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from: General Secretariat of the Council
to: Delegations

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Subject: Preventing and combating all forms of violence against women and girls,
including female genital mutilation
- Draft Council Conclusions

Following the written consultation, delegations will find attached a set of revised draft Council conclusions prepared by the Presidency, containing only very few changes mainly of a technical character compared to the previous document.

The Presidency intends to submit the present text to COREPER on **15 May 2014** (and not on 7 May as previously announced). Delegations are invited to notify enyek@mfa.gr and secretariat.fundamental-rights@consilium.europa.eu, only if they cannot accept the proposed changes (underlined), by 7 May 2014 cob.

DRAFT COUNCIL CONCLUSIONS

PREVENTING AND COMBATING ALL FORMS OF VIOLENCE AGAINST WOMEN AND GIRLS, INCLUDING FEMALE GENITAL MUTILATION

THE COUNCIL OF THE EUROPEAN UNION

CONSIDERING that gender-based violence against women and girls is violence that is directed against a woman because she is a woman or affects women disproportionately; it constitutes a breach of the fundamental right to life, liberty, security, dignity, equality between women and men, non-discrimination and physical and mental integrity¹ and refrains women and girls from their full enjoyment of human rights, ~~including~~ and in this context sexual and reproductive health and rights, in accordance with the Beijing Platform for Action and the Programme of Action of the International Conference on Population and Development and the outcomes of their review conferences;

RECALLING that Declaration no. 19 on Article 8 of the Treaty on the Functioning of the European Union states that *"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. The Member States should take all necessary measures to prevent and punish these criminal acts and to support and protect the victims"*;

¹ Charter of Fundamental Rights of the European Union, Articles 1, 2, 3(1), 6, 21(1) and 23.

CONSIDERING that gender based-violence against women and girls includes violence in close relationships, sexual violence (including rape, sexual assault and harassment in all public and private spheres of life), trafficking in human beings, slavery, sexual exploitation, and harmful practices such as child and forced marriages, female genital mutilation and crimes committed in the name of so-called "honour", as well as emerging forms of violations, such as on-line harassment, various forms of sexual abuse instigated or facilitated through the use of information and communication technology, stalking and bullying;

AFFIRMING that violence against women is rooted in historical and structural inequality in power relations between women and men.

RECOGNISING that violence against women affects not only the immediate victims, but often has more far-reaching consequences, in particular for their children, and has a deeply adverse effect on society as a whole;

RECALLING the strong commitment expressed in the Stockholm Programme²: *"Those who are most vulnerable or who find themselves in particularly exposed situations, such as persons subjected to repeated violence in close relationships [and] victims of gender-based violence, ... are in need of special support and legal protection"*;

UNDERLINING the importance of the work done by the Council of Europe (CoE), including its Convention on preventing and combating violence against women and domestic violence³, and by the United Nations Commission on the Status of Women, including the Agreed Conclusions on the elimination and prevention of all forms of violence against women and girls adopted at its 57th Session in 2013⁴;

² The Stockholm Programme - An open and secure Europe serving and protecting citizens (section 2.3.4), (OJ C 115, 4.5.2010, p 1).

³ <http://www.conventions.coe.int/Treaty/EN/treaties/html/210.htm>.

⁴ [http://www.un.org/womenwatch/daw/csw/csw57/CSW57_Agreed_Conclusions_\(CSW_report_excerpt\).pdf](http://www.un.org/womenwatch/daw/csw/csw57/CSW57_Agreed_Conclusions_(CSW_report_excerpt).pdf)

EMPHASISING the need to adequately assist, support and protect the victims of violence against women, bearing in mind Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims⁵, Directive 2011/99/EU on the European protection order in criminal matters⁶ and Regulation 606/2013/EU on mutual recognition of protection measures in civil matters;

STRESSING that combating and eliminating all forms of violence against women requires coordinated policies at all relevant levels and a comprehensive approach targeting the key issues of prevention, under-reporting, protection, victim support, and the prosecution of perpetrators as well as other measures aimed at them;

CONSIDERING that female genital mutilation is a violation of women's full enjoyment of human rights, is a violation of children's rights and is a form of child abuse, which requires effective and multi-disciplinary action developed in close cooperation with the communities where such practices are carried out and taking into account the rights and best interests of the child;

RECALLING United Nations General Assembly (UNGA) Resolution 67/146 "*Intensifying global efforts for the elimination of female genital mutilations*", adopted in December 2012;

WELCOMING the Commission and the European External Action Service (EEAS) Communication of 25 November 2013 on the elimination of female genital mutilation (FGM) in Europe⁷;

RECALLING the EU strategy towards the eradication of trafficking in human beings and vulnerability to violence of women victims trafficked for sexual exploitation⁸;

⁵ OJ L 315, 14.11.2012, p. 57. Denmark did not participate in the adoption of this Directive and is not bound by it.

