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Migrant women: at particular risk from domestic violence

Report¹

Committee on Equal Opportunities for Women and Men

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Summary

During its "Stop Domestic Violence against Women" campaign (2006-2008), the Council of Europe highlighted the need to protect the victims, prosecute the perpetrators of violence and prevent violence against women. Because they are confronted with the language barrier, family pressure and often isolation, migrant women face additional difficulties in escaping violence. They are at particular risk from domestic violence.

The Parliamentary Assembly believes that member states must do everything in their power to ensure that all women, including migrant women, living within their territories have access in law and in practice to the relevant victim protection and rehabilitation facilities. It reiterates that no cultural relativism may be invoked to justify practices that infringe the fundamental rights of migrant women and women of migrant origin.

The Assembly could therefore invite member states, inter alia, to improve the legal status of migrant women who have joined their spouse through family reunion, adopt action plans and active policies addressing the specific needs of migrant women and the prevention of violence against women in migrant communities, and promote integrated and co-ordinated policies to involve men and build migrant women's capacities.

The Assembly could, moreover, invite the Committee of Ministers to take into account the specific needs of migrant women when drafting a Council of Europe convention on violence against women, which should cover, in particular, domestic violence, so-called "honour crimes" and female genital mutilation and include provisions to promote international co-operation with countries of origin. The Assembly could also encourage the Council of Europe's Centre for Global Interdependence and Solidarity (North-South Centre) to step up its co-operation programmes in the field of combating gender-based violence, including domestic violence.

1. Reference to committee: [Doc. 11613](#), reference No. 3470 of 27 June 2008.



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A. Draft resolution

1. The Parliamentary Assembly notes that migrant women in Europe face twofold discrimination based both on their gender and their origin. In addition, in communities marked by a strong patriarchal culture, they may be exposed to an aggravated risk from domestic violence. Confronted with the language barrier and family pressure, they often end up isolated and unable to express their views and have only limited access to any facilities that exist to protect the victims of domestic violence.
2. In Europe, one woman in four or five has suffered physical violence at least once in her life. The Assembly reiterates that any form of violence against women, including domestic violence, is unacceptable and constitutes a grave violation of human rights. No cultural relativism may be invoked to justify practices that infringe the fundamental rights of migrant women and women of migrant origin.
3. During its Stop Domestic Violence against Women campaign (2006-2008), the Council of Europe highlighted the need to protect the victims, prosecute the perpetrators of violence and prevent violence against women. The Assembly believes that member states must do everything in their power to ensure that all women living within their territories have access in law and in practice to the relevant victim protection and rehabilitation facilities.
4. The Assembly consequently invites the member states to:
 - 4.1. adopt suitable strategies for combating domestic violence and ensuring the protection of victims from migrant communities, in particular through:
 - 4.1.1. the granting of individual legal status to migrant women who have joined their spouse through family reunion, if possible within not more than one year after the date of arrival;
 - 4.1.2. the gathering of statistics, broken down by gender and community, to provide better insight into the nature and magnitude of the phenomenon and enable adequate strategies to be adopted;
 - 4.1.3. the provision of suitable assistance and protection services, including an interpretation service for victims;
 - 4.2. adopt dedicated action plans addressing the specific needs of migrant women who are victims of violence, including domestic violence.
5. The Assembly also invites the member states to adopt active policies for the prevention of violence against women in migrant communities, in particular through:
 - 5.1. the introduction of integrated and co-ordinated policies to build migrant women's capacities and promote equality between women and men;
 - 5.2. increased support to the non-governmental organisations that protect, assist and mentor victims of domestic violence, with due regard to gender equality and to the furtherance of human rights;
 - 5.3. the promotion of active policies for integrating migrants and combating racism and xenophobia;
 - 5.4. men's involvement in the strategies to combat violence against women in migrant communities;
 - 5.5. reinforced co-operation with migrant women's countries of origin, aimed at encouraging these states to:
 - 5.5.1. improve the status of women and reinforce their position in society;
 - 5.5.2. adopt policies to combat violence against women;
 - 5.5.3. ensure the effective use of legal apparatus for combating and preventing violence against women;
 - 5.5.4. 4 disseminate information on legislative advances in gender equality targeting foreign nationals, particularly women, who are resident in the Council of Europe member states.

