



**COUNCIL OF  
THE EUROPEAN UNION**

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**NOTE**

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from: Working Party on Social Questions  
to: Permanent Representatives Committee (Part I) / Council (EPSCO)  
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Subject: The Eradication of Violence Against Women in the European Union  
- Draft Council Conclusions

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The Presidency has tabled a set of draft Council Conclusions on the "Eradication of Violence Against Women in the European Union".

At its meeting on 16 February 2010, the Working Party on Social Questions reached an agreement on the text as attached.

PT maintained a linguistic scrutiny reservation pending distribution of the Portuguese version of the Conclusions.

The Committee is invited to forward the draft Conclusions to the EPSCO Council for adoption.

**Draft Council Conclusions on the Eradication of Violence Against Women in the  
European Union**

**THE COUNCIL OF THE EUROPEAN UNION**

**RECALLING:**

1. Article 2 of the Treaty on European Union, which states that the Union is founded on the values of respect for human dignity, equality and respect for human rights and that those values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.
2. That all human beings have the right to respect for their physical and mental integrity, and that no-one may be subjected to torture or to inhuman or degrading treatment or punishment; all forms of violence must therefore be condemned.
3. Article 8 of the Treaty on the Functioning of the European Union, which provides that, in all its activities, the Union shall aim to eliminate inequalities, and to promote equality, between men and women; and Declaration 19 on Article 8, whereby, in its general efforts to eliminate inequalities between women and men, the Union will aim in its different policies to combat all kinds of domestic violence, and the Member States should take all necessary measures to prevent and punish these criminal acts and to support and protect the victims.

4. The Presidency Conclusions on Violence against women, as adopted by the Council on 7 March 2002<sup>1</sup>, whereby the Member States considered it necessary to take measures and establish appropriate indicators to prevent and eradicate violence against women, in line with the Beijing Platform for Action.
5. The Council Conclusions on the Review of the implementation of the Beijing Platform for Action, as adopted by the Council on 21 October 2002<sup>2</sup>, establishing indicators concerning domestic violence against women.
6. The Council Conclusions on sexual harassment at the workplace, as adopted by the Council on 6 December 2004<sup>3</sup>.
7. The conclusions of the Ministerial Conference “Diversity and Participation: the gender perspective” held in Rotterdam on 6-7 July 2004, which stressed the need to continue to develop, adopt and fully implement laws and other appropriate measures such as policies and educational programmes, in order to eradicate harmful customary or traditional practices, including female genital mutilation, early and forced marriages and so-called honour crimes, which are all violations of the human rights of women and girls and obstacles to the enjoyment by women of their human rights and fundamental freedoms.
8. The European Parliament Resolution of 11 June 1986 on violence against women; the Resolution of 16 September 1993 on traffic in women; the Resolution of 16 September 1997 on a European Union-wide campaign for zero tolerance of violence against women; the Resolution of 20 September 2001 on female genital mutilation; the Resolution of 2 February 2006 on the current situation in combating violence against women and any future action; and the Resolution of 24 March 2009 on combating female genital mutilation in the EU.

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<sup>1</sup> Doc. 6994/02.

<sup>2</sup> Doc. 14578/02.

<sup>3</sup> Doc. 15202/04.

9. The European Parliament Resolution of 26 November 2009 on the elimination of violence against women, which urged the Member States to recognise sexual violence and rape as a crime and to ensure that such offences result in automatic prosecution; called on the Member States to take appropriate measures to stop female genital mutilation; urged the Council and the Commission to establish a clear legal basis for combating all forms of violence against women; and called on the Commission to draw up a more coherent EU policy plan to combat all forms of violence against women.
10. The European Parliament Resolution of 25 November 2009 on the Stockholm Programme, which called on the EU to bring forward the issuing of a directive and a European action plan on violence against women, aimed at preventing violence, protecting victims and prosecuting perpetrators; on the Spanish Presidency in 2010 and subsequent Presidencies to make progress on the European protection order; and on the European Fundamental Rights Agency to compile and publish reliable and comparable statistics on all grounds of discrimination, including comparative data on violence against women in the European Union.
11. The Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings.
12. The Council Framework Decision of 19 July 2002 on combating trafficking in human beings.
13. Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims, which sets up a system of cooperation to facilitate access to compensation for victims of crimes in cross-border situations.
14. The European Commission Roadmap for Equality between women and men 2006-2010 in which the eradication of violence against women is identified as one of the six priority areas for EU action on gender equality.

