



Amman, 14 March 2010

RECOMMENDATION

Tabled on behalf of the **Committee on women's rights**
in the Euro-Mediterranean countries

By Mrs. Afifa SALAH, Chairwoman

On the following topics:

1. The fight against all forms of violence towards women: causes, process and mechanisms:

Rapporteurs: Mrs. Emna SOULA, Member of Tunisian Chamber of Counselors,
and Mrs. Antonyia PARVANOVVA, Member of the European Parliament.

2. The gender approach and its role in developing legislations and practices:

Rapporteur: Mrs Fredrika BREPOELS, Member of the European Parliament, and
Mrs Fatima CHELOUCHE, Member of the National People's Assembly of Algeria.

The Euro-Mediterranean Parliamentary Assembly,

- Having regard to the United Nations Convention on the Elimination of All Forms of Discrimination against Women (1979) and its Optional Protocol (1999), the Declaration on the Elimination of Violence against Women (1993), the Declaration and the Platform for Action adopted in Beijing (1995) as effective tools to fight against violence towards women, and regional legal instruments for the elimination of violence against women,

- Having regard to the Vienna Declaration of 25 June 1993, on the promotion and protection of Human Rights,

- Having regard to all the resolutions adopted thereon by the United Nations bodies, including Resolution 1994/45 of 4 March 1994 whereby the Commission on Human Rights appointed a Special Reporter on "violence against women, its causes and its consequences", and Security Council resolution 1325 (2000), on "women, peace and security",

- Having regard to the Barcelona Declaration of 1995 and to the five year work programme agreed upon during the 10th anniversary Euro- Mediterranean summit in Barcelona in 2005,

- Having regard to the Millennium Development Goals (MDGs), adopted at the Millennium Summit in September 2000, and in particular the MDG on promoting gender equality and empowering women as a prerequisite for overcoming hunger, poverty and disease, reaching equality at all levels of education and in all area of work, equal control over resources and equal representation of men and women in public and political life,

- Having regard to the resolution adopted by the 114th Inter -Parliamentary Union Assembly (Nairobi, 12 May 2006): How parliaments can and must promote effective ways of combating violence against women in all fields,

- Having regard to the European Parliament Resolution on European Union Policy towards countries in relation to the promotion of women's rights and equal opportunities in these countries (2001/2129 (INI)); on the current situation on combating violence against women and any further action (2004/2220 (INI)) and on women's immigration: the role and place of immigrant women in the European Union (2006/2010 (INI)),

- Having regard to the Report of the United Nations Fund for Population, "Violence against girls and women a public health priority" in 1999,

- Having regard to the United Nations Report on Women in the World: December 2000,

- Having regard to the Report of the World Health Organization (WHO) on Violence and Health 2002,

- Having regard to the United Nations Children's Fund "UNICEF" 2006, and the report of the UN Fund of Population (UNFPA) 2006 on "The State of World Population 2005: The Promise of Equality: gender, health and reproductive Millennium Development Goals ",

- Having regard to the conclusions of the Euro-Mediterranean Ministerial Conference held in Istanbul (November 2006) on "Strengthening the role of women in society", in particular Recommendation No 10 paragraph C, which recommends to " Combat all forms of violence against women, guarantee women protection and redress in case of violation of their rights; protect the fundamental rights of women victims of all forms of violence, especially domestic violence, trafficking in human beings, harmful traditional practices and violence against migrant women",

- Having regard to the Action Plan adopted by the League of Arab States on the promotion of women, which incorporated the issue of violence against women, particularly reproductive health,

- Having regard to the Action Plan of the Organization of Arab States to fight against violence towards women from 2008 to 2012, which included public awareness campaigns, research and legal studies,

- Having regard to the Tunis Declaration on violence based on sex adopted by Maghreb-Spanish Congress, on prevention of violence based on gender in June 2007, which called for the

intensification of common Maghreb action in particular through the quantitative and qualitative studies in the field of the fight against violence based on gender,

- Having regard to the constitutions of partner countries that recognize the principle of non discrimination against women,