⁶ OJ L 338, 21.12.2011, p. 2.

⁷ 17228/13 FREMP 203 SOC 1009 DROIPEN 154 COHOM 270.

⁸ 11780/12 JAI 465 GENVAL 43 COSI 53 ENFOPOL 208 JAIEX 48 RELEX 589 EUROJUST 58 (COM(2012) 286 final).

WELCOMING the EU-wide survey carried out by the European Union Agency for Fundamental Rights (FRA) documenting the extent of violence against women in the European Union, through comparable data on women's experiences of physical, sexual and psychological violence and recommending actions to tackle violence against women, which was presented at a conference on 5 March 2014 hosted under the auspices of the Greek Presidency and entitled "*Violence against women across the EU: Abuse at home, work, in public and online*", and HIGHLY CONCERNED about the persistence and the magnitude of the phenomenon, and the scale of under-reporting;

UNDERLINING the results of the FRA survey which provides comparable data, including data on violence in close relationships and emerging forms of violations, such as on line harassment, various forms of sexual abuse instigated or facilitated through the use of information and communication technology, stalking and bullying, and STRESSING the need to verify at national and at EU level whether existing instruments are sufficient for effectively addressing violence against women, the root causes thereof, and to facilitate increased reporting;

HAVING REGARD to previously adopted legislative and non-legislative instruments as well as political commitments voiced by the European Parliament, the Council, the European Commission, and other relevant stakeholders relating to violence against women, including the documents listed in the Annex;

REAFFIRMING the commitments expressed in previous Council Conclusions on preventing and eliminating all forms of violence against women⁹;

⁹ As listed in ANNEX, point 3).

CALLS ON THE MEMBER STATES AND THE EUROPEAN COMMISSION, in accordance with their respective competences, to:

1. develop and implement, and further improve where they already exist, comprehensive, multidisciplinary and multi-agency coordinated action plans, programmes or strategies, as appropriate, to prevent and combat all forms of violence against women and girls, taking into account the results of the FRA survey, where appropriate;
2. identify all obstacles that prevent women and girls victims of gender-based violence, notably violence in close relationships and sexual violence, from reporting to the relevant authorities and services and take concrete actions to effectively tackle the issue of under-reporting, including by reinforcing, where appropriate, special units and/or police units that deal with women victims, building trust in police and other state institutions and actors, facilitating access to justice, including legal aid; where appropriate, ensuring reliable registration and collection of complaints received by all relevant actors;
3. improve the collection, the analysis and the dissemination at both national and EU level of comprehensive, comparable, reliable and regularly updated data on violence against women, notably on victims and perpetrators, disaggregated by sex, age and victim-perpetrator relationship, as well as on the number of incidents reported by the victims and recorded by law enforcement authorities, on the number of convictions, and on the punishments handed down to offenders, by ensuring a coherent approach which makes full use of existing and, as appropriate, new EU surveys, and involving all relevant actors, including national and European statistical offices, and making full use of the work of the European Institute for Gender Equality (EIGE) and FRA where appropriate;

4. ensure prompt and effective investigation of all cases of violence against women, including violence in close relationships and sexual violence, and prosecution of perpetrators while ensuring that victims' special needs are taken into consideration throughout criminal proceedings, bearing in mind Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime;
 5. enhance the protection of victims of violence against women when exercising their right to free movement in the European Union, taking into account Directive 2011/99/EU on the European protection order in criminal matters and Regulation 606/2013/EU on mutual recognition of protection measures in civil matters¹⁰, taking account of the different justice systems across the EU;
 6. ensure that victims of violence against women and where appropriate their family members have access to specialised immediate and appropriate longer-term geographically distributed victim support services in accordance with their needs, notably 24 hours help-lines, shelters or any other appropriate interim accommodation, specialised advice and counselling centres and adequate healthcare services, taking into account Directive 2012/29/EU;
 7. establish or strengthen specific and systematic training for all practitioners and, to the extent possible, future practitioners likely to come into contact with victims of violence against women, taking into account Directive 2012/29/EU;
- 7bis pay special attention to the interests and difficulties of all women and girls in vulnerable situations and facing multiple discrimination so as to ensure that protection against violence and support for its victims reaches all parts of society, including marginalised groups;

¹⁰ OJ L 181, 29.6.2013, p. 4.

