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Parliaments united in combating domestic violence against women: the results of the Council of Europe campaign and the outlook for the future

Introductory memorandum (*)

Committee on Equal Opportunities for Women and Men

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I. Introduction

1. According to the statistics available, one woman in every four or five in Europe has been subjected to physical violence at least once in her lifetime. 12 to 16% of women have experienced domestic violence since reaching the age of 16¹. Across the continent of Europe as a whole, **this violation of human rights may be assumed to affect almost 80 million women**. Faced with the extent and seriousness of this problem, the Heads of State and Government of Council of Europe member states, in response to the requests made by the Parliamentary Assembly in 2002 and 2004², included in the Action Plan adopted at the Third Summit (in Warsaw) a pan-European campaign to combat violence against women, including domestic violence. The campaign was launched on 27 November 2006 at the Spanish Senate, and was officially closed on 11 June 2008 in Strasbourg at Council of Europe headquarters.

2. From June 2006 to June 2008, in accordance with Resolution 1612 (2006), the Parliamentary Assembly implemented the parliamentary dimension of the Council of Europe campaign to combat violence against women, including domestic violence. In October 2007, I was asked to write a report assessing the campaign at the halfway stage³, and in this report the Parliamentary Assembly identified seven key legislative measures that the national parliaments of member states were invited to adopt and/or supervise.

(*) Document approved and declassified by the Committee on Equal Opportunities for Women and Men at its meeting of 24 June 2008.

¹ CDEG (2006) 3, pp.7-8, "Combating violence against women: Stocktaking study on the measures and actions taken in Council of Europe member States", Professor Dr. Carol Hagemann-White, see www.coe.int/stopviolence, governmental dimension of the campaign.

² See Rec. 1582 (2002) on Domestic violence against women, and Doc. 9525 (Rapporteur: Mrs Olga Keltošová, Slovakia, European Democratic Group), and Rec. 1681 (2004) on the Campaign to combat domestic violence against women in Europe, and Doc. 10273 (Rapporteur: Mr Jean-Guy Branger, France, Group of the European People's Party).

³ Res. 1582 (2007) and Rec. 1817 (2007) on "Parliaments united in combating domestic violence against women": mid-term assessment of the Campaign", see Doc. 11372.

3. The Committee on Equal Opportunities for Women and Men has instructed me to write the final report assessing the parliamentary dimension of the Council of Europe campaign. I shall endeavour to demonstrate that the **involvement and active role of national parliaments in the campaign helped to bring about changes in the legislation of several member states**. As pointed out by Mrs Sabuni, Sweden's Minister for Integration and Equal Opportunities, speaking on behalf of the Swedish Chairmanship of the Committee of Ministers⁴, the Closing Conference of the Campaign marked "the end of the beginning" of Council of Europe action to combat violence against women, including domestic violence. I should also like to go on to highlight **future activities that could be undertaken by the Parliamentary Assembly and national parliaments in this field**.

II. "Parliaments united in combating violence against women": assessment of an unprecedented experiment by the PACE

Networking among parliaments

4. Implementation of the parliamentary dimension of the campaign was based on networking among member states' national parliaments and the parliaments which hold observer status with the PACE. By appointing over 40 of their members, the parliaments involved in the campaign gave an indication of their commitment to eradicate domestic violence. Within their parliaments and in their constituencies, MPs did a great deal of work to break the silence. Many awareness-raising activities were carried out⁵. The Inter-Parliamentary Union, European Parliament and Nordic Council played a full part in the conduct of the campaign. The contact parliamentarians were in regular contact (coordination meetings of 19 October 2006 and 4 and 5 June 2007, and final conference on 30 April 2008) to exchange their experiences. This networking was backed up by the setting up of five regional groups⁶, which met in autumn 2007 in Strasbourg, Helsinki, Vienna, Sofia and Paris.

5. At the instigation of the Parliamentary Assembly, pan-European activities were taken up in national parliaments: adoption of a solemn declaration against domestic violence on the occasion of 25 November 2006, holding of parliamentary hearings to mark International Women's Day (8 March 2007) and launch in the context of 25 November 2007 of an initiative to get men involved in combating violence against women⁷.