- Having regard to the working document at the second plenary session of the EMPA on 20-21 November 2006 in Cairo: EU projects and financial means for programmes to supporting women and gender equality, and having regard also to the public hearing of the EMPA ad hoc Committee on Women's Rights in the Euro-Mediterranean countries of 17 October 2007 in Brussels,

- Having regard to the latest recommendation by the Euro-Mediterranean Parliamentary Assembly following the annual plenary session of the Assembly in Brussels on the following issues: women, development, peace and security in the Mediterranean, education, training and employment of 17 March 2009, and previous recommendations,

The fight against all forms of violence towards women: causes, process and mechanisms:

A- Whereas UN Security Council Resolution 1325 (2000) on women, peace and security and 1820 (2008) call on the international community to make a commitment to combat violence against women in situations of armed conflict and recognise the role of women in the consolidation of peace;

B- Whereas the above UN Resolution 1325 of the UN which called for increasing the participation of women in peace processes and in building and keeping peace, protection of women in armed conflict and post-conflict situations, the introduction of a gender approach, and the introduction of gender approach in the operations of keeping the peace;

C- Whereas 2010 is the tenth anniversary of the adoption of resolution 1325 and is the optimal opportunity to assess the main outcomes and identify the major obstacles and challenges of the future;

D- Whereas the conclusion of the 2nd Euro-Med Ministerial Meeting on strengthening the role of women in society" Marrakech from, 11 - 12 November 2009, integrates gender equality in the priority project areas of the Union for the Mediterranean and in all political fields;

E- Whereas the Beijing UN Platform for action defined violence against women as 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, or arbitrary deprivation of liberty. This violence against women is a manifestation of the historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and the prevention of women's full development;

F- Whereas the men's violence against women is a structural and widespread problem throughout Europe and the world, a phenomenon affecting above all the victims but also the perpetrators irrespective of age, education, income or social level, and is linked to the unequal distribution of power between women and men in our society. The types of violence perpetrated against women vary in different cultures and traditions, and female genital mutilation, so-called crimes of honour and forced marriages are a reality in the Region. The violence against women goes hand in hand with violence against children and has an impact on the psychological wellbeing and lives of children who are often already forced to endure deplorable moral and physical ways of life;

G-Whereas the men's violence against women is an obstacle to the participation of women in social activities, in political and public life and in the labour market, and can lead to

marginalisation and poverty for women. The economic dependence (which is often the case for women) is an important factor in female victims not reporting violence lie in the societal culture and representations suggesting that men's violence against women is a private matter or that women themselves are often to blame for such violence, in addition frequently, for a variety of complex psychological, financial, social, and cultural reasons, women do not report men's violence against them and are sometimes deterred from doing so by a lack of confidence in the police, the judicial system and social and medical services;

H- Whereas the human rights remain threatened and incomplete if we failed to fight against violence towards women on all levels: psychological, social, physical, economic, political, cultural just as in media, and respect for humans rights is necessary to ensure the quality of democracy and the success of the political and economic objectives of the Barcelona Process;

I-Whereas that the European Social Fund has supported specific actions to improve access of women to the labour market and to increase women's share, but much remains to be done particularly through trainers, traineeships, aids for employment and subsidies to allow enterprises managed by women to be set up ,thereby leading to their economic independence;

J- Whereas at the European Union level, violence by men against women is recognised as a human rights violation (in particular: the right to life, the right to security, the right to dignity, the right to physical and mental integrity, and the right to sexual and reproductive choice and health) and many political instruments are currently being revised in order to fighting against violence, including trafficking in women. In several Member States new tools are being created to offer women better protection. Contributions from national parliaments facilitate the process of creating a political and legal environment to eliminate violence against women;

K-Whereas there is no regular and comparable data collection on different types of violence against women in the EU, which makes it difficult to ascertain the real extent of the phenomenon and find appropriate solutions to the problem;

L-Whereas women in the world represent 2/3 of the illiterate in the world, hold 1% of global goods, 1% of decision-taking posts and 70% of women do not receive wages for their work. As a result one in three women is victim of domestic violence and one in four women is a victim of rape during her life;

M-Whereas the international community appreciating this great danger which threatens women in their physical integrity and their dignity has realized the obligation to focus on this problem in order to overcome it by:

- The United Nations designating since 1999 by the United Nations, 25 November of each year "International Day of Action against Violence towards Women",
- announcing in 2008 through the Secretary General of the United Nations, the launching of an international campaign on the fight against violence against women which will last until 2015,
- Celebrating the International Day of Women in 2009 under the theme unite women and men to put an end to violence against women and girls.