8. enhance preventive measures, *inter alia* by raising awareness of all forms of violence against women and girls and of its adverse impact in society, by combating, especially by engaging with young people, *inter alia* in schools, gender stereotypes that can lead to violence against women and girls, by emphasising the critical role and responsibility of men and boys in the process of eradicating violence against women;

8bis develop adequate support programmes aimed at victims in vulnerable situations as well as appropriate interventions aimed at perpetrators of violence against women, with a view to preventing further violence;

8ter to the extent consistent with the freedom of expression and the freedom of the press, support the media in improving public awareness on violence against women and girls, and in developing and strengthening self-regulatory mechanisms to promote balanced and non-stereotypical portrayals of women, and to support zero tolerance against violence against women;

8quater support private sector investment in programmes, campaigns and strategies to respond to, prevent and eliminate all forms of discrimination and violence against women, including sexual abuse instigated or facilitated through the use of information and communication technology and sexual harassment at the workplace, and to empower victims and survivors of violence;

9. ensure appropriate and sustainable funding at EU and national level for preventing and combating all forms of violations against women and girls, making use of national and EU funds, in particular the European Structural and Investment Funds, the Rights, Equality and Citizenship programme and other relevant programmes;
10. review existing legislation and law enforcement mechanisms with a view to effectively combating emerging forms of ~~violence~~violations against women and girls, such as on line harassment, various forms of sexual abuse instigated or facilitated through the use of information and communication technology, stalking and bullying;
11. develop and undertake effective multidisciplinary actions through coordinated services to eliminate female genital mutilation where such practices are carried out, ensuring the participation of all relevant actors in particular in the fields of justice, police, health, social services, child protection, education, immigration and asylum, and external action;
12. collect and disseminate reliable, comparable and regularly updated data on the prevalence of female genital mutilation at EU level as well as at national level where such practices are carried out;
13. promote appropriate training to all relevant professionals in order to address female genital mutilation, ensure women and girls' access to specialised support services, including health care services and where appropriate social care services, tailored to their needs, and develop measures to prevent female genital mutilation in close cooperation with the communities where such practices are carried out;
14. ensure effective implementation of national laws prohibiting female genital mutilation taking into due account the rights and best interests of the child;

15. provide clear guidelines at national level for granting the benefit of international protection to women and girls at risk of female genital mutilation taking into account Directive 2011/95/EU, on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted¹¹;
16. improve strategic cooperation on violence against women, including female genital mutilation, with international organisations and non-governmental organisations;

INVITES THE MEMBER STATES to:

17. sign, ratify and implement the Council of Europe Convention on preventing and combating violence against women and domestic violence;

CALLS ON THE EUROPEAN COMMISSION to:

- 17bis consider issuing a Handbook which would bring together all existing EU acts aiming at combating violence against women;

INVITES RELEVANT EU AGENCIES:

18. FRA, EIGE, the European Agency for Safety and Health at Work (OSHA), the European Asylum Support Office (EASO), the European Police College (CEPOL), Eurojust and Europol to continue their efforts to combat violence against women and to strengthen their cooperation and pool their expertise, in accordance with their respective mandates;

¹¹ OJ L 337, 13.12.11, p. 9. United Kingdom, Ireland and Denmark did not participate in the adoption of this Directive and are not bound by it or subject to its application.

19. EIGE to adopt in 2014 and implement its strategic framework to support the Member States to tackle gender based violence, and to look at the profile of victims of violence and the profile of perpetrators while considering the adoption of specific EU indicators;
20. FRA, EIGE and Eurostat, in accordance with their respective mandates, to continue ~~developing~~ working with objective, reliable and comparable data on the extent of gender-based violence through EU-wide field surveys, where appropriate, and relevant crime statistics;
21. all relevant EU agencies to work together with the Member States to facilitate the exchange of good practice and assist the Member States at their request in their efforts to encourage reporting and ensure the proper recording of cases of gender-based violence.

CALLS ON THE MEMBER STATES, THE EEAS AND THE EUROPEAN COMMISSION,

in accordance with their respective competences, to:

22. strengthen their support to partner countries in combating all forms of violence against women, including the elimination of female genital mutilation, inter alia through support to non-state actors, in accordance with the EU Guidelines on Violence Against Women and the EU 2010-2015 Plan of Action for Gender Equality and Women's Empowerment.

References

1) EU Legislation

- Regulation 2013/606/EU 12 June 2013 on mutual recognition of protection measures in civil matters (OJ L 181/4, 29.6.2013, p. 4).
- 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 (OJ L 315, 14.11.2012, p. 57).
- Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order (in criminal matters) (OJ L 338, 21.12.2011, p. 2).
- Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011, on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (OJ L 337, 13.12.11, p. 9).
- 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 (OJ L 335, 17.12.2011, p. 1).
- 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 (OJ L 101, 15.4.2011, p. 1).
- Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status (OJ L 326, 13.12.2005, p. 13) [Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast) (applicable from 21 July 2015)].

