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Migrant women: at particular risk from domestic violence

Reply to Recommendation¹: Recommendation 1891 (2009)

Committee of Ministers

1. The Committee of Ministers has noted with interest Parliamentary Assembly [Recommendation 1891](#) (2009) on “Migrant women: at particular risk from domestic violence”. It has drawn the attention of member states' governments to the recommendation and has transmitted it to a number of intergovernmental bodies² for comments and to the Ad hoc committee on preventing and combating violence against women and domestic violence (CAHVIO) for information.

2. The Committee of Ministers agrees with the Assembly that violence against women, domestic violence included, is unacceptable and constitutes a grave violation of human rights. Custom, family, culture or religion can in no circumstances justify practices that violate women's human rights and dignity. The Committee of Ministers acknowledges the Assembly's determination for all possible measures to be taken to prevent and combat all forms of violence against women.

3. With regard to the different forms of violence against women that will be covered by the forthcoming Council of Europe convention, the Committee of Ministers refers to the comments of the Steering Committee for Equality between Women and Men (CDEG) which appear in appendix 1 to this reply.

4. With regard to the Assembly's request to the Committee of Ministers to implement the measures identified by the 8th Council of Europe Conference of Ministers responsible for Migration Affairs, the Committee of Ministers wishes to draw attention to the action plan adopted by the ministers responsible for equality between women and men at their 7th Conference in Baku, 24 and 25 May 2010, which is concerned with activities on behalf of migrant women and the full integration of a gender perspective into programmes devoted to this issue. The Committee of Ministers will consider this action plan in due course.

5. Following the adoption, at the 29th Council of Europe Conference of Ministers of Justice (Tromsø, Norway, 18-19 June 2009), of [Resolution No. 1](#) on preventing and responding to violence against women and domestic violence, the Committee of Ministers instructed the European Committee on Legal Co-operation (CDCJ), in the light of the results of the work of the Ad hoc committee on preventing and combating violence against women and domestic violence (CAHVIO), to examine the problems faced by victims of domestic violence and propose targeted solutions to reduce their vulnerability and isolation and examine the effectiveness of existing remedies. The Committee of Ministers has also asked the European Committee on Crime Problems (CDPC) to initiate work on the status and rights of victims in criminal proceedings with a view to granting them status in criminal cases.

6. The Committee of Ministers encourages the European Centre for Global Interdependence and Solidarity (North-South Centre) to develop programmes to prevent gender-based violence, including domestic violence, and to foster closer co-operation and dialogue between countries of origin and countries of destination of immigrant women. The Committee of Ministers refers to its reply to [Recommendation](#)

1. adopted at the 1094th meeting of the Ministers' Deputies (29 September 2010)

2. European Committee on Migration (CDMG), Steering Committee for Equality between Women and Men (CDEG), European Committee on Crime Problems (CDPC), Bureau of the European Committee on Legal Co-operation (CDCJ-BU), European Centre for Global Interdependence and Solidarity (North-South Centre).



[1868 \(2009\)](#) on “Action to combat gender-based human rights violations, including abduction of women and girls”. It notes that the North-South Centre remains fully committed to reinforcing programmes on equality between the sexes and the fight against serious violations of human rights, particularly gender-based violence.

Appendix 1 to the reply

Comments by the Steering Committee for Equality between Women and Men (CDEG)

1. The CDEG has noted with interest Parliamentary Assembly [Recommendation 1891 \(2009\)](#) proposing measures to combat domestic violence against migrant women. It reaffirms that for the Council of Europe custom, family, culture or religion cannot be used as an excuse for ignoring the violation of women's human rights. Protecting and promoting women's human rights means taking measures to combat any form of violation of their freedom and of their dignity.
2. It recalls that already in 1996, in the "Final report on migration, cultural diversity and equality of women and men", the Council of Europe called attention to the fact that integration policies in member states, which often encouraged tolerance within cultural diversity, did not always take into account that such an attitude was against women's interests.
3. In relation to the Parliamentary Assembly's recommendation, in paragraph 2 the Ad hoc committee on preventing and combating violence against women and domestic violence (CAHVIO) has decided that the convention should cover all forms of violence against women, whether this be physical, psychological, sexual or economic. The convention should cover all forms of sexist violence that results or could result in physical, sexual or psychological suffering or harm, including the threat of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or private life. This should include, *inter alia*, forms of violence against women such as forced marriages, deprivation of liberty, female genital mutilation and honour crimes.
4. Concerning paragraph 3 on the implementation of measures in favour of migrant women as identified by the 8th Conference of the Council of Europe of ministers responsible for migration issues, the CDEG draws attention to its action plan adopted by the ministers responsible for equality between women and men at their 7th Conference in Baku, 24 and 25 May 2010. It also includes the implementation of activities in favour of migrant women and underlines the importance of integrating a gender perspective in programmes and measures devoted to these issues, in line with the decision of the Committee of Ministers following the thematic debate on gender equality (October 2008) which requested the CDEG to pursue and extend its action for integrating a gender perspective in the Council of Europe's activities.
5. As regards the stepping up of the programmes of the North-South Centre on gender equality, the CDEG recalls, that in its previous comments on Parliamentary Assembly [Recommendation 1868 \(2009\)](#) on "Action to combat gender-based human rights violations, including abduction of women and girls", it already proposed to contribute actively to these programmes by sharing its experience and its extensive knowledge in the field of equality between women and men.