B. Draft recommendation

1. With reference to Resolution ... (2009) on “Migrant women: at particular risk from domestic violence”, the Parliamentary Assembly reiterates that any form of violence against women, domestic violence included, is unacceptable and constitutes a grave violation of human rights. Cultural relativism cannot be invoked to justify practices that infringe the fundamental rights of migrant women and women of migrant origin.
2. The Assembly calls on the Committee of Ministers to instruct the Ad Hoc Committee on Preventing and Combating Violence against Women and Domestic Violence (CAHVIO) to:
 - 2.1. include in the future Council of Europe convention the severest and most widespread forms of violence against women, including domestic violence, so-called “honour crimes” and female genital mutilation (in accordance with Assembly [Recommendation 1847 \(2008\)](#));
 - 2.2. take account of migrant women’s specific needs in this context, and set out provisions guaranteeing both the protection of migrant women’s fundamental rights in the states parties to the future convention, as well as effective access to protection and rehabilitation facilities;
 - 2.3. include in the future convention international co-operation provisions concerning judicial co-operation in criminal matters, co-operation on the prevention of various forms of violence against women and the provision of protection and assistance to victims.
3. The Assembly urges the Committee of Ministers to implement the measures identified by the 8th Conference of Ministers responsible for Migration Affairs concerning the integration of migrant women and the protection of isolated and vulnerable migrant women.
4. The Assembly also calls on the Committee of Ministers to encourage the Council of Europe’s Centre for Global Interdependence and Solidarity (North-South Centre) to step up its co-operation programmes and combat gender-based violence, including domestic violence, and foster dialogue between countries of emigration and of immigration, so as to agree upon common strategies for combating gender-based violence and building women’s capacities.

C. Explanatory memorandum, by Ms Woldseth, rapporteur

1. Introduction

1. During the campaign “Stop domestic violence against women” conducted by the Council of Europe in 2006-2008,² the Parliamentary Assembly stressed the need to pay special attention to women who were migrants or of migrant origin.³ Faced with twofold discrimination founded both on their gender and their ethnicity,⁴ when subjected to violence in their families these women must overcome additional obstacles linked to the language barrier, their legal status, and family and cultural background, making it more difficult for them to avail themselves of protection and rehabilitation facilities.

2. Pursuant to the motion for a resolution tabled by Ms Memecan and others,⁵ the Committee on Equal Opportunities for Women and Men was instructed to draw up a report on Migrant women: at particular risk from domestic violence and appointed me rapporteur on 12 September 2008. In connection with the preparation of the report, the committee held an exchange of views in Paris on 23 March 2009 with Ms Stéphanie Condon, researcher at the National Institute of Demographic Studies (INED, France), and Olga Trostiansky, Chairperson of the French branch of the European Women’s Lobby.

3. It should be recalled that violence against women, especially domestic violence, is a serious and widespread breach of human rights which affects all Council of Europe member states and all social strata, and thus is not a peculiarity of migrant communities. At the same time it must be acknowledged that victims from migrant communities are confronted with specific problems. This situation calls for a special approach taking into account the cultural context of migrant communities. The specific difficulties – and possible greater risk from domestic violence – concern a disparate group of women whose migration histories and individual situations may vary.⁶ For my part, I will examine the situation of newly arrived women who do not have the nationality of the host country, although women of migrant origin (second or third generation) may also be faced with difficulties related to the cultural or social context. The situation of female refugees and women who are illegal immigrants will not be dealt with specifically in this report.

4. Violence against women is understood to mean “any act of gender-based violence, which 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 private life”.⁷ In the context of violence against migrant women which is the main focus of this report, Committee of Ministers Recommendation Rec(2002)5 on the protection of women against violence furthermore defines domestic violence as “violence occurring in the family or domestic unit, including, inter alia, physical and mental aggression, emotional and psychological abuse, rape and sexual abuse, rape between spouses, regular or occasional partners and cohabitants”.

2. Recognising the specificities of domestic violence in migrant communities for its better containment and prevention

5. The violence suffered by women in migrant communities is a phenomenon still not properly grasped in Europe – and possibly manipulated, in Europe’s tense migratory context. Some empirical studies have been carried out. However, as Ms Condon underlined during the exchange of views held in Paris on 23 March 2009 by the Assembly Equality Committee, data-collection systems vary significantly from one country to the next: for instance, the definition of “migrant women” used in the national surveys varies from the basic “foreign women” (Spain) to the whole range of female migrants and female descendants (Germany). Comparative data are therefore not available in Europe at present.

