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P9_TA(2019)0080

EU accession to the Istanbul Convention and other measures to combat gender-based violence

European Parliament resolution of 28 November 2019 on the EU's accession to the Istanbul Convention and other measures to combat gender-based violence (2019/2855(RSP))

(2021/C 232/08)

The European Parliament,

— having regard to the Treaty on European Union (TEU), the Treaty on the Functioning of the European Union (TFEU) and the Charter of Fundamental Rights of the European Union,

— having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence, which opened for signature in Istanbul on 11 May 2011 (hereinafter the 'Istanbul Convention'),

— 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 (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,

— having regard to the proposal for a Council decision of 4 March 2016 (COM(2016)0109),

— having regard to Council Decision (EU) 2017/865 of 11 May 2017 on the signing, on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to matters related to judicial cooperation in criminal matters ([1]),

— having regard to Council Decision (EU) 2017/866 of 11 May 2017 on the signing, on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to asylum and non-refoulement ([2]),

— having regard to the Vienna Convention on the Law of Treaties of 23 May 1969, and, in particular, to Articles 26 and 27 thereof,

— having regard to the relevant case law of the European Court of Human Rights (ECtHR),

— having regard to Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA ([3]),

— having regard to Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order ([4]) and to Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters ([5]),

([1]) OJ L 131, 20.5.2017, p. 11.
([2]) OJ L 131, 20.5.2017, p. 13.
([3]) OJ L 315, 14.11.2012, p. 57.
([4]) OJ L 338, 21.12.2011, p. 2.
([5]) OJ L 181, 29.6.2013, p. 4.

— having regard to Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA ([6]), and to Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA ([7]),

— having regard to Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation ([8]) and Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services ([9]), which define and condemn harassment and sexual harassment,

— having regard to its resolution of 4 April 2019 seeking an opinion from the Court of Justice on the compatibility with the Treaties of the proposals for the accession by the European Union to the Council of Europe Convention on preventing and combating violence against women and domestic violence and on the procedure for that accession ([10]),

— having regard to its resolution of 11 September 2018 on measures to prevent and combat mobbing and sexual harassment at the workplace, in public spaces, and in political life in the EU ([11]),

— having regard to its resolution of 26 October 2017 on combating sexual harassment and abuse in the EU ([12]),

— having regard to its resolution of 12 September 2017 on the proposal for a Council decision on the conclusion, by the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence (COM(2016)0109 — 2016/0062(NLE)) ([13]),

— having regard to its resolution of 9 June 2015 on the EU Strategy for equality between women and men post 2015 ([14]),

— having regard to the EU guidelines of 8 December 2008 on violence against women and girls and combating all forms of discrimination against them,

— 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 report by the European Union Agency for Fundamental Rights (FRA) of March 2014 entitled 'Violence against women: an EU-wide survey',

— having regard to the Venice Commission opinion of 14 October 2019 on Armenia, on the constitutional implications of the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence,

— having regard to Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law ([15]),

— having regard to Rule 132(2) of its Rules of Procedure,

([6]) OJ L 101, 15.4.2011, p. 1.
([7]) OJ L 335, 17.12.2011, p. 1.
([8]) OJ L 204, 26.7.2006, p. 23.
([9]) OJ L 373, 21.12.2004, p. 37.
([10]) Texts adopted, P8_TA(2019)0357.
([11]) Texts adopted, P8_TA(2018)0331.
([12]) OJ C 346, 27.9.2018, p. 192.
([13]) OJ C 337, 20.9.2018, p. 167.
([14]) OJ C 407, 4.11.2016, p. 2.
([15]) OJ L 328, 6.12.2008, p. 55.

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A. whereas gender equality is a core value of the EU; whereas the right to equal treatment and non-discrimination is a fundamental right enshrined in the Treaties and in the Charter of Fundamental Rights, and should be fully respected;

B. whereas according to the Gender Equality Index of the European Institute for Gender Equality (EIGE), no EU country has yet fully achieved equality between women and men; whereas eliminating gender-based violence is a prerequisite to achieving this aim;

C. whereas combating gender-based violence is one of the priorities in the EU's Strategic engagement for gender equality 2016-2019;

D. whereas, as defined by the Istanbul Convention, 'violence against women' is 'understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life';

E. whereas the term femicide was defined by the Follow-up Mechanism to the Belém do Pará Convention (MESECVI) as 'the violent death of women based on gender, whether it occurs within the family, a domestic partnership, or any other interpersonal relationship; in the community, by any person, or when it is perpetrated or tolerated by the state or its agents, by action or omission' ([16]);

F. whereas the Istanbul Convention stipulates that all its provisions, in particular measures to protect the rights of victims, 'shall be secured without discrimination on any ground such as sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, disability, marital status, migrant or refugee status, or other status';

G. whereas violence against women and gender-based violence, both physical and psychological, are widespread and affect women at all levels of society, regardless of age, education, income, social position or country of origin or residence;

