

Tuesday 5 April 2011

New EU policy framework to fight violence against women

P7_TA(2011)0127

European Parliament resolution of 5 April 2011 on priorities and outline of a new EU policy framework to fight violence against women (2010/2209(INI))

(2012/C 296 E/04)

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, 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 Platform ⁽¹⁾ 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 the follow-up to the Beijing Action Platform (Beijing +15) ⁽³⁾,
- 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), and to UN Security Council Resolutions 1325 and 1820 on women, peace and security,
- having regard to the work of the Council of Europe's Ad hoc Committee on Preventing and Combating Violence against Women and Domestic Violence (CAHVIO), established in December 2008 to prepare a future Council of Europe Convention on this subject,
- having regard to the EPSCO Council Conclusions of 8 March 2010 on violence,

⁽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.

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- having regard to its position of 14 December 2010 on the draft directive of the European Parliament and of the Council on the European Protection Order ⁽¹⁾,
 - having regard to its resolution of 26 November 2009 on the elimination of violence against women ⁽²⁾,
 - having regard to its Declaration of 21 April 2009 on the ‘Say NO to Violence against Women’ campaign ⁽³⁾,
 - having regard to its resolution of 24 March 2009 on combating female genital mutilation in the EU ⁽⁴⁾,
 - 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 Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Women’s Rights and Gender Equality (A7-0065/2011),
- A. whereas no single intervention will eliminate gender-based violence, but a combination of infrastructural, legal, judicial, enforcement, educational, health, and other service-related actions can significantly reduce it and its consequences,
- B. whereas although there is no internationally recognised definition of the term ‘violence against women’, it is defined by the United Nations 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, whether occurring in public or private life ⁽⁵⁾,
- C. whereas violence is a traumatic experience for any man, woman or child, but gender-based violence is preponderantly 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,
- D. 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,
- E. whereas advertising and pornography often portray various types of gender-based violence, therefore trivialising violence against women and hindering gender equality strategies,
- 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,

⁽¹⁾ Texts adopted, P7_TA(2010)0470.

⁽²⁾ OJ C 285 E, 21.10.2010, p. 53.

⁽³⁾ OJ C 184 E, 8.7.2010, p. 131.

⁽⁴⁾ OJ C 117 E, 6.5.2010, p. 52.

⁽⁵⁾ Article 1 of the UN Declaration on the Elimination of Violence Against Women of 20 December 1993 (A/RES/48/104); point 113 of the United Nations 1995 Beijing Platform for Action.

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- G. 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 the social and health services,
- H. whereas gender-based violence, predominantly by men against women, is a structural and widespread problem throughout Europe and the world, is a phenomenon that 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,
- I. whereas economic stress often leads to more frequent, more violent and more dangerous abuse; whereas studies have shown that violence against women intensifies when men experience displacement and dispossession as a result of the economic crisis,
- J. whereas violence against women encompasses a wide range of human rights violations, including: sexual abuse, rape, domestic violence, sexual assault and harassment, prostitution, trafficking of women and girls, violation of women's sexual and reproductive rights, violence against women at work, violence against women in conflict situations, violence against women in prison or care institutions, and several harmful traditional practices; whereas any one of these abuses 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,
- K. whereas in several Member States male violence against women in the form of rape is not treated as an offence giving rise to ex officio prosecution⁽¹⁾,
- L. whereas comparable data on different types of violence against women in the European 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; whereas it is very difficult to collect reliable data as women and men are reluctant, due to fear or shame, to report their experiences to the relevant stakeholders,
- M. whereas, according to the existing studies concerning Council of Europe member states, the annual cost of violence against women is estimated to be in the region of EUR 33 billion⁽²⁾,
- N. whereas women in the European Union are not equally protected against male violence, due to differing policies and legislation across Member States,
- O. whereas the European Union, with the Lisbon Treaty, has a broader competence in the area of judicial cooperation in criminal matters, including on criminal procedural law and substantive criminal law, as well as in the area of police cooperation,
- P. having regard to the alarming number of women who are victims of gender violence,

⁽¹⁾ 2010 Commission study entitled 'Feasibility study to assess the possibilities, opportunities and needs to standardise national legislation on violence against women, violence against children and sexual orientation violence', p. 53.

⁽²⁾ 'Combating violence against women – Stocktaking study on the measures and actions taken in Council of Europe member states', Council of Europe, 2006.

