

Thursday 24 November 2016

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## **EU accession to the Istanbul Convention on preventing and combating violence against women**

**European Parliament resolution of 24 November 2016 on the EU accession to the Istanbul Convention on preventing and combating violence against women (2016/2966(RSP))**

(2018/C 224/16)

*The European Parliament,*

- having regard to Article 2 and Article 3(3), second subparagraph, of the Treaty on European Union (TEU) and Articles 8, 19, 157 and 216 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Articles 21, 23, 24 and 25 of the Charter of Fundamental Rights of the European Union,
- having regard to the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women on 15 September 1995, and to the subsequent outcome documents adopted at the United Nations Beijing + 5 (2000), Beijing + 10 (2005), Beijing + 15 (2010) and Beijing + 20 (2015) special sessions,
- 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, and the United Nations Convention on the rights of persons with disabilities,
- 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 its resolution of 9 June 2015 on the EU Strategy for equality between women and men post 2015 <sup>(1)</sup>,
- having regard to its resolution of 26 November 2009 on the elimination of violence against women <sup>(2)</sup>, its resolution of 5 April 2011 on priorities and outline of a new EU policy framework to fight violence against women <sup>(3)</sup>, and 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 <sup>(4)</sup>,
- having regard to its resolution of 25 February 2014 with recommendations to the Commission on combating Violence Against Women <sup>(5)</sup>,
- having regard to the European Pact for Gender Equality (2011-2020), adopted by the Council of the European Union in March 2011,

<sup>(1)</sup> OJ C 407, 4.11.2016, p. 2.

<sup>(2)</sup> OJ C 285 E, 21.10.2010, p. 53.

<sup>(3)</sup> OJ C 296 E, 2.10.2012, p. 26.

<sup>(4)</sup> OJ C 24, 22.1.2016, p. 8.

<sup>(5)</sup> Texts adopted, P7\_TA(2014)0126.

Thursday 24 November 2016

- having regard to the EU guidelines on violence against women and girls and combating all forms of discrimination against them,
  - having regard to the European Added Value Assessment <sup>(1)</sup>,
  - having regard to the 2014-2020 Rights, Equality and Citizenship Programme,
  - having regard to the Commission staff working document of 3 December 2015 entitled 'Strategic engagement for gender equality 2016-2019' (SWD(2015)0278),
  - having regard to the EU Presidency Trio declaration on gender equality of 7 December 2015 by the Netherlands, Slovakia and Malta,
  - having regard to the European Union Agency for Fundamental Rights' report entitled 'Violence against women: an EU-wide survey', published in March 2014,
  - having regard to Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime <sup>(2)</sup>,
  - having regard to Directive 2011/99/EU on the European protection order <sup>(3)</sup> and to Regulation (EU) No 606/2013 on mutual recognition of protection measures in civil matters <sup>(4)</sup>,
  - having regard to Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims <sup>(5)</sup> and to Directive 2011/92/EU on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA <sup>(6)</sup>,
  - having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention),
  - having regard to the Commission roadmap on possible EU accession to the Istanbul Convention, published in October 2015,
  - having regard to the Commission proposals for a Council decision on the signing and the conclusion, by the European Union, of the Council of Europe Convention on preventing and combating violence against women (COM(2016)0111 and COM(2016)0109),
  - having regard to the questions to the Council and to the Commission on the EU accession to the Istanbul Convention on preventing and combating violence against women (O-000121/2016 — B8-1805/2016 and O-000122/2016 — B8-1806/2016),
  - having regard to Rules 128(5) and 123(2) of its Rules of Procedure,
- A. whereas gender equality is a core value of the EU — as recognised in the Treaties and the Charter of Fundamental Rights — which the EU has committed to integrating into all its activities, and whereas gender equality is essential, as a strategic objective, to achieving the overall Europe 2020 objectives of growth, employment and social inclusion;

<sup>(1)</sup> PE 504.467.