15. The DAPHNE III Programme (2007-2013) to prevent and combat violence against children, young people and women and to protect victims and groups at risk as part of the General Programme "Fundamental Rights and Justice".
16. The Stockholm Programme, approved by the European Council on 10 and 11 December 2009, which sets out the priorities for the next five years in the area of freedom, security and justice and establishes a framework for tackling many of the issues related to violence against women.
17. The "EU guidelines on violence against women and girls and combating all forms of discrimination against them"<sup>4</sup>, adopted by the Council on 8 December 2008.
18. The European Convention for the Protection of Human Rights and Fundamental Freedoms (1950) and its Protocol; the European Convention on the Compensation of Victims of Violent Crimes (1983); and the Council of Europe Convention on Action Against Trafficking in Human Beings (2005).
19. The UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979) and UN Security Council Resolutions 1325 (2000), 1820 (2008), 1888 (2009) and 1889 (2009) on Women and Peace and Security.
20. The UNiTE campaign launched in 2008 by the UN Secretary General to End Violence against Women. The goals to be achieved by 2015 include the adoption and implementation of multi-sectoral national action plans and strengthened data collection on the prevalence of violence against women and girls.

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<sup>4</sup> Doc. 16173/08 + COR 1.

## **TAKING INTO ACCOUNT THAT:**

21. All forms of violence against women seriously violate and impair or nullify the enjoyment by women of their human rights, more specifically, the fundamental rights to life, security, freedom, dignity and physical and emotional integrity, and cannot therefore be ignored by governments.
22. According to the UNGA Declaration on the Elimination of Violence against Women of 20 December 1993, violence against women means 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 in private life.
23. Violence against women is a manifestation of the historically unequal power relations between men and women and adversely affects not only women but society as a whole, and therefore urgent action is required.
24. Joint actions by public authorities, institutions, and society in general, as well as an integral and multidisciplinary approach, are necessary for the eradication of violence against women.
25. Civil society, in particular, NGOs, women's associations and where appropriate, other public and private voluntary organizations concerned with the issue of violence against women, play an important role in the effort to combat all forms of violence against women.
26. Social competences, conflict management skills and preventive measures are important for the eradication of violence against women and should be part of education systems and life-long learning.

27. Combating violence against women requires the active involvement of men, with a view to challenging received stereotypes and gender roles in order to promote relationships based on respect, equality and democratic values.
28. Coherence and coordination should be ensured between the EU's internal and external policy on violence against women.
29. An international approach in the exchange of knowledge, policies and best practices, within the EU and with non-EU countries that have experience in fighting harmful traditional practices (such as female genital mutilation) and trafficking in human beings, is essential, as this can contribute to the prevention and eradication of these forms of violence in Europe.
30. Despite the progress achieved in recent years, there is still a lack of timely, reliable, accurate and comparable data, both at national and EU level, and there has still been no detailed EU-level study on violence against women. This limits understanding of the real extent of such violence and impedes the further development of national strategies and actions and an efficient response by the EU.

**WELCOMES** the European Commission's ongoing commitment to pursuing a more active policy in the fight against violence against women, including trafficking in women and girls and female genital mutilation, particularly in relation to social awareness and financial support for activities, projects and research at local, European and international level, as well as in partnership with third countries.

