminicide;

18. Urges the EU to ensure, by means of aid conditionality, that third countries protect women and girls from all forms of violence; calls on the Council to suspend aid to countries practising violence against women and girls and to divert aid to support victims; urges the Commission to ensure that all new Free Trade Agreements with third countries provide for strict obligations which safeguard women and girls;

19. Calls on the EU in its human rights dialogues with third countries to promote the prevention, investigation and prosecution of all violence against women, especially those perpetrated against the LGBT community who can be more vulnerable to violence and human rights abuses;

20. Confirms that the recommendations respect fundamental rights and the principles of subsidiarity and proportionality;

21. Considers that the financial implications of the requested proposal should be covered by the Union budget, Section III (ensuring full complementarity with existing budget line relating to the subject of the proposal);

22. 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, to the Council of Europe and to EIGE.

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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/JHA) 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’.

Recommendation 2 on prevention and combat measures

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

- design, implement and evaluate yearly comprehensive strategies and programmes, including public education programmes and training for teachers and professionals in the recreational sector aimed at removing obstacles that prevent women and girls from enjoying their full rights and freedom free from violence and aimed at bringing about a profound change in social and cultural attitudes;

- 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 and professionals likely to come into contact with cases of gender-based violence – including law enforcement, social welfare, child welfare (for victims of or witnesses to violence), 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);

- establish awareness-raising campaigns (including campaigns targeted specifically at men), in consultation and where relevant in cooperation with NGOs, the media and other stakeholders;

- create – if not already existing – and support national help lines free of charge with specialised staff;
– ensure that specialised shelters (conceived both as first contact assistance and as safe and empowering space for women) are available and equip them with facilities and properly trained staff, offering places for at least 1 woman per 10 000 inhabitants;

– ensure support to women's NGOs and civil society working to prevent gender-based violence against women and girls;

– set up mechanisms to facilitate access to free legal aid enabling victims to assert their rights throughout the Union;

– provide prompt, relevant information to victims on the protection and assistance available and the legal measures in place, not least in order to encourage them to give evidence;

– create or increase the number of courts specifically handling gender-based violence; provide more resources and training materials on gender-based violence for judges, public prosecutors and lawyers; improve the specialist units in law enforcement bodies, by increasing their staff numbers and improving their training and equipment;

– guarantee that aggressors are punished in accordance with the seriousness of their crime;

– establish social and economic conditions enabling female victims of violence to enjoy independence and self-reliance;

– make provision for specialised health care in public health institutions;

– duly take into account in all programmes, measures and actions undertaken the characteristics of victims with special needs, such as minors, women with disabilities, immigrants, women from minorities, elderly women and those who are unskilled or poorly-skilled or at risk of social exclusion;

– ensure that victims of gender-based violence are given priority access to social housing.

**Recommendation 3 on national rapporteurs or equivalent mechanisms**

Within one year from the entry into force of the Regulation, Member States should 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 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 should transmit to the 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 measures following this Regulation. The report will list the measures taken and highlight good practices.

**Recommendation 6 on the creation of a civil society forum**

The 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 Union 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 Union budget (Section III) 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 VAW\(^1\). 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-wise 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.
14.1.2014

OPINION OF THE COMMITTEE ON CIVIL LIBERTIES, JUSTICE AND HOME AFFAIRS

for the Committee on Women’s Rights and Gender Equality

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

Rapporteur: Roberta Angelilli

(Initiative – Rule 42 of the Rules of Procedure)

SUGGESTIONS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Women’s Rights and Gender Equality, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Stresses that in accordance with Article 3(2) TEU, the Union should offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured in conjunction with appropriate measures with respect among other things to the prevention and combating of crime;

2. Stresses that in accordance to Article 2 TEU, the Union is founded on the values of respect for human dignity, equality, the rule of law and respect for human rights of persons in a society where among others, equality between women and men prevails as well as the well-being of the people (Article 3(1) TEU);

3. Notes that "violence against women" is a term used to describe violent acts where the type of violence targets women, with the victim's gender as a primary motive. Violent acts against women are numerous and can include, but are not limited to, violence in close relationships, rape, including marital rape, dowry violence, female genital mutilation, acid throwing, forced marriage, sexual abuse, forced prostitution and pornography, trafficking of women and forced suicide; considers that violence against women is a serious violation of human rights and should never be justified by religion, culture and tradition;
4. Points out that the legal framework defined by the Lisbon Treaty offers new opportunities for increasing cooperation on criminal justice policy at EU level, enabling institutions and Member States to work together, on firm foundations, in establishing a common EU legal culture to combat all types of violence and discrimination against women, in respect of national legal systems and traditions without replacing them;

5. Regrets that the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) has been ratified only by three EU Member States; calls on Member States to promptly ratify the Convention and on the Commission to launch the procedure for the accession of the EU;

6. Points out that the three indivisible objectives in terms of combating violence against women are prevention, protection of and assistance to victims and criminal prosecution of the perpetrators of crimes;

7. Encourages Member States to implement and subsequently enforce national legislation which criminalises all forms of violence against women and calls on the Commission to adopt a legislative act based on Article 84 TFEU to support the action of Member States in the field of crime prevention; points out that to combat and eliminate all forms of violence against women a comprehensive, multidisciplinary European strategy (including social, political and legal measures) is required, as foreseen in 2010 in the Action plan implementing the Stockholm programme, with the aim of protecting women’s integrity, equality (Article 2 TEU), and well-being (Article 3(1) TEU) tangibly and effectively in an area of freedom, security and justice; considers that such strategy should devote particular attention to vulnerable groups such as older persons, people with disabilities, immigrants and LGBT persons and that it should also comprise measures to support children who have witnessed violence and recognise them as victims of crime;