<sup>(2)</sup> OJ L 315, 14.11.2012, p. 57.

<sup>(3)</sup> OJ L 338, 21.12.2011, p. 2.

<sup>(4)</sup> OJ L 181, 29.6.2013, p. 4.

<sup>(5)</sup> OJ L 101, 15.4.2011, p. 1.

<sup>(6)</sup> OJ L 335, 17.12.2011, p. 1.

Thursday 24 November 2016

- B. whereas the right to equal treatment and to non-discrimination is a defining fundamental right which is recognised in the Treaties of the European Union and is deeply rooted in European society, and whereas this right is essential for the further development of society and should apply in legislation, in practice, in case law and in daily life;
- C. whereas in Directive 2012/29/EU 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 this may result in physical, sexual, emotional or psychological harm, or economic loss, to the victims, while having an impact on their families and relatives, and society as a whole; whereas gender-based violence is an extreme form of discrimination and a violation of the fundamental rights and freedoms of the victim, which are both the cause and the consequence of gender inequalities; and whereas violence against women and girls includes violence in close relationships, sexual violence (including rape, sexual assault and harassment), trafficking in human beings, slavery, including new forms of abuse against women and girls on the internet, and different forms of harmful practices, such as forced marriages, female genital mutilation and so-called 'honour crimes';
- D. whereas violence against women and gender-based violence are still widespread phenomena within the EU; whereas the 2014 Fundamental Rights Agency survey on violence against women estimates, in line with other existing studies, that one-third of all women in Europe have experienced physical or sexual acts of violence at least once during their adult lives, 20 % of young women (18-29 years of age) have experienced online sexual harassment, one in five women (18 %) have been stalked, one in twenty women have been raped and more than one in ten have suffered sexual violence involving lack of consent or the use of force; whereas this survey explains also that most incidents of violence are not reported to any authorities, which shows that victimisation surveys are essential alongside administrative statistics in order to obtain a full picture of various forms of violence against women; and whereas further measures are needed to encourage women victims of violence to report their experiences and seek assistance, and to ensure that services providers can meet the needs of the victims and inform them about their rights and existing forms of support;
- E. whereas, according to the European Added Value Assessment, the annual cost to the EU of violence against women and gender-based violence was estimated at EUR 228 billion in 2011 (i.e. 1,8 % of EU GDP), of which EUR 45 billion a year was in the form of spending on public and state services and EUR 24 billion in lost economic output;
- F. whereas the Commission stressed in its strategic engagement for gender equality 2016-2019 that violence against women and gender-based violence, which damages women's health and wellbeing, working lives, financial independence and the economy, is one of the key problems to be addressed in order to achieve genuine gender equality;
- G. whereas violence against women is too often considered as a private issue and too easily tolerated; whereas it is in fact a violation of fundamental rights and a serious crime that must be punished as such; whereas impunity of perpetrators must end in order to break the vicious circle of silence and loneliness for women and girls who are victims of violence;
- H. whereas no single intervention will eliminate violence against women and gender-based violence, 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;
- I. whereas, due to factors such as ethnicity, religion or belief, health, civil status, housing, migration status, age, disability, class, sexual orientation, gender identity and gender expression, women may have specific needs and be more vulnerable to multiple discrimination, and this entails that they should be granted special protection;