2. <http://www.coe.int/stopviolence>.

3. See Doc. 11702 on Combating violence against women: towards a Council of Europe convention (Rapporteur: José Mendes Bota, Portugal, Group of the European People’s Party).

4. See Resolution 1478 (2006), Recommendation 1732 (2006) and Doc. 10758 on Integration of immigrant women in Europe (Rapporteur: Gülsün Bilgehan, Turkey, Socialist Group).

5. Doc. 11613.

6. See, for instance, Paula Fagan, *Migrant women and domestic violence in Ireland: the experience of domestic violence service providers*, May 2008, p. 7.

7. Appendix to Recommendation Rec(2002)5 of the Committee of Ministers of the Council of Europe on the protection of women against violence.

6. It should also be underlined that women in migrant communities with patriarchal traditions sometimes suffer certain forms of domestic violence because they are sisters, daughters or wives. Certain studies seem to show that there is a continuum of forms of gender-based violence that occur within women's families or immediate circles. According to Ms Condon, the national surveys can help to contextualise the forms of violence and the motives for gender-based violence, taking account of family and social backgrounds and perceptions of relationships between women and men.

7. It is difficult to assert that migrant women undergo more or less violence than women from the host societies. I should like to limit myself to giving some figures:

7.1. In Spain, where foreign nationals represent 11.3% of the total population, 12.1% of women migrants (as against 6% of Spanish women) indicated in 2006 that they had been victims of violence at the hands of their (former) spouse at least once in their lives. Among foreign women, 4.8% (compared to 2% of Spanish women) declared themselves abused by their (former) spouse within the past year. In 2008, foreign women represented 44.3% of the total number of victims surveyed, compared to only 22.9% in 2004.⁸

7.2. According to the information forwarded by the 50 crisis centres in Norway, 56% of the women who asked for help in these centres in 2006 were of a non-Norwegian ethnic origin (as against 45% in 2003). Although one-third of these women were exposed to violence committed by a Norwegian spouse, the majority had undergone violence in families of non-Norwegian ethnic origin.⁹

7.3. In Ireland, migrant women represented 23%-33% of the persons who availed themselves of the service providers for victims of domestic violence in 2007.¹⁰

8. These figures bear witness to the specific difficulties encountered by these victims, requiring specific action. Such action must be initiated in order to propose protection and prevention strategies suiting the cultural context, and a wider offer of services to these populations.

9. The language barrier, stereotypes, racism and gender-based forms of discrimination are so many difficulties encountered by migrant women in Europe. Often newly arrived women are victims of social isolation and pressure from the family. Lack of social autonomy is compounded by the question of their legal status. In many countries of origin, the family codes and rules of personal status keep women in an inferior position. In the host country, where they enter by virtue of family reunion their authorisation to stay and reside often depends, for a probationary period, on their spouse's permit. Making a complaint and/or seeking divorce on the ground of violent acts signifies, in this case, a highly probable return to the country of origin and/or rejection by their own family.

10. This situation places many migrant women subjected to domestic violence at a disadvantage, often deterring them from making a complaint against a violent partner or spouse. Moreover, migrant women insufficiently use the assistance and protection services offered by the state because they do not master the language, because their existence is unknown to them or because use of social services is not a usual cultural practice.¹¹

11. It should be further noted that the types of violence against women recorded within migrant communities in Europe can take extreme and singular forms (so-called "honour" crimes, immolation by fire, forced marriages, female genital mutilation) justified within these communities on assertive grounds of "honour", ancestral practices or patriarchal culture attended by social control over women. Specific works of the Committee on Equal Opportunities for Women and Men address these extreme forms of violence.¹²

8. Data prepared by the delegation of the government on gender violence, based on the results of the last large-scale survey on violence against women and mentioned in the plan for addressing and preventing gender-based violence in foreign migrant populations (*Plan de atención y prevención de la violencia de género en población extranjera inmigrante* (2009-2012)).