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- Q. whereas the harassment of mothers and pregnant women is another form of violence or abuse suffered by women, which takes place primarily within the family or couple and in the social and professional spheres, leading to them either being dismissed from or voluntarily leaving their jobs and to situations of discrimination and depression,
- R. whereas the Commission stressed in its strategy for gender equality 2010-2015 that gender-based violence was one of the key problems to be addressed in order to achieve genuine gender equality,
- S. whereas the Commission announced that it would submit a proposal in 2011 for a strategy to combat violence against women, but no explicit reference to this strategy was made in the Commission Work Programme for 2011,
1. Welcomes the commitment by the Commission in its Action Plan implementing the Stockholm Programme to present in 2011-2012 a 'Communication on a strategy to combat violence against women, domestic violence and female genital mutilation, to be followed up by an EU action plan' ⁽¹⁾;
2. Proposes a new comprehensive policy approach against gender-based violence including:
- a criminal-law instrument in the form of a directive against gender-based violence,
 - measures to address the 'six-P' framework on violence against women (policy, prevention, protection, prosecution, provision, and partnership),
 - demands on Member States to ensure that perpetrators are punished in accordance with the gravity of the crime,
 - demands on Member States to ensure training for officials likely to come into contact with cases of violence against women – including law enforcement, social welfare, child 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,
 - requirements for Member States to demonstrate due diligence and to record and investigate all forms of gender-based violence crimes in order to initiate public prosecution,
 - plans to develop specific investigative routines for police and health sector professionals in order to secure evidence of gender-based violence,
 - the creation of partnerships with higher education institutions with a view to providing training courses on gender-based violence for professionals in the relevant fields, especially judges, criminal police officials, health and education professionals and victim support staff,
 - policy proposals to help victims rebuild their lives, addressing the specific needs of different groups of victims such as minority women, in addition to ensuring their safety and re-establishing their physical and psychological health, and measures encouraging the exchange of information and best practices on dealing with survivors of violence against women,

⁽¹⁾ COM(2010)0171 Delivering an area of freedom, security and justice for Europe's citizens, Action plan Implementing the Stockholm Programme, p. 13.

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- the integration of specific identification and diagnosis mechanisms within hospital emergency services and the primary care network, with a view to consolidating a more efficient access and monitoring system for the victims concerned,
 - demands on Member States to provide shelters for victims of gender-based violence in cooperation with relevant NGOs,
 - minimum requirements as to the number of victim support structures per 10 000 inhabitants for victims of gender-based violence in the form of centres with specific expertise to help victims,
 - the establishment of a European charter setting out a minimum level of assistance services to be offered to victims of violence against women, including: the right to legal aid; the creation of shelters to meet victims' needs for protection and temporary accommodation; urgent psychological aid services to be provided free of charge by specialists on a decentralised and accessible basis; and financial aid arrangements aimed at promoting victims' independence and facilitating their return to normal life and the world of work,
 - minimum standards to ensure that victims have professional support in the form of advice from a legal practitioner irrespective of their role in the criminal proceedings,
 - mechanisms to facilitate access to legal aid enabling victims to assert their rights throughout the Union,
 - plans to develop methodological guidelines and undertake new data collection efforts to obtain comparable statistical data on gender-based violence, including female genital mutilation, in order to identify the extent of the problem and to provide a basis for a change in action towards the problem,
 - the establishment, in the next five years, of a European Year Against Violence Against Women with the aim of raising awareness among European citizens,
 - demands on the Commission and Member States to take appropriate measures on prevention, including awareness-raising campaigns, where relevant in cooperation with NGOs,
 - the implementation of measures in wage agreements and greater coordination between employers, trade unions and enterprises, as well as between their respective management bodies, in order to furnish victims with relevant information on their employment rights,
 - an increased number of courts specifically handling gender-based violence; more resources and training materials on gender-based violence for judges, public prosecutors and lawyers; and improvements to the specialist units in law enforcement bodies, by increasing their staff numbers and improving their training and equipment;
3. Urges the Member States to recognise rape and sexual violence against women, particularly 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, to ensure that such offences result in automatic prosecution, and to reject any reference to cultural, traditional or religious practices as a mitigating factor in cases of violence against women, including so-called 'crimes of honour' and female genital mutilation;
4. Recognises that violence against women is one of the most serious forms of gender-based violations of human rights and that domestic violence – against other victims such as children, men and the elderly – is also a hidden phenomenon that affects too many families to be ignored;