H. whereas gender-based violence is both a cause and a consequence of the structural inequalities experienced by women in many aspects of life — work, health, and access to financial resources, power and knowledge, as well as personal time management; whereas combating gender-based violence requires an understanding of its causes and contributing factors;

I. whereas it is important to acknowledge structural or institutional violence, which can be defined as the subordination of women in economic, social and political life, when attempting to explain the prevalence of violence against women within our societies;

J. whereas women across the EU are not equally protected against gender-based violence owing to differing policies and legislation across the Member States;

K. whereas judicial systems often do not provide sufficient support to women; whereas, in many cases, the victim can be subjected to degrading comments by law enforcement officials or is in a position of dependence, which exacerbates their fear of reporting the violence;

L. whereas the present decade is witnessing a visible and organised offensive at global and European level against gender equality and women's rights, including sexual and reproductive health and rights (SRHR);

([16]) https://www.oas.org/es/mesecvi/docs/DeclaracionFemicidio-EN.pdf

M. whereas the 2014 survey by the FRA showed that one third of all women in Europe have experienced physical or sexual acts of violence at least once since the age of 15, that 55 % of women have been confronted with one or more forms of sexual harassment, 11 % have experienced cyber harassment, 1 in 20 (5 %) have been raped and more than one tenth have suffered sexual violence involving the use of force; whereas in many Member States over half of all female murder victims are killed by an intimate partner, relative or family member; whereas victims had reported their most serious incidents of partner violence to the police in only 14 % of cases, and the most serious incidents of non-partner violence in only 13 % of cases, which proves a vast ratio of underreporting; whereas the #metoo movement in recent years has encouraged women and girls to report cases of abuse, violence and harassment;

N. whereas modern forms of slavery and human trafficking, which mainly affect women, remain persistent in the EU; whereas 71 % of all human trafficking victims worldwide are women and girls, and three out of four of these women and girls are sexually exploited ([17]);

O. whereas online violence and harassment frequently has physical consequences, and creates a serious risk of provoking such violence by stimulating online users to imitate the violence and harassment they have been reading about and go on to perpetrate such acts;

P. whereas some groups of women and girls, such as migrant women, women refugees and asylum seekers, women and girls with disabilities, LBTI women and Roma women, face intersecting and multiple forms of discrimination, and are therefore placed in an even more vulnerable situation of risk of gender-based violence and prevented from accessing justice and support and protection services, and from enjoying their fundamental rights;

Q. whereas women victims of gender-based violence and their children often require special support and protection because of the high risk of repeat victimisation, intimidation and retaliation connected with such violence;

R. whereas gender-based violence undermines human rights, social stability and security, public health, women's educational and employment opportunities, as well as the well-being and development prospects of children and communities;

S. whereas exposure to physical, sexual or psychological violence and abuse has a severe impact on victims, which may result in lasting physical, sexual, emotional or psychological harm or economic and financial damage;

T. whereas impunity for the perpetrators of crimes against women still persists and must be eradicated by ensuring that perpetrators are prosecuted, and that women and girls who are survivors of violence receive proper support and recognition from the judicial system; whereas it is fundamental to provide training courses to service providers tackling violence against women, such as law enforcement officers, judges or policy-makers;

U. whereas the EU must take all necessary measures, in cooperation with its Member States, to promote and protect the right of all women and girls to live free from violence, in both the public and the private spheres;

V. whereas after eight years have elapsed since its approval, the Istanbul Convention has not yet been ratified by all Member States, or by the EU;

1. Condemns all forms of gender-based violence and deplores the fact that women and girls continue to be exposed to psychological, physical, sexual and economic violence, including domestic violence, sexual harassment, cyber violence, stalking, rape, early and forced marriage, female genital mutilation (FGM), crimes committed in the name of so-called 'honour', forced abortion, forced sterilisation, sexual exploitation and human trafficking and other forms of violence which constitute a serious violation of their human rights and dignity; is deeply concerned about the phenomenon of femicide in Europe, which is the most extreme form of violence against women;

([17]) https://www.un.org/en/events/endviolenceday/

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2. Calls on the Council to urgently conclude the EU ratification of the Istanbul Convention on the basis of a broad accession without any limitations, and to advocate its ratification by all the Member States; calls on the Council and the Commission to ensure the full integration of the Convention into the EU legislative and policy framework; recalls that EU accession to the Istanbul Convention does not exempt Member States from national ratification of the Convention; calls on the Member States to speed up negotiations on the ratification and implementation of the Istanbul Convention and calls, in particular, on Bulgaria, Czechia, Hungary, Latvia, Lithuania, Slovakia and the United Kingdom that have signed but not ratified the Convention to do so without delay;

3. Strongly condemns the attempts in some Member States to revoke measures already taken in implementing the Istanbul Convention and in combating violence against women;