Appendix 2 to the reply

Comments of the Bureau of the European Committee on Legal Co-operation (CDCJ-BU)

The Bureau of the CDCJ-BU recalls the adoption at the 29th Council of Europe Conference of Ministers of Justice (Tromsø, Norway, 18-19 June 2009), of [Resolution No. 1](#) on preventing and responding to domestic violence which invites the Committee of Ministers to entrust the European Committee on Legal Co-operation (CDCJ), in the light of the results of the work by the Ad hoc committee on preventing and combating violence against women and domestic violence (CAHVIO), to examine challenges faced by victims of domestic violence and propose targeted solutions to increase their protection and reduce their vulnerability and examine the effectiveness of existing civil and administrative legal remedies and measures and propose further ones aimed at preventing domestic violence or responding to it. Complementarity between the work carried out by the CAHVIO and the work of the CDCJ is sought and the CDCJ is to this end taking an active part in the work of the CAHVIO.

Appendix 3 to the reply

Comments by the Executive Council of the European Centre for Global Interdependence and Solidarity (North-South Centre)

1. The Executive Council of the North-South Centre welcomes the interest shown by the Parliamentary Assembly of the Council of Europe in taking action to combat gender-based human rights violations, including the abduction of women and girls.
2. The North-South Centre feels that equality between women and men is a crucial question in developing societies, as confirmed by the Euro-Mediterranean Ministerial Conference in Istanbul. Respect for women's fundamental rights endows intercultural dialogue with an eminently positive dimension and constitutes a substantial basis for all debates on cultural diversity, as pointed out by the White Paper on Intercultural Dialogue "Living Together in Equal Dignity".
3. In line with its mission of creating platforms for North-South dialogue in order to promote respect for human rights and democratic governance as the foundation of sustainable development, the North-South Centre has been working for women's fundamental rights for many years. In particular, the issue of the role and rights of women in the Mediterranean region has been at the heart of the Trans-Mediterranean programme since its launch in 1994. The process of promoting and protecting women's rights in the Euro-Mediterranean region was started and reinforced by the North-South Centre in the conviction that women's rights are a *sine qua non* condition for true democratic governance and the reinforcement of citizenship and participation. In fact, a democratic society is judged by the way it treats its women. And women's place in Mediterranean societies is not dissociable from the challenge of reinforcing democracy and the demand for political, social and cultural reforms.
4. Like the Parliamentary Assembly, the Executive Council considers that the time has come to go a step further and endeavour to reinforce programmes on equality between the sexes and the fight against gender-based violence and pursue dialogue with countries of emigration and immigration on the goal of equality between the sexes, and civil law in particular, and the fight against serious violations of human rights.
5. The conference entitled "Political status and participation: women as actors of change in Euro-Mediterranean society" organised in Lisbon on 2 and 3 April 2009 by the North-South Centre in partnership with the Sub-Committee of the Parliamentary Assembly on equal participation of women and men in decision making, fits in with this perspective. The aim of the series of conferences on women as agents of change in Euro-Mediterranean societies, that have been held since 2006, is to take stock of women's rights in certain Mediterranean countries by looking at developments in family codes or personal status. It is a question of analysing both developments and obstacles and of defining approaches and tools for fighting these obstacles.
6. Moreover, the new Chair of the Executive Council, Mrs Deborah Bergamini, has been deeply involved as representative of the Parliamentary Assembly, in the Council of Europe's campaign against violence against women. In this spirit, an awareness-raising operation was organised on her initiative during the Venice Film Festival in September 2009, based on clips filmed by the national television stations of the Council of Europe as part of the campaign.
7. In light of the above, the Executive Council reiterates its will to develop the North-South Centre's role as a catalyst in the reinforcement of synergies among players working for the promotion of women's rights in the world, particularly in the Euro-Mediterranean and Euro-African regions.