Involvement of parliaments and interplay with the work of the PACE and the Council of Europe

6. An active role for parliaments in implementing the parliamentary dimension of the campaign was facilitated through the making available of PACE communication tools distributed by the national parliaments: the "Handbook for Parliamentarians", a practical guide to promotion of the fight against domestic violence, is now available in 11 languages, thanks to the support provided by national parliaments. A visual identity and promotional material (posters, leaflets, white ribbons) were offered to contact parliamentarians, who were able to adapt these to their national language.

7. It should be noted that, thanks to the four part-sessions held each year in Strasbourg, the PACE was able to provide the link between the activity of contact parliamentarians and national PACE delegations, which were kept regularly informed of the activities in progress, especially via a website and through six newsletters published between January 2007 and April 2008⁸. The chairs of national delegations helped to get MPs actively involved and to convey the Council of Europe's message to their own parliaments⁹. By mobilising resources, by unfailingly offering political support to

⁴ Speech made by Mrs Sabuni in Strasbourg on 10 June 2008, at the closing conference of the campaign.

⁵ A document summarising the activities undertaken by national parliaments will be available in September 2008. Also visit the address below to see the activities undertaken in each country by contact parliamentarians: http://www.coe.int/t/pace/campaign/stopviolence/ActionsbyCountry_en.asp

⁶ http://www.coe.int/t/pace/campaign/stopviolence/regionalseminar_EN.asp

⁷ http://www.coe.int/t/pace/campaign/stopviolence/mencombatviolence_EN.asp

⁸ http://www.coe.int/t/pace/campaign/stopviolence/acceuilnewsletter_EN.asp

⁹ At the instigation of its Chair, Jean-Claude Mignon, the French national delegation to the PACE, jointly with the Sub-Committee on Violence against Women, held a parliamentary colloquy in Paris on 15 May 2008 entitled "Domestic violence against women: prevention as the key to action".

the Council of Europe campaign¹⁰, and through the positions adopted by its Presidents, firstly René van der Linden, and subsequently Lluís Maria de Puig, the Parliamentary Assembly showed its strong condemnation of violence against women, a subject to which it has given priority since 2006.

8. In order to implement the parliamentary dimension of the campaign, the PACE wished to develop co-operation between national parliaments, governments and elected local and regional representatives. In this context, the meeting between contact parliamentarians and governments' focal points on 5 June 2007 emphasised the need to increase co-operation between the various national players in order to ensure that effective measures are adopted and implemented in every member state. The PACE also wished to involve in its work non-governmental organisations, which perform the vital functions of identifying and assisting victims and setting up prevention programmes. Productive co-operation was developed by both the PACE and national parliaments with Amnesty International, the White Ribbon Campaign (United Kingdom), the WAVE (Women against Violence Europe) Network, the Gender Equality Grouping of INGOs holding participatory status with the Council of Europe and the European Women's Lobby.

Promotion of minimum legislative standards in all Council of Europe member states

9. In order to combat domestic violence against women, a firm political will is needed by all policy-makers, as well as numerous awareness-raising activities to change attitudes and mentalities. But unless legal rules are adopted, this effort will be in vain. The adoption of laws - and supervision of their implementation - is central to the work of parliaments. Recommendation (2002) 5 on the protection of women against violence, addressed by the Committee of Ministers of the Council of Europe to member states, provides an excellent basis for defining rules and standards. The Parliamentary Assembly, in line with the report which I presented on 5 October 2007, has identified **seven key legislative measures regarded as minimum standards**¹¹, and priority should be given to adopting and/or supervising these:

"6.6.1. making domestic violence against women, including marital rape, a criminal offence;

6.6.2. regarding violence perpetrated between (former) partners as an aggravating circumstance;

6.6.3. setting up sufficient numbers of safe emergency shelters;

6.6.4. making provision to remove violent spouses or partners and take out protection orders against perpetrators;

6.6.5. guaranteeing effective access to the courts and to protection measures for victims;

6.6.6. allocating sufficient budgetary resources for the implementation of the law;

6.6.7. monitoring the application of laws on violence against women passed by parliament".