Thursday 24 November 2016

- J. 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, demonstrate the EU's clear political will to treat the subject of women's rights as a priority and to take long-term action in that field; whereas coherence between the internal and external dimensions in policies concerning human rights can sometimes expose a gap between rhetoric and behaviour;
- K. whereas citizens and residents in the Union are not equally protected against gender-based violence, due to the absence of a coherent framework and differing policies and legislation across Member States as regards *inter alia* the definition of offences and the scope of the legislation, and they are therefore less protected against violence;
- L. whereas on 4 March 2016 the Commission proposed the EU's accession to the Istanbul Convention, the first legally binding instrument on preventing and combating violence against women at international level;
- M. whereas all EU Member States have signed the convention, but only fourteen have ratified it;
- N. whereas the ratification of the Convention will not achieve results unless proper enforcement is ensured and adequate financial and human resources are dedicated to preventing and combating violence against women and gender-based violence and protecting the victims;
- O. whereas the Istanbul Convention follows a holistic approach, addressing the issue of violence against women and girls and gender-based violence from a wide range of perspectives, such as prevention, the fight against discrimination, criminal law measures to combat impunity, victim protection and support, the protection of children, the protection of women asylum seekers and refugees, or better data collection; whereas this approach means the adoption of integrated policies, combining actions in various areas led by multiple stakeholders (judicial, police and social authorities, NGOs, local and regional associations, governments, etc.) at all levels of governance;
- P. whereas the Istanbul Convention is a mixed agreement that allows for EU accession in parallel to the Member States' accession, as the EU is competent in fields including victims' rights and protection orders, asylum and migration, as well as in judicial cooperation in criminal matters;
1. Recalls that the Commission is bound by Article 2 TEU and by the Charter of Fundamental Rights to guarantee, promote and take action in favour of gender equality;
  2. Welcomes the Commission's proposal to sign and conclude the EU accession to the Istanbul Convention but deplors the fact that negotiations in Council are not proceeding at the same speed;
  3. Emphasises that the EU accession will guarantee a coherent European legal framework to prevent and combat violence against women and gender-based violence and to protect the victims of violence; stresses that it will provide greater coherence and efficiency in the EU's internal and external policies, will ensure better monitoring, interpretation and implementation of EU laws, programmes and funds relevant to the Convention, as well as more adequate and better collection of comparable desegregated data on violence against women and gender-based violence at EU level, and will reinforce the EU's accountability at international level; further emphasises that the EU accession will apply renewed political pressure on Member States to ratify this instrument;
  4. Calls on the Council and the Commission to speed up negotiations on the signing and conclusion of the Istanbul Convention;
  5. Supports the EU accession to the Istanbul Convention on a broad basis and without reservations;
  6. Calls on the Commission and the Council to ensure that Parliament will be fully engaged in the Convention's monitoring process following the EU accession to the Istanbul Convention, as provided for in Article 218 TFEU;

**Thursday 24 November 2016**

7. Recalls that the EU accession to the Istanbul Convention does not exonerate Member States from national ratification of the Convention; calls therefore on all Member States which have not yet done so to swiftly ratify the Istanbul Convention;
  8. Calls on the Member States to ensure proper enforcement of the Convention and to allocate adequate financial and human resources to preventing and combatting violence against women and gender-based violence and to the protection of victims;
  9. Considers that EU efforts to eradicate violence against women and girls must be part of a comprehensive plan to combat all forms of gender inequalities; calls for an EU strategy on combatting violence against women and gender-based violence;
  10. Reiterates its call on the Commission made in its resolution of 25 February 2014, which contained recommendations to combat violence against women, to submit a legal act providing a coherent system for collecting statistical data as well as a strengthened approach by Member States to the prevention and suppression of all forms of violence against women and girls and of gender-based violence, and to making low-threshold access to justice possible;
  11. 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) TFEU;
  12. Recognises the paramount work done by civil society organisations to prevent and combat violence against women and girls and to protect and assist victims of violence;
  13. Calls on the Member States and stakeholders, working with the Commission and women NGOs and civil society organisations, to help disseminate information about the Convention, EU programmes and the funding available under them to combat violence against women and protect victims;
  14. Calls on the Commission and the Council to cooperate with the Parliament to identify progress made on gender equality, and asks the Trio Presidency to make substantial efforts to achieve its commitments in this regard; calls for an EU Summit on gender equality and women's and girls' rights to make renewed commitments;
  15. Instructs its President to forward this resolution to the Council, the Commission, the governments of the Member States and the Parliamentary Assembly of the Council of Europe.
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