N-Whereas in order to eradicate this phenomenon, it is essentially necessary to fight against what is traditionally conveyed through stereotypes that devalue women in society in terms of culture, education, and media speech, without neglecting the role of economic, social, political, legal and legislative aspects;

O-Whereas the violence against women is not a temporary phenomenon, but a phenomenon resulting from the structure and social values, and the first step in fighting against this phenomenon lies in human consciousness;

- 1- Recommends more action in societies at the level of education, behaviour and attitudes with special programmes for young people, by changing the concepts causing the submission of women and their inferiority,

- 2- Stresses that combating violence against women obviously goes beyond the framework of conjugal violence; notes that this violence also involves sexual exploitation ,female sexual mutilation, forced marriages and sexual or moral harassment,
- 3- Emphasises the importance of States and Governments in promulgation of laws and ensuring that these laws are implemented, and calls on them to undertake and intensify programmes of public awareness , information and education on domestic violence from a very early age, so as to ensure the physical and psychological inviolability of women and encourage the creation of mechanisms to assist and support victims and prosecute perpetrators of violence,
- 4- Calls on Euro-Mediterranean states to address, at international and regional levels, issues of violence against women and the gender dimension of human rights, violations,
- 5- Calls for the promotion of a pro-active government policy in term of the fight against violence towards women, through setting up national strategies for prevention and treatment, especially in health care programmes, and ensuring that cells are created in courts specialized in cases relating to attacks against women, and that female victims of violence have proper access to levels of police investigations, to legal aid (even free aid) and to their protection, irrespective of their nationality,
- 6- Requests the European Commission to come up with a proposal for a comprehensive directive on active to prevent and combat all forms of violence against women with the collaboration of the States of the region, and to set up with them interregional cooperation and common programmes against domestic violence, and calls on the Commission and Member States to develop people's outlook and behaviour so as to obtain positive results in combating violence against women,
- 7- Calls for coordination to be set up between agencies dealing with violence against women, and for support groups and effective associations to be set up in order to establish a climate of trust to prevent them being forced to return under the authority of those who have abused them and assistance to enable them to acquire financial independence and to enable the victims to be housed , and proposes the establishment of free green lines at the disposal victims of violence,
- 8- Calls for the number of public awareness campaigns to be stepped up, including joint campaigns, and the creation of cells composed of psychologists in workplaces to deal with both victims and those who commit violence against women, and for exchanges of best practices with Members States of the Union as regards against violence against women and for their adjustment to the diversity of Euro-Mediterranean countries,
- 9- Calls on Euro-Mediterranean States to improve their national laws and policies to combat all forms of violence against women, in particular through the establishment of a comprehensive national action plans to prevent and combat violence against women based on an analysis of the gender –equality implications of violence towards women and of the degree of respect of international obligations by Member States to eliminate discrimination against women,