10. All national parliaments were asked to complete a questionnaire, and the replies from 39 member states' parliaments and Canada were presented at the final conference in Vienna¹². Without going into detail about the findings of this survey, some trends can be identified from the replies received:

¹⁰ Cf the adoption of a declaration by the Standing Committee of the PACE meeting in San Marino (17 November 2007), prior to the launch of the campaign, and of the declaration on "Involvement of men – a crucial factor for change to combat violence against women" (Bratislava, 23 November 2007).

¹¹ Paragraph 6.6 of Resolution 1582 (2007) on "'Parliaments united in combating domestic violence against women': mid-term assessment of the Campaign".

¹² Cf document AS/EGA (2008) 15 rev2, available at www.coe.int/stopviolence/assembly.

10.1. Domestic violence against women is classified as a criminal offence in two-thirds of member states. Several member states do not treat "marital rape" as a separate criminal offence¹³.

10.2. The removal of the violent spouse is a measure for which two-thirds of the states provide, and this is a positive development demonstrating a growing awareness in Europe of the fact that it is for the perpetrator of domestic violence to leave the conjugal home or to keep away from the victim.

10.3. The fact that violence has occurred between partners is an aggravating circumstance in less than half of the states.

10.4. There are inadequate numbers of safe places in shelters (only 17% of national delegations believed that their country had one place available per 7,500 members of the population).

10.5. Many delegations found it difficult to evaluate the amounts assigned to combating violence against women. Often thinly spread out, the funds allocated to combating violence against women are not easily identifiable in the national budget.

10.6. Finally, over half of the delegations said that their parliament did not have a body tasked with monitoring implementation of the law against domestic violence, although this is a fundamental power of parliaments.

11. It emerges from this study that no European state has adopted all seven key measures identified by the PACE¹⁴. However, the information collected since 2006 indicates that the Council of Europe campaign provided the impetus that encouraged MPs to raise questions in their own parliaments (Liechtenstein, Sweden), or to initiate legislative procedures as yet incomplete (Lithuania), under examination (Azerbaijan, Armenia) or culminating in the adoption of legislation (Monaco, Slovenia). While these developments are welcome, the findings remind us that, at this point in time, **the minimum standards are a long way from being met. The conclusion that must be drawn is that action must be taken quickly, and must continue.**

III. Looking ahead to future parliamentary activities

12. All the players involved in the implementation of the Council of Europe campaign agreed that the end of the campaign must not mean the end of the effort to fight violence against women. The same opinion was expressed by the participants in the Final Conference on the Parliamentary Dimension of the Campaign, held in Vienna on 30 April 2008 at the invitation of the Austrian Parliament¹⁵. I shall therefore suggest **three lines of work**:

13. **Networking among national parliaments** has been a powerful means of fostering exchanges of information and experience between parliaments and of working at sub-regional level, with five regional groups being set up, led by coordinators appointed by the contact parliamentarians. As emphasised in Vienna by PACE President Lluís Maria de Puig, the active involvement of all national parliaments through networking constituted a unique and exemplary way of working, and was certainly one of the values added by this campaign to the collective efforts of European and international institutions. The Council of Europe was effectively in a position to ask all the national parliaments to serve as relay stations in a campaign endeavouring to promote human rights. I should also like to suggest that this experience be taken further in the Parliamentary Assembly, which must continue to be the driving force in Europe urging national parliaments into action on this issue.

¹³ A Parliamentary Assembly report is being written on this subject (Rapporteur: Marlene Rupprecht, Germany, Socialist Group).

¹⁴ Only Canada meets every single criterion.

¹⁵ "Parliaments: act now to stop domestic violence!", declaration adopted in Vienna on 30 April 2008, see <http://assembly.coe.int/ASP/APFeaturesManager/defaultArtSiteView.asp?ID=773>

14. Secondly, the parliamentary dimension of the campaign enabled ***new issues to be raised*** which it was not possible to deal with.

