



**Reinforcing the implementation of national legislations and European standards
in the field of violence against women:
towards a parliamentary monitoring mechanism of the future Council of Europe convention
to prevent and combat violence against women and domestic violence**

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Ladies and gentlemen,

It is a great pleasure to have the possibility to take part in this side-event organised by the Interparliamentary Union and to share with you the latest proposals of the Parliamentary Assembly related to the role of Parliaments in the Enforcement of Violence against Women Legislation.

I The Council of Europe campaign "Stop domestic violence against women": parliaments united to combat violence against women

From 2006 to 2008, the Council of Europe conducted a major pan-European campaign intitled "Stop domestic violence against women" that involved national authorities, parliaments, local and regional authorities and NGOs. The Parliamentary Assembly organised the campaign's parliamentary dimension, enabling more than 40 parliaments to take an active part in this campaign with the organisation of more than 200 parliamentary activities, including seminars, campaigns, hearings, and to co-operate and learn from each other with the common goal of changing national legislation.

Undoubtedly, the action undertaken by the Parliamentary Assembly raised the awareness of national parliamentarians in Europe that:

- violence against women is a violation of human rights
- combating violence against women needs to be tackled publicly and urgently
- laws are necessary to set up standards, offer adequate and effective protection to women victims of gender-based violence, to punish the perpetrators and to prevent this human rights violation happening in the first place.

But adopting appropriate laws is far from being enough. The Parliamentary Assembly drew attention to the fact that parliamentarians are also responsible for monitoring the proper implementation of the law. An inquiry carried out by the Committee on Equal Opportunities for Women and Men in 2007 pointed out that more than half of the countries which replied to the questionnaire sent to them had no / or could not identify specific monitoring mechanisms within their parliament.

Therefore the Parliamentary Assembly, when adopting Resolution 1635 (2008), invited national parliaments to regard "the monitoring of the application of laws on violence against women passed by parliament" (paragraph 6.2) as a "minimum standard" (landmark measure).

II Towards a Council of Europe convention to prevent and combat violence against women and domestic violence

Raising awareness is necessary, but a legal framework is indispensable at European level to increase the efficiency of the fight against violence against women.

As a result of this major campaign, and further to the request made by the Parliamentary Assembly, the Council of Europe started to draft a convention on preventing and combating violence against women and domestic violence in Europe. The Assembly holds observer status in this drafting committee (called CAHVIO) composed of governmental experts and NGOs.

In my capacity as Rapporteur, I represent the Assembly on this drafting committee in order to ensure that the positions adopted by the Parliamentary Assembly related to the need to eradicate gender-based violence, sexual violence against women in armed conflict, the urgent need to combat so-called "honour crimes", rape of women, including marital rape, or the particular risk from domestic violence faced by migrant women are reflected in the future convention.

The Committee on Equal Opportunities for Women and Men is promoting, in particular, the inclusion of a parliamentary monitoring mechanism in the States Parties and possibly also in the evaluation of the implementation of the convention by State Parties. Such monitoring mechanisms could ensure that parliaments are properly involved in the adoption of appropriate laws and the supervision of their implementation. The Committee has identified good parliamentary practices related to the monitoring of the implementation of international instruments, such as the CEDAW¹.

¹ See document AS/EGA/Inf (2010) 3

III Consolidating the role of national parliaments in the monitoring of international, legally binding instruments

In order to draft an amendment relating to the parliamentary participation in monitoring to be included in the future convention, an inquiry was carried out to identify how certain parliaments have already put in place mechanisms and structures to monitor the implementation of international instruments. The questionnaire included following questions:

- Is there in your country a parliamentary mechanism to monitor the implementation of international instruments, in particular in the field of violence against women (such as the CEDAW)?
- Is your national parliament informed in general on the preparation of the national follow-up reports?
- Is your parliament for example involved in the preparation or consideration of the national periodic report submitted to the CEDAW Committee?
- How can parliaments try to influence the drafting of national follow-up reports by appropriate parliamentary initiatives?