8. Points out that while the multicultural nature of Europe is a source of enrichment, the fact of belonging to a particular culture cannot, under any circumstances, justify violence; is particularly concerned about discrimination and violence against women due to their membership of a minority, in particular with regard to ethnic minorities, women with disabilities, lesbian, bisexual, transgender or intersex women, or women belonging to a religious minority, and women who are vulnerable because of their age, be it old or young; calls on the Commission, the EEAS and the Member States to take into account multiple discrimination in any measures they might take;

9. Recalls that violence against women is not limited to the borders of Europe; strongly condemns the continued use of sexual violence against women as a weapon of war and calls on the Commission and on the Member States to address, in programmes of cooperation and development, the question of violence against women; stresses that more needs to be done to ensure respect of international law, access to appropriate healthcare and psychological support for women and girls abused in conflicts, and protection of victims;
10. Is of the view that reproductive health policy should be at the heart of this debate;

11. Calls on the Council to ensure that violence against women is identified as a further area of particularly serious crime, pursuant to Article 83(1) TFEU, because of the particular need to combat this crime jointly, with the aim of adopting minimum standards with regard to the definition of criminal offences and penalties, provided that any proposals concerning EU provisions of substantive criminal law fully respect the principles of subsidiarity and proportionality; urges Member States to prosecute those responsible for carrying out violent acts against women;

12. Encourages Member States to establish their own measures to assist those children who have had exposure to gender-based violence, taking into account that the behavioural, emotional and physical effects that this form of violence can have on children who may witness it against their will can be significant and long-lasting, if not addressed;

13. Stresses the need to address gender discrimination in the context of multiple discrimination, to ensure the investigation of hate speech and hate crimes against women, to recognise the killing of women because of their gender as feminicide, to adopt criminal legislation prohibiting incitement to hatred on any ground including sex and gender, to ensure the rights of victims of hate crime against women;

14. Calls on Member States to ensure that victims whose residence status depends on that of the spouse or partner as recognised by internal law, are granted an autonomous residence permit;

15. Urges the Member States to transpose Directives 2012/29/EU, 2011/99/EU, 2011/92/EU and 2011/36/EU and calls on the Commission to closely monitor their application;

16. Calls on Member States to provide the victims with prompt and appropriate information on protection, assistance and the existing legal measures, including provisions and existing guidelines for the protection of children, so to enable women to break the silence, the loneliness, the vicious circle of guilt and fear; considers that increased cooperation between police, judiciary and other public authorities and civil society active in gender-based violence, is important to encourage women to denounce and testify the violence;

17. Believes that to effectively combat violence against women, a change of attitude towards women and girls in society is necessary, where women are too often represented in subordinate roles and violence against them is too often tolerated or undermined; in this sense, stresses the educational system may have a primary role in promoting changes in the socio-cultural behaviour of women and men in order to eliminate prejudices, traditions, customs and any other practice based on discrimination or on stereotyped male and female role models;
18. Calls on the Member States to implement public information and awareness-raising measures, stressing the responsibility and crucial role of men and boys in the process to eliminate violence against women; in this regard, considers it fundamental to promote and support awareness-raising policies and campaigns specifically designed for men and boys;

19. Calls on the Member States, with the support of the Commission, to exchange best practices in terms of national strategies, resources allocated for their implementation, partnerships, specific projects, information campaigns targeted at victims and specialist staff, and results achieved;

20. Stresses that it is vital to collect disaggregated data that are qualitatively and quantitatively comparable and regularly updated, in order to understand the true extent of violence against women, its consequences, and hence to develop effective policies, strategies and measures;

21. Welcomes the Rights, Equality and Citizenship Programme for 2014-2020, which aims, amongst other things, to promote equality between men and women and combat all forms of violence against children, women and other groups at risk, and to protect the victims of such violence;
RESULT OF FINAL VOTE IN COMMITTEE

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<td><strong>Substitute(s) present for the final vote</strong></td>
<td>Alexander Alvaro, Lorenzo Fontana, Mariya Gabriel, Stanimir Ilchev, Ulrike Lunacek, Hubert Pirker, Zuzana Roithová, Joanna Senyszyn, Marie-Christine Vergiat</td>
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<td><strong>Substitute(s) under Rule 187(2) present for the final vote</strong></td>
<td>Leonardo Domenici, Christian Engström, Enrique Guerrero Salom, Nadja Hirsch, Olle Ludvigsson</td>
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RESULT OF FINAL VOTE IN COMMITTEE

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| Result of final vote | +: 18  
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| | 0: 7  |
| Members present for the final vote | Edit Bauer, Marije Cornelissen, Edite Estrela, Iratxe García Pérez, Zita Gurmai, Mikael Gustafsson, Mary Honeyball, Teresa Jiménez-Becerril Barrio, Constance Le Grip, Astrid Lulling, Elisabeth Morin-Chartier, Krisztina Morvai, Angelika Niebler, Siiri Oviir, Antonyia Parvanova, Joanna Senyszyn, Joanna Katarzyna Skrzypek, Marina Yannakoudakis, Inês Cristina Zuber  |
| Substitute(s) present for the final vote | Izaskun Bilbao Barandica, Anne Delvaux, Iñaki Irazalbeitia Fernández, Nicole Kiil-Nielsen, Christa Klaß, Angelika Werthmann  |
| Substitute(s) under Rule 187(2) present for the final vote | Elisabetta Gardini, Anna Hedh  |