- ✓ Almost 80% of the members of parliament in Europe are men. *Men's involvement in combating violence against women*, which was the subject of a specific PACE activity, is worth continuing. Several countries have begun to set up networks of male MPs, modelled on the Swedish Parliament's network, which has been operating since 2002. In this context, I am pleased that the Chair of the Committee on Equal Opportunities for Women and Men is currently writing a report on "Involving men to achieve gender equality", which will enable the work done by the PACE during the campaign to be taken further and expanded.
- ✓ *The cost of domestic violence* is another crucial factor. Some studies have already been published, assessing the costs associated with domestic violence¹⁶, whether in terms of health services, the justice system or policing. It is, however, also necessary to take account of the - financial and human - costs that arise indirectly for families and national economies.
- ✓ *The investment of budgetary resources* in combating violence against women and the promotion of gender equality must become priorities that must be taken into account when national budgets are drawn up, through gender budgeting. This presupposes the ability to identify clearly the resources allocated, and to identify the aims pursued. In this context, I applaud the efforts made by the Scandinavian and Baltic states, at the initiative of Mrs Hägg, regional coordinator, to identify the funds assigned to combating violence against women¹⁷.
- ✓ *The situation of migrant women* who face domestic violence, and their access to protection arrangements, need to be better grasped in Council of Europe member states. Co-operation with the Council of Europe's North-South Centre in Lisbon would be particularly helpful in involving the countries of origin in discussions on this matter. I am pleased that our colleague Mrs Memecan has tabled a motion for a recommendation on this subject¹⁸.
- ✓ Certain legal concepts, such as *stalking* and *femicide* could also be investigated.

15. Finally, the setting up of ***co-operation and assistance programmes, inter alia at parliamentary level***, might be an excellent means of helping national parliaments to bolster their legislation, draw up parliamentary strategies for amending legislation and subsequently supervise this, and promote exchanges of good practice. It is in my view important for countries which have advanced legislation (such as Spain, Austria, Finland and the Netherlands) to be able to support the efforts of less advanced countries. The Council of Europe should include the combating of domestic violence against women and other gender-based forms of violence in its co-operation and assistance programmes (including parliamentary programmes) and seek extrabudgetary funds to finance these activities.

¹⁶ See CDEG (2006) 3, pp. 10 ff, or INSEE's 2007 survey of violence against women in France (<http://www.insee.fr/fr/ffc/ipweb/ip1180/ip1180.html>).

¹⁷ "The Council of Europe Campaign to Stop Domestic Violence against Women: The costs of the fight to stop men's violence against women in the Nordic and the Baltic countries", study prepared by the Swedish Parliament in 2008, see http://www.coe.int/t/pace/campaign/stopviolence/Source/sweden_analysis_costofviolence_en.pdf

¹⁸ See Doc. 11613, motion for a recommendation on *Migrant women: at particular risk of domestic violence*, tabled by Mrs Nursuna Memecan (Turkey, ALDE) and others.

IV. Promoting the drafting of a framework convention on the severest and most widespread forms of violence against women

16. The Committee on Equal Opportunities for Women and Men considers that it is no longer sufficient to address a recommendation to member states to guarantee that women enjoy protection against domestic violence. Following the exchanges of views which the Committee had in April 2008 with the Commissioner for Human Rights, Thomas Hammarberg, the Deputy Secretary General, Maud de Boer-Buquicchio, and representatives of non-governmental organisations, the Committee now feels certain that a legal instrument in this field has become necessary in order to ensure that victims are protected, perpetrators of violence are punished and violence against women is prevented.

17. While a consensus seems to be emerging on the need for a legal instrument to encompass the "three Ps" (protection of victims, punishment of offenders, prevention), views differ on the scope that such a convention should have. It should be borne in mind that the Ministers of Justice, at their 27th Conference (Yerevan, 12-13 October 2006), invited the Committee of Ministers to ask the European Committee on Crime Problems (CDPC) to report back to it on the "need for the Council of Europe to carry out work in this field, possibly in the form of an international normative instrument to combat *domestic violence, in particular violence against the partner*"¹⁹. The Council of Europe Task Force to Combat Violence against Women, including Domestic Violence, recommends preparation of "a legally binding human rights instrument in this field" which should encompass "*all forms of gender-based violence perpetrated against women throughout their lifetime*, and should therefore include girls"²⁰ (the emphasis is my own). At the Closing Conference of the Campaign (Strasbourg, 10 June 2008), Nyamko Sabuni, Swedish Minister for Integration and Equal Opportunities, said that "a convention on combating violence against women, including violence in the name of honour", would be "an important contribution" to the efforts to make rights effective²¹.