4. Calls on the Member States to ensure proper implementation and enforcement of the Convention, and to allocate adequate financial and human resources to preventing and combating violence against women and gender-based violence, as well as to the protection of victims; urges the Member States to take the recommendations by the Council of Europe's Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) into account and to improve their legislation to bring it more into line with the Istanbul Convention's provisions;

5. Stresses that the Istanbul Convention remains the international standard and key tool to eradicate the scourge of gender-based violence by following a holistic, comprehensive and coordinated approach placing the rights of the victim at the centre, by addressing the issues of violence against women and girls and gender-based violence, including domestic violence, from a wide range of perspectives, by providing for measures such as the prevention of violence, the fight against discrimination, through criminal law measures to combat impunity, through victim protection and support, the protection of children, the protection of women asylum seekers and refugees, by the introduction of risk assessment procedures and risk estimation and better data collection, as well as through awareness-raising campaigns or programmes, including in cooperation with national human rights and equality bodies, civil society and NGOs;

6. Condemns the attacks and campaigns against the Istanbul Convention based on its deliberate misinterpretation and the false presentation of its contents to the public;

7. Strongly affirms that the denial of sexual and reproductive health and rights services is a form of violence against women and girls, and stresses that the ECtHR has ruled on several occasions that restrictive abortion laws and lack of implementation violates the human rights of women;

8. Highlights that awareness-raising campaigns combating gender stereotypes and patriarchal violence and promoting zero tolerance of harassment and gender-based violence are fundamental tools to combat this violation of human rights; believes that broader anti-discrimination-based educational strategies are a key tool to prevent all forms of violence, particularly gender-based violence, and especially in adolescence;

9. Stresses that in order to be more effective, measures combating gender-based violence should be accompanied by actions aimed at promoting the empowerment and economic independence of women victims of violence;

10. Asks the Commission and the Member States to ensure appropriate gender-sensitive training, procedures and guidelines which place the rights of the victim at the centre for all professionals dealing with the victims of all acts of gender-based violence in order to avoid discrimination, traumatisation or re-victimisation during judicial, medical and police proceedings; calls for such improvements in order to encourage the reporting rate of such crimes;

11. Recalls its position in favour of a specific earmarking of EUR 193,6 million for actions preventing and combating all forms of gender-based violence and promoting the full implementation of the Istanbul Convention in the Rights and Values programme, and stresses the importance of allocating sufficient funding at Member State level as well;

12. Reiterates its call on the Commission to revise, following an impact assessment, the EU framework decision on combating certain forms and expressions of racism and xenophobia by means of criminal law currently in force, in order to include incitement to hatred on grounds of gender, sexual orientation, gender identity and sex characteristics;

13. Calls on the Member States to ensure the full implementation and enforcement of the relevant legislation already in force;

14. Calls on the Commission and the Member States to improve the availability and comparability of quality disaggregated data on gender-based violence through cooperation with Eurostat, the EIGE and the FRA in line with the Convention's obligations in relation to data collection and research; calls once again on the Commission to set up a European Monitoring Observatory on gender-based violence with accurate and comparable data (along the lines of the EIGE's State Observatory on Violence against Women);

15. Stresses the importance of establishing formal procedures for reporting sexual harassment in the workplace, and of dedicated training and awareness-raising campaigns as a means of enforcing the principle of dignity at work and implementing the zero tolerance approach as the norm; believes the European Institutions should lead by example in this regard;

16. Calls on the President of the European Parliament, the Bureau and Parliament's administration to continue working to ensure that the European Parliament is a workspace free from harassment and sexism, and to implement the following measures, in line with the demands adopted in the 2017 resolution on combating sexual harassment and abuse in the EU: 1) to commission an external audit of the two existing anti-harassment committees in the European Parliament and to publicly share the results thereof; 2) to recompose the anti-harassment bodies by including external legal, medical and therapeutic experts with full voting rights; and 3) to implement mandatory training courses on respect and dignity in the workplace for all MEPs and all categories of staff;

17. Welcomes the Commission President-elect's commitment to do more to crack down on gender-based violence, to better support victims, to make the EU's accession to the Istanbul Convention a priority for the Commission and to use the opportunities afforded by the Treaty to add violence against women to the catalogue of EU-recognised crimes;

18. Requests that the Commission add combating gender-based violence as a priority in the next European Gender Strategy by including appropriate policy and legislative and non-legislative measures therein;

19. Calls on the Commission to submit a legal act on the prevention and suppression of all forms of gender-based violence, including violence against women and girls; in this regard, commits itself to exploring all possible measures, including on cyber violence, by making use of the right to legislative initiative enshrined in Article 225 of the TFEU;

20. Calls on the Commission and on the Council to activate the 'passerelle clause' enshrined in Article 83(1) of the TFEU in order to include violence against women and girls and other forms of gender-based violence in the catalogue of EU-recognised crimes;

21. 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.