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5. Stresses that exposure to physical, sexual or psychological violence and abuse between parents or other family members has a severe impact on children;
6. Calls for Member States where child witnesses of all forms of violence are concerned to develop age-appropriate psychosocial counselling that is specifically tailored to children to cope with their traumatic experiences and that due regard is given to the best interests of the child;
7. Highlights that migrant women, including undocumented migrant women, and women asylum-seekers form two subcategories of women that are particularly vulnerable to gender-based violence;
8. Stresses the importance of suitable training for all those working with women who are victims of gender-based violence, especially of those representing the legal system and law enforcement, with special reference to the police, judges, social workers and healthcare workers;
9. Calls on the European Commission, using all available expertise, to develop and provide annual statistics on gender-based violence, including figures on how many women are killed annually by their partner or ex-partner, based on data from the Member States;
10. Emphasises that research into the area of violence against children, young people and women, and on a more general level on gender and sexual violence, should be included as a multidisciplinary research area in the future Eighth Framework Programme for Research and Technological Development;
11. Asks the Commission to consider establishing an observatory on violence against women based on the reporting of court cases involving violence against women;
12. Calls on the Commission to continue its efforts to combat gender-based violence through Community programmes, especially the Daphne programme that has already been successful in combating violence against women;
13. Notes that the European Union Agency for Fundamental Rights (FRA) will survey a representative sample of women from all Member States regarding their experiences of violence, and asks that the focus be placed on examining the responses women receive from the various authorities and support services when reporting;
14. Urges Member States, in their national statistics, to show clearly the magnitude of gender-based violence and to take steps to ensure that data are collected on gender-based violence, *inter alia* on the sex of the victims, the sex of the perpetrators, their relationship, age, crime scene, and injuries;
15. Calls on the Commission to submit a study on the financial impact of violence against women, building on research using methodologies that can financially quantify the impact of this form of violence on health services, welfare systems and the labour market;
16. Calls on the EU Fundamental Rights Agency and the European Institute for Gender Equality to carry out research which looks at the pervasiveness of violence in teenage relationships and the impact this has on their welfare;
17. Notes that stalking, of which 87 percent of all victims are female, causes psychological trauma and severe emotional stress and should therefore be considered as a form of violence against women and be subject to a legal framework in all Member States;

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18. Notes that traditional harmful practices such as Female Genital Mutilation (FGM) and so-called 'honour killings' are highly contextualised forms of violence against women and therefore urges the Commission to give specific attention to traditional harmful practices in its strategy to combat violence against women;
19. Recognises the serious problem of prostitution, including child prostitution, in the European Union, and requests further studies into the link between the legal framework in the Member State in question and the form and extent of the prostitution taking place; draws attention to the worrying increase in human trafficking into and within the EU – a trade which targets women and children in particular – and urges Member States to take firm action to combat this illegal practice;
20. Asks Member States to acknowledge the serious problem of surrogacy which constitutes an exploitation of the female body and her reproductive organs;
21. Emphasises that women and children are subject to the same forms of exploitation and both can be regarded as commodities on the international reproductive market, and that these new reproductive arrangements, such as surrogacy, augment the trafficking of women and children and illegal adoption across national borders;
22. Notes that domestic violence has been identified as a major cause of miscarriage or stillbirth and of maternal deaths during childbirth, and asks the Commission to focus more closely on violence against pregnant women in which the offender harms more than one party;
23. Points out that civil society, particularly NGOs, women's associations and other public and private voluntary organisations providing support to victims of violence, offers a service of great value, particularly by assisting women victims who wish to break the silence in which violence encloses them, and should be given support by the Member States;
24. Reiterates the need to work with both victims and aggressors, with a view to enhancing awareness in the latter and helping to change stereotypes and socially determined beliefs which help perpetuate the conditions that generate this type of violence and acceptance of it;
25. Calls on the Member States to provide shelters for women in order to help women and children live a self-determined life free of violence and poverty, and that these offer specialised services, medical treatment, legal aid, psychosocial and therapeutic counselling, legal support during court procedures, support for children affected by violence, etc;
26. Emphasises that Member States should devote appropriate resources to preventing and combating violence against women, including through recourse to the Structural Funds;
27. Stresses the importance of the Member States and the regional and local authorities taking action to facilitate the return to the labour market of women who have been victims of gender-based violence through instruments such as the ESF or the Progress Programme;
28. Calls on the EU and its Member States to establish a legal framework that gives immigrant women the right to hold their own passport and residence permit and makes it possible to hold a person criminally responsible for taking these documents away;

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29. Reiterates the view expressed in its resolution of 25 February 2010 that the European Union, within the new legal framework established by the Treaty of Lisbon, should become a party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its optional protocol;
30. 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 bilateral association and international trade agreements in force and those under negotiation;
31. Instructs its President to forward this resolution to the Council and the Commission.
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