The results based on 30 replies² highlighted that :

- the involvement of national parliaments in the monitoring of the CEDAW has become an increasing demand from the CEDAW Committee;
- In several Council of Europe member states, national parliaments are already informed / or consulted / or associated with the drafting process of the national reports submitted to the CEDAW Committee. In many others, however, no specific procedure exists³;
- the replies to the questionnaire revealed that, in addition to the traditional, widely used possibilities available to parliamentarians (such as questions to government or parliamentary activities within the competent committees), several means of information on and/or monitoring of the implementation of international legal instruments have been put in place by national parliaments in Europe, including parliamentary information procedure or parliamentarians' contribution to the bodies responsible for drafting the reports submitted to the CEDAW.
- But in some parliaments, specific parliamentary monitoring mechanisms have been created:

² The questionnaire was sent out by the European Centre for Parliamentary Research and Documentation (ECPRD Request No. 1291). Replies were sent by Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Finland, Germany, Greece, Georgia, Ireland, Lithuania, Norway, the Netherlands, Poland, Portugal, Romania, Russia, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, "the former Yugoslav Republic of Macedonia", Turkey and the United Kingdom. Replies were also received from Canada and Israel, observers to the Parliamentary Assembly.

³ For example in Austria, Belgium, Bulgaria, Croatia, Czech Republic, Finland, Iceland, Lithuania, the Netherlands (Senate), Norway, Poland, Portugal, Romania, Russia, Slovenia, Sweden, Switzerland, Turkey and Israel.

1. Parliamentary committees on equality issues or the competent committees in this field (**Croatia, Romania, Serbia, Slovenia**) are empowered to monitor the implementation of international legal instruments. Furthermore,
 - a. Since 2006, the Standing Parliamentary Committee on Gender Equality in **Cyprus** has played a part in the implementation of the CEDAW. It oversees conformity of national legislation with national and international instruments and makes proposals to the government (without financial implications).
 - b. The **United Kingdom** Joint Parliamentary Committee on Human Rights can decide to deal with this question and initiate ad hoc monitoring⁴ even though it has not yet availed itself of this possibility.
 - c. In **Bosnia and Herzegovina**, the Parliamentary Committee on Gender Equality is kept informed of all stages in the drafting of the report submitted to the CEDAW and may make comments.
 - d. The Parliamentary Committee on Equal Rights for Women and Men in "**the former Yugoslav Republic of Macedonia**" organises debates on the periodic reports on implementation of the CEDAW drawn up by the government and attends the public presentations of these reports.
 - e. When examining and adopting the annual report by the ombudsman for equal opportunities including recommendations based on international legal instruments, the **Lithuanian** parliament is able to make (and generally does make) recommendations to the government on the measures to be taken to improve the situation.
 - f. In **Georgia**, the Advisory Council on Equality between Women and Men oversees the implementation of international agreements and conventions on the rights of women and questions of gender equality.
 - g. The Parliamentary Committee on Equal Opportunities between Women and Men newly set up in **Turkey** could also take on this monitoring function since its terms of reference include the harmonisation of constitutional and legislative provisions with the provisions relating to gender equality and women's rights contained in the international treaties to which Turkey is a party.
 - h. In **Canada**, the Standing Senate Committee on Human Rights has, since 2001, been responsible for monitoring the government mechanisms relating to Canada's international commitments in the field of human rights. This committee advocated greater involvement by parliament in monitoring the honouring of Canada's international obligations in the field of human rights.⁵
2. In **Spain**, the Congress of Deputies' Sub-committee on Violence against Women, set up in 2008, is responsible for monitoring the implementation of international legal instruments in this field.
3. In **Germany**, the sixth report submitted by the government to the CEDAW was presented to the Bundestag and the Committee on Family Affairs, Senior Citizens, Women and Youth, which made a number of recommendations. The observations of the CEDAW Committee and the comments submitted by NGOs in their alternative report were also discussed in the committee.⁶
4. Lastly, it should be noted that in "**the former Yugoslav Republic of Macedonia**", a Parliamentary initiative taken in the context of the preparation of the law to combat discrimination seeks to enable parliamentarians to verify that the commitments made by the state comply fully with international legal instruments in the field of combating violence against women.

In addition, the Parliamentary Assembly could be invited to regularly take stock of the implementation of the future convention. The idea is that such "monitoring" by the Parliamentary Assembly could improve the effectiveness of the convention.

At the last meeting of the CAHVIO last week in Strasbourg, I therefore submitted an amendment proposed by the Committee on Equal Opportunities for Women and Men, suggesting that :

1. *National parliaments shall participate in the monitoring of the measures taken for the implementation of this Convention. The Parliamentary Assembly of the Council of Europe should be invited to regularly take stock of implementation of the present Convention.*
2. *The parties shall undertake to consult their parliaments when drafting the comments to be submitted to the Group of experts on action against violence against women and domestic violence (GRAVIO) in accordance with article 57 of the Convention.*
3. *Parties shall encourage parliaments to set up appropriate mechanisms to verify the compatibility of bills, current legislation and administrative practices with the provisions of this Convention.*

⁴ This committee, for example, examined the right of petition under the CEDAW in its 17th report, 2004-2005. Review of international human rights instruments, HL 99/HC164.