9. Opening address by State Secretary Kjell Erik Øie (Ministry of Children and Equality) at the conference on Domestic violence in families with a minority ethnic background organised by Alternative to Violence on 29 October 2007, <http://www.regjeringen.no>.

10. Paula Fagan, *ibid.*, p.41.

11. For instance, Paula Fagan stresses that no Chinese woman victim of domestic violence had been taken into care by the assistance services although the Chinese form the second largest group of migrants in Ireland. Paula Fagan, *ibid.*, p. 42.

12. See, in particular, [Resolution 1468 \(2006\)](#) and [Recommendation 1723 \(2006\)](#) and [Doc. 10590](#) on Forced marriages and child marriages (Rapporteur: Rose-Marie Zapfl-Helbling, Switzerland, Group of the European People's Party) or [Resolution 1681 \(2009\)](#) and [Doc. 11943](#) on the urgent need for action on so-called "honour crimes" (Rapporteur: John Austin, United Kingdom, Socialist Group).

Besides, the Assembly has repeatedly made pronouncements on these subjects, particularly to reject all cultural or religious relativism that might prompt states to evade their obligation to stamp out all forms of violence against women.¹³

12. I am delighted that the Ad Hoc Committee on Preventing and Combating Violence against Women and Domestic Violence (CAHVIO)¹⁴ has recognised that the situation of migrant women deserves particular attention during the drafting of a future Council of Europe convention: migrant women are among "marginalised, vulnerable populations or populations of different cultures", and "a comprehensive and co-ordinated legal approach" is needed in order to bring into line "the respective fields of law (criminal law, civil law, family law, immigration law etc)" and to "maintain (their) effectiveness". In this context, the future convention "should take into account the particular vulnerability of certain victims such as ... migrant women".¹⁵

13. The violence committed by men against their wives or partners may also be aggravated by racism, discrimination and the sense of helplessness or social exclusion.¹⁶ Thus the combating of violence against women in migrant communities is closely linked with migrant integration policies, but also with better provision in migration policies for the gender dimension and gender-specific effects of these policies.

3. Adopting national strategies to combat and prevent domestic violence in migrant communities, afford victims better protection and build their capacities

3.1. Consolidating the status of migrant women in the Council of Europe member states

14. In numerous proceedings the Assembly has called upon the Council of Europe member states to act with diligence to combat violence against women, and to reject all cultural relativism that might be invoked to justify practices inimical to human rights. With regard to violence against women, it is necessary to rule out any interpretation of a cultural or religious kind (founded on the *Shariah* for example) that could be used to minimise or justify acts of violence against women in migrant communities, particularly in the private sphere.

15. In its [Resolution 1478 \(2006\)](#) on Integration of immigrant women in Europe, the Assembly stressed the need to enhance the status of migrant women entering Europe by virtue of family reunion. It invited the member states to "grant immigrant women arriving under family reunification arrangements a legal status independent of that of their spouse, if possible within one year of the date of their arrival" (para. 7.1.1).¹⁷ In its [Resolution 1617 \(2008\)](#) on the state of democracy in Europe - specific challenges facing European democracies: the case of diversity and migration, the Assembly called on the Council of Europe member states to consider giving migrant women a legal status independent of that of their spouse (para. 17.1.5).

16. Some states, such as Sweden, have introduced machinery to facilitate the granting of independent status and a separate residence permit to migrant women who are victims of domestic violence. The United Kingdom laid down a procedure known as the "domestic violence rule" in 2002 enabling an abused migrant woman, on production of evidence¹⁸, to obtain leave to stay in her own right.¹⁹ In 2007, France amended the code on the entry and residence of foreigners and on asylum. Accordingly, in the case of foreign spouses, when the couple are no longer living together because of conjugal violence perpetrated by the other spouse, the administrative authority must not withdraw the residence permit of the foreigner granted residence in the context of family reunion and may renew the permit, and spouses who suffer violence after arriving in France are granted temporary residence permits marked "private and family life". Foreign women can therefore obtain protection, "on condition that the prefect applies the 2007 law favourably".²⁰

13. [Document 10934](#) (19 May 2006) on Parliaments united in combating domestic violence against women, (Rapporteur Ms Cliveti, Romania, Socialist Group).