- 10- Notes with satisfaction the progress of legislation in the Arab world in term of fight against violence towards women, the great improvement in this area through social development and the dissemination of education and the multiplication of plans and strategies to fight against this phenomenon, and calls for inspiration to be found in the Tunisian experience, and other positive experiences, as personal status, in particular the articles relating to violence against women and considering violence as a grave criminal offence,
- 11- Affirms that in the 2010-2014 multi-annual programme regarding the area of freedom, security and justice known as Stockholm programme should be actively to increase awareness of anti-discrimination legislation and gender equality. It is essential to consider that the full use of the existing instruments and measures to tackle violence against women should be vigorously pursued and applied, calling on the EU Presidencies to make progress during their terms of office on the European protection order so as to ensure that victims of such crimes enjoy the same level of protection in all the Member States. Therefore, welcomes the importance given to gender equality in the plans of the Spanish presidency taking as an example the draft directive on a European warrant for the protection of women victims of violence, which has the support of at least 12 Member States and the Commission,
- 12- Considers that further and more exhaustive efforts are still needed until the final elimination of this social scourge, and calls for legislation and laws prohibiting violence against women to be monitored and implemented. For this, it is necessary to establish mechanisms to monitor and evaluate the initiatives taken in this framework,
- 13- Urges the Euro- Mediterranean countries to recognise sexual violence and rape against women, including within marriage and intimate informal relationships and/or where committed by male relatives, as a crime in cases where the victim withheld consent, and to ensure that such offences result in automatic prosecution and reject any reference to cultural, traditional or religious practices or traditions as a mitigating factor in cases of violence against women, including so-called "crimes of honour" and female genital mutilation,
- 14- Calls upon States of the Euro-Mediterranean region to introduce in national approaches dealing with the issue of human rights, violations based on gender and conjugal violation; and clear penal legislation to deal with aggressors,
- 15- Calls upon Euro-Mediterranean States to involve the whole of civil society in the popularization and dissemination of the correct interpretation of the precepts of all religions so as to correct misguided interpretations of extremists and dogmatic person all over the world,
- 16- Encourages national legislators to act in order that legislations on violence against women do not tolerate any form of violence related to culture or morals, and further calls upon them to refuse any form of mitigation of sentences for crimes committed in the name of culture,

- 17- Calls upon parliaments to assess the effectiveness at national and local levels of legislations on all forms of violence, and the establishment at international level of an for exchanging and comparing strategies and experiences ,
- 18- Calls on member countries to activate the principle of responsibility in protecting women against violence, beginning with the abolition of the principle of impunity for violence against women and penalising this types of acts,
- 19- Invites member countries to take necessary measures in term of vocational training to enable women to acquire skills and access to cultural and social knowledge giving them more assurance, control and self-confidence. Enabling them to defend themselves better,
- 20- Calls for women to be represented in all fields and at all levels of activity, and inter alia, for them to be trained and recruited in the policies forces, and the judiciary so as to specialise them in this area (registration of reported cases, referral to support NGOs offering shelter and support ...). This would certainly reduce the fears of complainant victims of violence,
- 21- Calls upon women victims of violence to break the wall silence and to complain, and condemn such actions in order to eliminate them,
- 22- Urges the Member States to provide assistance, under appropriate national programmes and financing schemes, to voluntary bodies and organisations which offer shelter and psychological support to female victims of violence, not least in order to enable them to re-enter the labour market and in that way fully regain their human dignity,
- 23- Approves the role played by the Center of Arab Women Training and Research "CAWTAR" and calls upon the regional and international organizations concerned to give this Center their material support to strengthen its mechanisms and programme in the fight against violence towards women,
- 24- Affirms the importance of establishing a database at EU and Euro-Mediterranean country level on crimes and violence towards women, and calls for the creation of a consistent system for collecting and exchanging statistics on violence against women, including murders committed in the context of violence within the family, in close cooperation with the European Institute for Gender Equality in order to obtain comparable data concerning violence against women throughout the Euro-Mediterranean region,
- 25- Insists on the need to improve cooperation among legal professionals and the exchange of best practices in the fight against discrimination and gender violence, and to find ways of overcoming obstacles to the recognition of legal acts in other Member States,
- 26- Stresses the importance of proper training for those working with female victims of male violence, including representatives of the justice system and punitive bodies , with particular reference to the police, the courts, social, medical and legal services, labour market agencies, employers and trade union ; and welcomes the fact that courts have been set up in some Member States to deal with violence against women, and calls on all the EU Member States and the Mediterranean partners countries to take this initiative further,

- 27-Requests that a standardized system of registration and training be set up in hospital Centers and NGOs, especially as regards in pregnancy resulting from rape and cases of mental health with a view to taking action for the granting certificates to the judicial authority, and that family counselling centers in hospitals be increased,
- 28- Recalls that there are women who Buffer from a double violence, the societal violence and that exerted by occupation such as the case of Palestinian women deprived of their basic rights, (1)
- 29- Calls on Euro-Mediterranean States to take due account of the specific circumstances of certain categories of women who are particularly vulnerable to violence, such as women belonging to minorities, female Immigrants, female refugees, women living in poverty in rural or isolated communities, women in prison or other institutions, girls, women with disabilities, and older women,
- 30- Calls for international solidarity through support for the network of associations specialised in combating violence against women, especially financial support for the creation of shelters in order to offer accommodation to victims,