18. Following the declaration adopted by participants at the end of the Final Conference of the Parliamentary Dimension of the Campaign (Vienna, 30 April 2008), **the Committee on Equal Opportunities for Women and Men takes the view that an international treaty in this field should encompass the gender dimension**. The gender dimension of the violence inflicted on women was constantly highlighted throughout this campaign, for a very great majority of the victims of violence are women, a very great majority of the perpetrators are men, and domestic violence against women stems from an unequal relationship between women and men in societies still permeated by patriarchal attitudes. The Committee considers it particularly important to ensure that the convention will be the subject of regular supervision through an independent monitoring system. It therefore suggests that the convention, in order to remain an effective legal instrument, focus on the **severest and most widespread forms of violence against women**, namely domestic violence against women (partners or former partners, cohabiting or not), sexual assaults (including rape and "marital rape") and harassment, forced marriages, so-called "crimes of honour" and female genital mutilation. The convention should at least guarantee application of the seven key measures identified by the Assembly to combat domestic violence against women.

19. Finally, the Committee is in favour of the drawing up of a **Framework Convention**. The studies carried out by the Council of Europe and the PACE show that Council of Europe member states have legislation at varying stages of development, in a variety of legal systems. While it is essential to adopt a convention, by which is meant an instrument that is legally binding under international law, the drafting of a Framework Convention (modelled on the Framework Convention for the Protection of National Minorities, CETS No. 157²²) would make possible the inclusion of **guidelines and provisions defining objectives** that the Contracting Parties would **undertake to pursue through national legislation** and appropriate governmental action.

¹⁹ Resolution No. 1 on victims of crime, MJU-27 (2006) Resol. 1 Final, para. 23.2.

²⁰ Paragraph 15 of the Final Activity Report of the Council of Europe Task Force to Combat Violence against Women, including Domestic Violence, EG-TFV (2008) 5 rev 1, 27 May 2008.

²¹ The text of her speech is available at: http://www.coe.int/t/dc/files/themes/violence_femmes/default_EN.asp.

²² Cf <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=157&CM=1&DF=6/18/2008&CL=ENG>

V. Initial conclusions

20. The Parliamentary Assembly should take the view that, because of the extent of domestic violence against women in all member states, there is an urgent need to take action and to continue to combat domestic violence against women. The Council of Europe's "Stop Domestic Violence against Women" campaign was based on the three political dimensions of the Council of Europe (parliamentary, governmental, and local and regional), involved NGOs, and was targeted at the general public. It helped to raise awareness of the problem and to make it clear that violence against women, particularly domestic violence, is an unacceptable violation of human rights.

21. The Assembly emphasises the fact that the campaign made it possible to acquire a particularly rich fund of information and experience, which deserves to be put to good use.

22. The Assembly could propose that each national delegation to the PACE appoint a contact parliamentarian to be responsible for following legislative developments relating to the combating of violence against women in his or her own country and for making regular reports to the PACE.

23. The Parliamentary Assembly should continue and strengthen its co-operation with the Inter-Parliamentary Union, European Parliament and Nordic Council, especially in the context of the United Nations Campaign to End Violence against Women (2008-2015).

24. The Parliamentary Assembly should invite the Committee of Ministers to draw up a Framework Convention on severe forms of violence against women, which should:

24.1 encompass the gender dimension and address the specific nature of gender-based violence ;

24.2 cover the severest and most widespread forms of violence against women, namely domestic violence against women (partners or former partners, cohabiting or not), sexual assaults (including rape and "marital rape") and harassment, forced marriages, so-called "crimes of honour" and female genital mutilation.

25. The Parliamentary Assembly should invite the Council of Europe to include the combating of the severest and most widespread forms of violence against women in its co-operation and assistance programmes (including parliamentary programmes) and to seek extrabudgetary funds to finance these activities.