14. See www.coe.int/violence.

15. See paragraphs 16, 35 and 61.c of the interim report of the CAHVIO (CAHVIO (2009) 4 FIN).

16. Cf Paula Fagan, *ibid.*, pp.16-17 and Nadja Lehmann "Sind Migrantinnen in besonderer Weise von (häuslicher) Gewalt betroffen?" (p.7) in her contribution to the workshop on "Domestic violence from an integration standpoint", Dortmund, 24.4.2008.

17. This demand was relayed by the European Women's Lobby, particularly via its project on equal rights and equal votes for migrant women in the European Union, see <http://www.womenlobby.org>.

18. Two pieces of evidence among the following must be produced: medical report or doctor's letter certifying the injuries, a court injunction that the perpetrator of violence must not approach the victim, a police report, a letter from the social services or from a victims' refuge.

19. "The justice system as an arena for the protection of human rights for women and children experiencing violence and abuse", p. 37, edited by Dr Cathy Humphreys and Rachel Carter, final report of the project Coordination Action on Human Rights Violations (CAHRV), February 2006.

17. However, considering the covert nature of domestic violence and the linguistic, financial and sometimes administrative difficulties, ignorance of these measures or family coercion if steps are taken, the effectiveness of the measures is limited. So it seems indispensable for migrant women to be promptly granted an independent status in their own right.

18. Preventing violence against women in migrant communities, moreover, makes it necessary to consolidate the place and the role of migrant women in the societies of the host country, through the adoption of capacity-building and economic and social empowerment measures (literacy and other training; access to the labour market). Here too, men's involvement in the migrant communities proves crucial in making a success of strategies to empower women and combat violence against them.²¹ The combating of violence against migrant women must therefore come within integrated, comprehensive and co-ordinated policies which must not only protect victims but also guarantee their fundamental rights and promote equality between women and men (including in migrant communities), build the capacities of migrant women, promote their access to an independent life and encourage their participation in public and political life.²²

3.2. Promoting the adoption of specific government action plans

19. Several states in Europe have chosen to adopt national action plans dedicated to the protection of victims of intra-family violence in migrant communities.

19.1. In Norway, the Action Plan on Domestic Violence (2004-2007) allowed funding for the launch of a project to enable victims' shelter centres and local support services to acquire proficiency and knowledge relating to the needs of abused migrant women, accompanied by a training programme for the staff concerned. These measures have been supplemented by an action plan to combat forced marriages (2008-2011).²³

19.2. In Germany, Action Plan II on Fighting Violence against Women adopted in 2007 seeks to improve the protection of women migrants (particularly those from Turkey and the countries of eastern Europe) who, according to the studies carried out, are more prone to domestic violence than German women. These measures include co-operation with migrants' associations, awareness-raising and tutoring programmes aimed at women, actions aiding the integration of male and female migrants, and international action to promote the prevention of forced marriages and the enhancement of women's role.²⁴

19.3. Belgium is contemplating improving migrants' access to the Belgian legislative apparatus in respect of marital violence when preparing its next national action plan 2008-2011²⁵.

19.4. In 2007 after the passage of a General Principles Act 1/2004 on means of total protection against gender-based violence, the Spanish Government adopted a plan for addressing and preventing gender-based violence in foreign migrant populations (2009-2012) comprising five objectives: information, training of the staff concerned, awareness-raising, provision suited to the circumstances of foreign women victims of gender-based violence as well as the development of instruments for statutory reforms and co-operation between migrants' organisations and women's organisations²⁶.

19.5. Lastly, the Final Declaration of the Council of Europe Conference of Ministers responsible for Migration Affairs held in Kyiv on 4 and 5 September 2008 called on the Committee of Ministers of the Council of Europe to implement an action plan to "continue to develop measures to promote and protect the human rights of especially vulnerable migrants and persons of immigrant background, taking

20. Summary report prepared in February 2009 by Marie Jo Zimmermann, General Rapporteur (and Chair of the National Assembly commission on women's rights (France)), and Guy Geoffroy, Rapporteur, entitled "*Faut-il encore faire évoluer les lois concernant les violences à l'égard des femmes au sein du couple?*"

21. See in this connection [Resolution 1641 \(2008\)](#), [Recommendation 1853 \(2008\)](#) and [Doc. 11760](#) on involving men in achieving gender equality (Rapporteur: Steingrímur J. Sigfússon, Iceland, Unified European Left Group).