The gender approach and its role in developing of legislations and practices:

P-Whereas the first Ministerial Conference on "Strengthening the Role of Women in Society" took place in Istanbul on 14 and 15 November 2006 where Ministry adopted a Common Framework of Action 2006-2011, and agreed to organise a follow-up conference in 2009 to evaluate progress;

Q-Whereas the second Ministerial Conference took place on 11 and 12 of November 2009 in Marrakech where Ministers of 43 Union for the Mediterranean Partners reiterated their commitment "to promote de jure and de facto equality between men and women" and "to mainstream a gender approach in all policy areas", acknowledged that "equal participation of women and men in all spheres of life is a crucial element of democracy and sustainable development" and proposed "to integrate gender equality(as) one of the priority project areas of the Union for the Mediterranean";

R-Whereas progress in eliminating discrimination against women has been slow in spite of the high hopes about the possibilities the Istanbul Plan of Action had created to improve the situation of women, notably in terms of the promotion of gender equality;

S-Whereas the Istanbul Plan of Action (IPA) in 2006 could constitute a valuable tool for the promotion of gender equality and the protection of women's rights but still remains a simple declaration without binding measures, concrete provisions, adequate follow-up and implementation mechanisms;

T-Whereas there is a tendency to consider women's rights as a cultural and religious matter in Southern and Eastern Mediterranean countries, stressing in this respect its commitment to the principle of universality and indivisibility of human rights;

U-Whereas significant efforts are needed to implement the Istanbul/Marrakech process and to transform it into a series of political measures to be implemented in each country;

(1) Reservations were expressed by some members of the European Parliament (ALDE and PPE groups), Austria, Belgium, Bulgaria, Czech Republic, Denmark, Estonia, Finland, France, Germany, Israel, Italy, Latvia, Luxembourg, Poland, Sweden and United Kingdom.

31-Reaffirms that the promotion of women's rights is indivisible from human rights, Democracy and development, and calls on the Euro-Mediterranean states to complete ratification of all conventions relating to women's rights, and revise their laws and discriminatory national policies to bring them into line with the principles of human rights,

32-Stresses that all Euro-Mediterranean countries have ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), but is still concerned by the fact that (CEDAW), is still inadequacy applied and that many Mediterranean countries have expressed reservations mostly to Articles 2, 9, 15 and 16, all of which addressing the principle of equality; recognizes at the same time the efforts made by some countries such as Tunisia which adhered to the Optional Protocol to the CEDAW Convention in September 2008, and Morocco, Jordan, Algeria, Egypt and Turkey, which have lifted some of their reservations to the Convention,

33- Strongly recommends that the commitment made by Euro-Mediterranean Partner countries to the Istanbul plan of action, which was reaffirmed in Marrakech by the elaboration of concretes actions; insists at the same time on the need to adopt all necessary measures to harmonise the constitutions and national laws with CEDAW and to ensure its full implementation,

34-Recommend highly in this spirit that all Euro-Mediterranean partner countries set up parliamentary committees specialized in the field of human rights and particularly women's rights, and to give them the task of revising discriminatory laws in order to make them compatible with the provisions of CEDAW,

35-Strongly urges a great increase in the number of women participating in the drafting of laws especially in national and regional parliaments, and work to facilitate their access to decision-making posts including in political parties and recommends if necessary, the establishment of a quota system as a transitional measure to ensure and promote the participation of women in specific areas so that they can use their experience and knowledge in selected areas,

36-Considers that the Istanbul/Marrakech Plan of Action could have a clear added value if it becomes a more effective tool; considers therefore that it must be imperatively be accompanied by an effective follow-up and implementation mechanism supported by measurable indicators in order to enable a close monitoring of the situation of women and to identify the gaps between the declared commitments and the rights guaranteed by national laws, as well as their application,

37-Calls for the creation of national observatories, an Euro-Mediterranean observatory and centers of study and research on women to assess and monitor their situations and propose appropriate solutions; and proposes that common criteria be established for assessment to be carried out in future by the observatories,