**TAKES NOTE** of the study being carried out for the European Commission, following a request by the European Parliament, on the feasibility of standardising national legislation on gender violence and violence against children, which will review the Member States' legislation and the possibility of establishing minimum standards and essential measures for eradicating such violence.

**URGES THE MEMBER STATES TO:**

31. Continue and update or develop national strategies for tackling violence against women in a comprehensive way, building on coordination, the exchange of best practices, and guidance at the European level.
32. Devote appropriate resources to preventing and combating violence against women, including through recourse to the Structural Funds; work actively for the prevention of violence; and promote awareness-raising measures and, where appropriate, counselling structures.
33. Identify and remedy any shortcomings in the protection of women who are victims of violence in any form, including female genital mutilation, and violence and oppression in the name of so-called honour; and ensure that there is no justification of violence on the grounds of customs, traditions or religious considerations.
34. Provide assistance and protection to victims, including, insofar as possible and appropriate, information, medical, psychological and social assistance, help in finding employment, and legal aid.
35. Ensure that acts of violence against women are prohibited by law and that their perpetrators are prosecuted before the courts, in accordance with national legislation.

36. Promote the identification, provision and coordination of clinical and health-care procedures for the assistance of women who are victims of violence, including forensic examinations.
37. Ensure early identification as far as possible, and assistance and support, to all victims of trafficking in human beings including third-country and EU nationals. In particular, ensure that third-country nationals are granted a reflection period and a residence permit in conformity with Directive 2004/81/EC, or, where applicable, national rules, and are enabled to return safely to their countries of origin if they wish to do so.
38. Ensure protection and support for children living in environments where women are subjected to violence.
39. Contribute to the conclusion of the Council of Europe draft Convention on preventing and combating violence against women and domestic violence.
40. Develop criteria for preventive intervention and treatment programmes for potential and actual perpetrators of violence against women, including with respect to victim safety, and ethical and quality criteria.

**CALLS ON THE COMMISSION AND THE MEMBER STATES TO:**

41. Continue efforts to support the implementation of the “EU guidelines on violence against women and girls and combating all forms of discrimination against them”.
42. Carry out awareness-raising, education and training campaigns to combat discriminatory cultural norms, and tackle the prevalent sexist stereotypes and social stigmatisation which legitimise and perpetuate violence against women.

43. Emphasize the critical role and responsibility of men in the process of eradicating violence against women, and ensure that the role of men is taken into account, where appropriate, in strategies, action plans and other measures aimed at reducing and eradicating violence against women.
44. Promote the introduction of a common and free telephone number (within the 116 numbering system) that could be used in Member States to offer specific and updated information and assistance to the victims of violence against women.
45. Enhance the protection of victims of violence against women when exercising their right to free movement in the European Union.

**CALLS ON THE EUROPEAN COMMISSION TO:**

46. Devise a European Strategy for preventing and combating violence against women by establishing a general framework of common principles and appropriate instruments and encompassing the following priorities:
  - (a) Reviewing the current state of the problem of violence against women and its manifestations at the European level.
  - (b) Identifying common goals and the means to reach them. This includes the collection of comparable EU-wide information so as to support the Member States in the implementation and evaluation of measures and policies.
  - (c) In this context, the first steps will be taken towards establishing a European Observatory on Violence Against Women, building on existing institutional structures.

The Strategy should pay due attention to the special circumstances of girls, and of women in vulnerable situations. It should also address the need for the coherence of policies in the internal and external actions of the EU as well as for the involvement of NGOs and other relevant actors. Work that is taking place in other organisations such as the Council of Europe and the United Nations should also be taken into account.

47. Based on the results of the study on the feasibility of standardising national legislation on gender violence and violence against children, and in accordance with its competences, consider additional legal instruments aimed at eradicating violence against women.
48. Launch a long-term Europe-wide awareness-raising campaign condemning the perpetration of violence against women and highlighting its negative impact, including on children.
49. Include the eradication of violence against women as one of the priorities in its follow-up strategy to the Roadmap for equality between women and men.

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