22. The need to combat violence against women through the promotion of integrated policies geared to equality between the sexes has been highlighted by the CAHVIO (see CAHVIO (2009) 4 FIN, chapter E) and supported by the Assembly Committee on Equal Opportunities for Women and Men in its document of 29 April 2009 stating its position on the scope of the future convention (AS/EGA/Inf(2009)08). The aim would be to give a fourth pillar to the future convention (a "fourth P"), complementing Prevention, Protection of victims and Prosecution of perpetrators.

23. Norway's reply to the Assembly questionnaire, AS/EGA/Inf (2008) 15 rev2.

24. *Aktionsplan II der Bundesregierung zur Bekämpfung von Gewalt gegen Frauen*, <http://www.bmfsfj.de>

25. Pauline Bourtembourg, "*Violence conjugale : des migrantes mieux protégées en Belgique*", 27 November 2007, www.syfia.org.

26. "*Plan de atención y prevención de la violencia de género en población extranjera inmigrante*" (2009-2012).

account of their specific needs and the challenges with which they are confronted, in particular ... [to] develop preventative measures and support services for elderly migrants and isolated migrant women to avoid, in particular, situations of vulnerability and abuse".²⁷

4. Working with the migrant communities and the countries of origin to further the prevention of violence against women

4.1. Support to the work of non-governmental organisations

20. As was emphasised during the Council of Europe campaign "Stop domestic violence against women" (2006-2008), non-governmental organisations (NGOs), in direct contact with the victims, perform a highly significant role. The services which they offer prove particularly important in affording migrant women access to arenas of expression, building their capacities and where necessary referring them to protection, assistance and rehabilitation facilities.²⁸

21. Migrant women's access to the counselling and assistance services made available by secular bodies founded on observance of the gender equality principle appears to me crucial in this respect. The action of these NGOs, which cater for specific publics, ought not to be considered contrary to the principle of non-discrimination, according to a recent pronouncement of the United Kingdom's highest court.²⁹

22. In the same connection, recourse to parallel structures, particularly the religious tribunals able to intervene in certain civil matters (such as marriage, divorce and inheritance), should be dismissed, even where the solutions proposed by these tribunals require the ultimate endorsement of national justice.³⁰ Admittedly the pressure brought to bear on migrant women to go before these tribunals (approachable in the migrants' mother tongue) in the event of family problems is very strong. But acts of domestic violence also come under criminal law and must lead to the punishment of the perpetrators. The remedies offered by these "tribunals" rely on religious principles (often discriminatory towards women) and may, when the mediation procedure is over, deter women from making a complaint – and from gaining access to the proper protection and rehabilitation facilities.

4.2. Enlisting contact people within the migrant communities

23. At the domestic violence hearing on "Changing mentalities: challenges and opportunities" organised in Istanbul on 6 December 2007 by the Committee on Equal Opportunities for Women and Men,³¹ the media group Hürriyet (Turkey) presented its awareness campaign to raise the general public's opposition to violence against women. Since 2005 Hürriyet has specifically targeted the Turkish immigrant community in Germany with the publication of news reports condemning violence against Turkish women. A telephone line has been provided so that women of Turkish nationality or origin can be put in touch with Turkish-speaking counsellors and social workers. This initiative relies on a network of voluntary helpers.³²

24. Some governments have produced publications specifically intended for migrants. In its information guide on equality between women and men of migrant origin, the French Ministry responsible for social cohesion and equality lists the practices forbidden in France and the types of violence that can befall women of migrant origin, together with practical information on where to go for advice and assistance.³³ The German Ministry for its part has issued a publication entitled *Tatort Familie* ("Crime scene, the family") also distributed in Turkish, Russian, Serbian and Croatian, and Arabic.

27. CDMG (2008) 43fin.

28. Mention can be made here of organisations such as Southall Black Sisters (United Kingdom, <http://www.southallblacksisters.org.uk>) or Réseau pour l'autonomie des femmes immigrées et réfugiées (France, <http://rajfire.free.fr>).

29. On 18 July 2008 the United Kingdom High Court overturned the decision of the Ealing Council to stop subsidising the organisation, Southall Black Sisters, on the ground that the services delivered were reserved for black women and women originating from minorities, held contrary to the principles of equality and cohesion.