⁵ See the report Promises to Keep: Implementing Canada's Human Rights Obligations (December 2001), <http://www.parl.gc.ca/37/1/parlbus/commbus/senate/com-e/huma-e/rep-e/rep02dec01-e.htm>

⁶ However, this there is no Parliamentary mechanism for monitoring implementation of international instruments at Länder level.

IV Conclusions: joint efforts are needed to increase the role of national parliaments - and international parliamentary assemblies - to enforce legal provisions aimed at combating violence against women

I believe that a greater involvement of parliaments and parliamentary assemblies in monitoring the implementation of national legislation / international legally binding instruments is needed - and there is a good momentum to push this issue now:

a. the CEDAW Committee has in recent years placed more attention on the role of parliaments, encouraged governments to consult with their parliaments during the state reporting procedure⁷ and emphasised the key role played by parliaments in ensuring that national legislation complies with CEDAW standards⁸. The CEDAW Committee is currently working on a report on "the role of parliaments with respect to the Convention and its Optional Protocol".⁹

b. The Interparliamentary Union (IPU) has been organising, for many years, information seminars for parliaments of states on which a CEDAW periodic report is being written. The IPU seeks to encourage parliaments to participate in the follow-up to the work of the CEDAW and the implementation of its recommendations.¹⁰

c. The Parliamentary Assembly has asked for its role to be reinforced in "the elaboration, adoption and implementation" of future conventions (see Recommendation 1763 (2006)¹¹). The PACE could therefore contribute not only to the ratification of the future convention by the largest possible number of member and non-member states of the Council of Europe, but also to the effective implementation of the future convention and the good functioning of its monitoring bodies. That would most certainly constitute an innovative added value in the future Council of Europe convention.

When the issue of a parliamentary mechanism to monitor the future Council of Europe convention and national legislations on violence against women and domestic violence was first raised in the CAHVIO Committee by the Parliamentary Assembly, it was received with scepticism. The data collected by the Committee on Equal Opportunities for Women and Men, but also the moves undertaken by the CEDAW Committee (lastly with the adoption of a statement on the relationship of the CEDAW Committee with parliamentarians)¹² backed by the efforts made by the IPU to put this question on the agenda, will, hopefully, help the CAHVIO to take up this proposal and include, in the future Council of Europe convention, a specific provision on parliamentary monitoring. The proposal is on the table. It will be examined by the experts representing the Council of Europe member states at the next meeting of the CAHVIO (29 June - 3 July 2010).

The Assembly was at the forefront to speed up the launch of the drafting of a convention to prevent and combat violence against women and domestic violence. It now intends to remain proactive to secure the adoption of a convention incorporating demanding standards, ensure that it is ratified by the largest possible number of Council of Europe member states and have its implementation guaranteed by a strong and independent monitoring mechanism, which will associate national parliaments and the Parliamentary Assembly.

Thank you for your attention.

⁷ Report on the 6th Information Seminar on Parliaments and the CEDAW, "Addressing Laws that Discriminate against Women", organised by the IUP, Geneva, 16 October 2008, <http://www.ipu.org/splz-e/cedaw08/finalreport.pdf>.

⁸ In its concluding observations to Slovenia in 2008, the CEDAW Committee states: "While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the State party's obligations under the Convention, the Committee stresses that the Convention is binding on all branches of Government and it invites the State party to encourage its national parliament in line with its procedures, where appropriate, to take the necessary steps with regard to the implementation of these concluding observations and the Government's next reporting process under the Convention", Doc CEDAW/C/SVN/CO/4, paragraph 8.

⁹ At the 43rd session of the CEDAW Committee, Ms Ameline, Ms Murillo de La Vega and Ms Popescu were tasked with finalising the draft paper. See the Report of the Committee on the Elimination of Discrimination against Women, Forty-second session (20 October-7 November 2008), Forty-third session (19 January-6 February 2009), A/64/38, p.136.

¹⁰ See in particular "The Convention on the elimination of all forms of discrimination against women and its optional protocol: handbook for parliamentarians", IPU, 2003, www.ipu.org.

¹¹ See Recommendation 1763 (2006) on the *The institutional balance at the Council of Europe* (Rapporteur: Peter Schieder, Austria, Socialist Group), para. 20.1.1.

¹² Statement on the relationship of the Committee on the Elimination of Discrimination against Women with parliamentarians] adopted at the 45th Session of the CEDAW (18 January - 5 February 2010), see <http://www2.ohchr.org/english/bodies/cedaw/docs/statements/Parliamentarians.pdf>