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"Marital rape"

Motion for a resolution
presented by Mrs Rupprecht and others

This motion has not been discussed in the Assembly and commits only the members who have signed it

1. Every year, millions of women are raped by their husbands, partners or ex-partners. However, most of these rapes are not reported and the perpetrators go unpunished.
2. Violence against women, in particular sexual violence, is a serious violation both of their physical and psychological integrity and also of the right to freedom, safety and dignity enjoyed by all human beings.
3. In some countries, women who are victims of sexual violence are regarded as guilty unless they prove that they were abused, in which case they find themselves being accused of having provoked the abuse. Moreover, the victims are expected to put up resistance and show that they are not or were not consenting. Yet most women victims of sexual violence do not dare to stand up to their husbands or partners for fear of suffering other forms of violence.
4. All forms of gender-based violence should be regarded as offences. However, the Parliamentary Assembly notes that the legal instruments available at national level to defend and protect women against violence of this kind are still inadequate, if not nonexistent – even though all governments are required to protect their citizens against any violations of their fundamental rights.
5. The various governments must recognise that such acts of violence within the family can have a serious impact on children and lead to a cycle of abuse extending from one generation to the next.
6. The people working on the ground, ie police officers, lawyers and social workers, whose duties bring them into contact with the victims, do not always respond adequately to the latter's needs.
7. The Parliamentary Assembly calls on Council of Europe member states to lift the veil of silence surrounding domestic violence and marital rape.
8. It therefore urges member states:
 - 8.1 to establish marital rape as an offence under their domestic law so as to avoid any hindrance of legal proceedings;
 - 8.2 to establish as a criminal offence any sexual act committed without the consent of the relevant partner, even if they showed no explicit sign of resistance;
 - 8.3 to recognise that rape is a violation of sexual autonomy. All individuals must have the right to choose when, where and with whom they wish to engage in sexual relations;

8.4 to draw up, in co-operation with the various institutions, action plans against sexual violence so as to inform women about their rights and the support services available to them, for instance by publicising the relevant details in care centres or police stations;

8.5 to make sure that women who have been raped have easy access to the health services they need;

8.6 to develop compulsory training programmes for police officers, judicial, medical and forensic personnel, social workers and teachers so as to enable them to identify cases of conjugal violence and advise the victims more effectively and consistently.

*Signed*¹:

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EPP/CD: Group of the European People's Party
ALDE: Alliance of Liberals and Democrats for Europe
EDG: European Democratic Group
UEL: Group of the Unified European Left
NR: not registered in a group