<http://www.wluml.org/english/newsfulltxt.shtml?cmd%5b157%5d=x-157-562223>.

30. This applies to the decisions taken by the Shariah Council United Kingdom, in accordance with the 1996 Arbitration Act.

31. See AS/Ega (2007) PV 11 addendum I.

32. <http://www.hurriyet.de/haberler/gegen-hausliche-gewalt/236178/kampagne-gegen-hausliche-gewalt> (site available in German and Turkish).

33. Guide published in April 2007.

4.3. Strengthening co-operation with the countries of origin to promote women's rights and the prevention of violence against women

25. The place given by migrant communities to women is closely linked with the status which they are granted in their countries of origin. Here attention is drawn to the definite legislative advances noted by our committee. Let us mention for example Turkey (introduction of stringent measures to combat violence against women), Algeria (with the launch of a national strategy to combat violence against women in May 2007) and India (enactment of a law against domestic violence).

26. During her fact-finding visit to Morocco in October 2008,³⁴ the Assembly rapporteur Antigoni Papadopoulos (Cyprus, ALDE) also found that there was genuine political resolve to promote the status of women and combat violence against women, backed by a very active civil society. These NGOs also deal with women from Moroccan communities settled in Europe. However, the enforcement of these laws and their acceptance in society often remain insufficient. These legislative advances are often unknown in the migrant communities.

27. Under their programmes of co-operation and foreign aid, the member states of the Council of Europe and the European Union can thus play an essential part in bolstering women's rights, promoting equality in civil law and combating the violence inflicted on women in the countries of origin, on the basis of international instruments such as the United Nations Convention on the Elimination of All Forms of Discrimination against Women. In this connection, it is my view that the Council of Europe's North-South Centre could play an important role in fostering co-operation between migrants' countries of origin and of destination and agreeing trans-Mediterranean strategies for combating violence against women.

28. I also note with interest that the CAHVIO has begun a discussion of "appropriate international co-operation in respect of certain kinds of violence".³⁵ It would in fact be damaging for a migrant woman victim of domestic violence usually resident in a Council of Europe member state not to be able to benefit from the State's protection simply because she has been transferred, with her consent or forcibly, to a third country. I consider that support must therefore be given to the work of the CAHVIO, and that the future convention should envisage provisions "to ensure that the fact that victims are abroad does not constitute an impediment to their participation in the proceedings or to the exercise of their rights".³⁶

5. Recommendations

29. The Parliamentary Assembly should reiterate that any form of violence against women, domestic violence included, is unacceptable and constitutes a grave violation of human rights. Cultural relativism cannot be invoked to justify practices that infringe the fundamental rights of migrant women and women of migrant origin.

30. The Assembly should acknowledge that owing to the language barriers, the administrative impediments and the cultural context, particularly in migrant communities marked by a strong patriarchal culture, migrant women can be exposed to an aggravated risk from domestic violence.

31. The Assembly should consequently invite the member states to:

31.1. adopt suitable strategies for combating domestic violence and ensuring the protection of victims from migrant communities, notably through:

- the granting of a legal status in their own right to migrant women who have joined their spouse through family reunion, if possible within not more than one year after the date of arrival;
- the gathering of statistics broken down by gender and community providing better insight into the nature and magnitude of the phenomenon, so that adequate strategies may be adopted;
- the provision of suitable assistance and protection services, including an interpretation service for victims;

31.2. adopt dedicated action plans addressing the specific needs of migrant women who are victims of violence, domestic violence included;

34. Visit made in the course of preparing her report on "Action to combat gender-based human rights violations, including abduction of women and girls" (Doc. 11784).

35. See CAHVIO (2009) 4 FIN, paragraphs 52 to 56.

36. *Ibid.*, paragraph 55.

31.3. include the combating of domestic violence against migrant women in integrated and co-ordinated public policies geared to the building of migrant women's capacities and to equality between women and men.