38-Recommend strongly that Euro-Mediterranean countries to establish an effective institutional mechanism to continuously involve the executive and legislative authorities and civil society in the dynamics of gender institutionalization of in all stages of the drawing up and implementation of development policies in order to establish periodic action plans for the integration of women in the development process as an active player and beneficiary, in Tunisia's case in south Euro-Mediterranean countries, through the creation of a technical commission« women and development»,

39-Endorses the conclusions of the second Ministerial Conference of Marrakech which recognizes that significant challenges remain, in all 43 Union for the Mediterranean partners, hampering the full and equal enjoyment of all economic, social, cultural, civil and political fundamental rights by women and also the persistent phenomenon of violence against women, in all its forms and manifestations, including domestic violence,

40- Welcomes the reference made to the rights of migrants and refugee women as well as their specific needs, recognizes that positive steps have been made in some countries to amend the Personal Status Code, but still reiterates its attachment to the principle of equal rights and duties,

41-Calls for a systematic follow-up of the Marrakech process in the ENP Action Plans and within the ENP bilateral sub-committees on Human Rights, requests at the same time as a matter of priority a clear reference to the gender mainstreaming into all policy chapters of the ENP Action Plans,

42-Is concerned by the lack of knowledge of the Istanbul/Marrakech process at the level of both governmental and non-governmental actors in the Euro-Mediterranean partner countries. Stresses the need to develop a concerted awareness raising strategy in order to ensure the visibility of this process which could start with the publication and translation of the conclusions of the Ministerial Conference of Marrakech into all relevant languages of the partnership and the organisation of public debates,

43-Asks the Committee on Women's Rights to intensify its role in the follow-up of the Istanbul/Marrakech process notably in terms of promotion of gender equality by assessing the progress made by all member countries of the Euro-Mediterranean partnership,

44-Calls for the gender equality to be integrate as one of the priority project areas of the Union for the Mediterranean (UfM), as ministers have confirmed, in their determination to combat all forms of violence against women by adopting and implementing legislative and political measures,

45-Calls for the unification of the assessment standards on the situation of women in war and conflict zones and the preparation of annual reports by neutral international and regional organizations,

46-Pays tribute to the valuable work done by women's organisations in the Euro-Mediterranean countries in supporting and promoting public campaigns aimed at improving the situation of women and considers it as fundamental to strengthen the dialogue between governmental entities and civil society organisations as well as their involvement in the preparation of and participation in all Euro-Med/UfM summits, ministerial conferences and meetings; takes the view that , in view of the 3rd Euro-Mediterranean Ministerial Conference to be scheduled in 2012, closer consultation with civil society organisations has to be established so as to benefit from their analysis and experience on the ground,

47-Insists that the dissemination and public awareness of women's rights and understanding of gender concepts and its adoption should be intensified through and by civil society and the media,

48-Calls for the international legal protection of women to be strengthened and their fundamental rights to be supported during armed conflicts in accordance with international humanitarian law,

49-Urged an increase in exchanges of experience and laws between the Euro-Mediterranean countries, and in the number of forums and international and regional meetings in order to reach a rapprochement of cultures and ideas relating to gender,

50- Stresses the need to adopt an action plan containing key feasible recommendations in order to guarantee more effectiveness:

- The existence of a pro-active policy of states and governments to fight against violence against women and strengthen a gender approach.
- Consolidating the role of Parliaments in the development and improvement of laws relating to fight against violence and reinforcing the gender approach.
- The establishment of observation mechanisms for the preparation of studies, and plans and to carry out assessments and follow -up.
- Consolidating public awareness and education.
- The creation of networks in order to establish partnerships and multiply exchanges of experiences and best practices.

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51-Instructs the President of the Assembly to forward this recommendation to the Co-presidency of the "the Barcelona Process: Union for the Mediterranean" and its Secretary General, to the Speaker of parliaments and governments of member countries of "the Barcelona Process: Union for the Mediterranean", to the Euro- Mediterranean Ministerial Conference of Foreign affairs, to the Presidency of the European Union, to the European Parliament, to the European Commission, as well as to all the institutions concerned.