2) European Parliament

- European Parliament resolution of 2 April 2014 on the mid-term review of the Stockholm Programme.
- European Parliament resolution of 26 February 2014 on sexual exploitation and prostitution and its impact on gender equality.
- European Parliament resolution of 25 February 2014 with recommendations to the Commission on combating Violence Against Women.
- European Parliament Resolution of 6 February 2014 on the Commission communication entitled "Towards the elimination of female genital mutilation".
- European Parliament Resolution of 14 June 2012 on ending female genital mutilation
- European Parliament Resolution of 13 March 2012 on "equality between women and men in the European Union - 2011".
- European Parliament Resolution of 5 April 2011 on the "priorities and outline of a new EU policy framework to fight violence against women".
- European Parliament Resolution of 26 November 2009 on "the elimination of violence against women".

3) Council

- Council conclusions of 6 December 2012 on Combating Violence Against Women, and the Provision of Support Services for Victims of Domestic Violence (17444/12).
- European Union handbook of best police practices on overcoming attrition in domestic violence cases (12719/2/12).
- Council Resolution of 10 June 2011 on a Roadmap for strengthening the right and protection of victims, in particular in criminal proceedings (OJ C 187, 10.6.2011, p. 1).
- Council Conclusions of 19 May 2011 on "an EU framework for national Roma integration strategies up to 2020" (OJ C 258, 2.9.2011, p. 6).
- Council Conclusions of 7 March 2011 on "the European Pact for Gender Equality (2011-2020)" (OJ C 155, 25.5.2011, p. 10).

- Conclusions of the Council and the representatives of the governments of the Member States on improving prevention to tackle violence against women and care to its victims within the scope of law enforcement (8310/10).
- European Union Handbook of best police practices on tackling violence against women (7488/2/10).
- Council Conclusions of 8 March 2010 on "the Eradication of Violence Against Women in the European Union" (6585/10).
- Council Conclusions of 23 October 2009 on a strategy to ensure fulfilment of the rights of and improve support to persons who fall victim to crime in the European Union (12944/09 + COR 1).
- Conclusions of 16 December 2008 on "the Review of the implementation by the Member States and the EU institutions of the Beijing Platform for Action: Indicators concerning Women and Armed Conflicts" (17099/08).
- EU guidelines on violence against women and girls and combating all forms of discrimination against them of 8 December 2008 (16173/08 + COR 1).
- Council Conclusions of 21 October 2002 on "the Review of the implementation by the Member States and the EU institutions of the Beijing Platform for Action" and establishing a set of seven indicators concerning domestic violence against women (14578/02).
- Presidency Conclusions of 7 March 2002 on "Violence against women" (6994/02).

4) European Council

- The Stockholm Programme adopted on 10/11 December 2009 (OJ C 115, 4.5.2010, p. 1).

5) Commission

- Commission Communication "Towards the elimination of female genital mutilation" COM (2013) 833.
- Commission Staff Working Document: "Progress on equality between women and men in 2012" (SWD(2013) 171 final).
- Special Eurobarometer 344: "Domestic Violence Against Women" (September 2010) http://ec.europa.eu/public_opinion/archives/ebs/ebs_344_en.pdf
- Strategy for Equality between Women and Men 2010-2015 (13767/10 (COM(2010) 491 final)).
- Action Plan Implementing the Stockholm Programme (8895/10).
- Communication from the Commission: - A Strengthened Commitment to Equality between Women and Men: "A Women's Charter - Declaration by the European Commission on the occasion of the 2010 International Women's Day in commemoration of the 15th anniversary of the adoption of a Declaration and Platform for Action at the Beijing UN World Conference on Women and of the 30th anniversary of the UN Convention on the Elimination of All Forms of Discrimination against Women" (7370/10 (COM(2010) 0078 final)).
- Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions "Strengthening victims' rights in the EU, COM(2011) 274.
- Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions "The EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016" (COM/2012/0286 final).

6) Other

- European Union Agency for Fundamental Rights: "Violence against women: an EU-wide survey", March 2014.
- European Institute for Gender Equality: "Female Genital Mutilation. ~~Report from~~ in the European Union and Croatia - Report March 2013.
- European Institute for Gender Equality: Review of the implementation of the Beijing Platform for Action in EU Member States: Violence against Women-Victim Support. Report, 2012.
- UN Commission on the Status of Women 57th Session "Agreed conclusions on the elimination and prevention of all forms of violence against women and girls" (March 2013).
- The Council of Europe Convention on preventing and combating violence against women and domestic violence.
- "Opinion on an EU Strategy on Violence Against Women and Girls" of the Advisory Committee on Equal Opportunities for Women and Men (7th December 2010).
- Opinion of the European Economic and Social Committee on "Eradicating domestic violence" (SOC 465 (2012))."
- Opinion on an EU initiative on female genital mutilation of the Advisory Committee on Equal Opportunities for Women and Men (October 2013).
- United Nations General Assembly (UNGA) Resolution 67/146 "*Intensifying global efforts for the elimination of female genital mutilations*", adopted in December 2012