32. The Assembly should also invite the member states to adopt active policies on prevention of violence against women in migrant communities, notably through:

32.1. increased support to the non-governmental organisations that protect, assist and mentor victims of domestic violence, with due regard to equality between women and men and to the furtherance of human rights;

32.2. the promotion of active policies for integrating migrants and combating racism and xenophobia;

32.3. men's involvement in strategies to combat violence against women in migrant communities;

32.4. reinforced co-operation with migrant women's countries of origin aimed at encouraging these states to:

- improve the status of women and reinforce their position in society;
- adopt policies combating violence against women;
- ensure the effective use of apparatus for preventing and combating violence against women;
- disseminate information on legislative advances in equality between women and men targeting the foreign nationals, particularly women, resident in the Council of Europe member states.

33. The Assembly should moreover invite the Ad hoc Committee responsible for drawing up a Council of Europe convention on violence against women and domestic violence (CAHVIO) to take account of migrant women's specific needs and to include in the future convention international co-operation provisions, concerning judicial co-operation in criminal matters, co-operation on the prevention of various forms of violence against women and the provision of protection and assistance to victims.

Reporting committee: Committee on Equal Opportunities for Women and Men

Reference to committee: [Doc. 11613](#), reference No. 3470 of 27 June 2008

Draft resolution and recommendation unanimously adopted by the committee on 23 June 2009

Members of the committee: Ms Pernille **Frahm** (Chairperson), Mr José **Mendes Bota** (First Vice-Chairperson), Ms Ingrida **Circene** (Second Vice-Chairperson), Ms Anna **Čurďová** (Third Vice-Chairperson), Ms Sonja Ablinger, Mr Francis **Agius**, Mr Florin Serghei **Anghel**, Ms Magdalina Anikashvili, Mr John **Austin**, Mr Lokman **Ayva**, Ms Marieluise Beck, Mr Ioannis **Giannellis Theodosiadis**, Ms Deborah Bergamini, Mr Laurent Bêteille, Ms Oksana **Bilozir**, Ms Rosa Delia Blanco Terán, Ms Olena **Bondarenko**, Mr Pedrag Bošković, Mr Han Ten Broeke (alternate: Mr Paul **Lempens**), Ms Anna Maria Carloni, Mr James Clappison (alternate: Mr Tim **Boswell**), Ms Diana Çuli, Ms Lydie Err, Ms Catherine Fautrier, Ms Mirjana Ferić-Vac, Ms Sónia Fertuzinhos, Ms Doris **Frommelt**, Ms Alena **Gajdušková**, Mr Giuseppe Galati, Ms Claude **Greff**, Mr Attila **Gruber**, Ms Carina **Hägg**, Ms Fatme Ilyaz, Ms Francine **John-Calame**, Ms Nataša Jovanović, Ms Birgen **Keleş**, Ms Krista **Kiuru**, Ms Elvira **Kovács**, Ms Angela Leahu, Mr Terry **Leyden**, Ms Mirjana Malić, Ms Assunta Meloni, Ms Nursuna **Memecan**, Ms Dangutė Mikutienė, Mr Burkhardt Müller-Sönksen, Ms Hermine Naghdalyan, Ms Yuliya Novikova, Mr Mark Oaten, Mr Kent **Olsson**, Ms Steinunn Valdis **Óskarsdóttir**, Ms Antigoni **Papadopoulos**, Mr Jaroslav Paška (alternate: Ms Tatiana **Rosová**), Ms M^a del Carmen **Quintanilla Barba**, Mr Frédéric Reiss, Ms Mailis Reps, Ms Maria Pilar **Riba Font**, Ms Andreja **Rihter**, Mr Nicolae **Robu**, Ms Jadwiga Rotnicka, Ms Marlene Rupprecht, Ms Klára **Sándor**, Ms Miet Smet, Ms Albertina Soliani, Ms Darinka Stantcheva, Ms Tineke Strik, Mr Michał **Stuligrosz**, Ms Doris **Stump**, Mr Mihal Tudose (alternate: Ms Maria **Stavrositu**), Ms Tatiana Volozhinskaya, Mr Marek **Wikiński**, Mr Paul **Wille**, Ms Betty Williams (alternate: Baroness Anita **Gale**), Mr Gert Winkelmeier, Ms Karin S. Woldseth, Ms Gisela **Wurm**, Mr Andrej Zernovski, Mr Vladimir Zhidkikh, Ms Anna Roudoula Zissi.

N.B.: The names of the members who took part in the meeting are printed in **bold**

Secretariat of the committee: Ms Kleinsorge, Ms Affholder, Ms Devaux