

Provisional edition

**Action to combat gender-based human rights violations, including abduction of women and girls**

Resolution 1662 (2009)<sup>1</sup>

1. Many countries in Europe are facing today problems of forced marriages, female genital mutilation and other serious human rights violations perpetrated against women and girls because of their gender. Estimates available in various countries indicate that thousands of women and girls, mostly from immigrant communities, are vulnerable to these forms of violence. While the practices in question are prohibited in Europe, these women and girls are victimised by the actions of their own families. They are abducted, illegally confined and, in some cases, forced to return to their countries of origin and, in the name of tradition, custom or religion, are forcibly married, circumcised or enslaved.

2. While it is encouraging to observe the progress made on women's rights in some countries of emigration, it is a setback that these practices tend to persist in immigrant communities in Europe, where certain traditions and rituals stemming from their countries of origin are perpetuated in the name of custom or religion. Forced marriages and human rights violations of this kind can often be an alibi to enable a non-national spouse to enter the country through family reunification.

3. The Parliamentary Assembly reaffirms that firm action must be taken to combat any human rights violation committed against women and girls. No physical or mental endangerment of a woman or girl is excusable in the name of cultural relativism. Under existing international instruments, and in particular the European Convention on Human Rights, all Council of Europe member states have an obligation to act, with due diligence, in such a way as to prevent such violations of human rights and fundamental freedoms.

4. Recalling its [Resolution 1468](#) (2005) on forced marriages and child marriages, its [Resolution 1247](#) (2001) on female genital mutilation and its extensive work on violence against women and trafficking in human beings, the Assembly considers that member states have a duty to do everything in their power to prevent and combat these practices, at both national and international level. Political determination is essential if these practices are to be eradicated.

5. The Assembly considers that member states should act both at national level, developing policies to protect victims, prevent violations and punish the perpetrators, and at international level, promoting women's rights and action against gender-based violence. At the same time, combating practices contrary to human rights such as forced marriages, female genital mutilation and any other form of gender-based violence should become a priority in the countries of origin, along with promoting women's rights and gender equality.

6. The Assembly notes that member states have difficulty in protecting victims or potential victims of practices contrary to human rights, especially when the victims have dual nationality, because under the

rules of international private law or certain bilateral conventions, the consular missions of the member states have fewer opportunities to intervene in such cases.

7. The Assembly therefore calls on member states to do everything in their power, at national level, to:
  - 7.1. collect statistics on forced marriages and other gender-based human rights violations, and ensure that the results are analysed and followed up;
  - 7.2. amend, if they have not already done so, their legislation, so as to prohibit and penalise, without any difference in treatment, all forced marriages (in accordance with Parliamentary Assembly [Resolution 1468](#) (2005)), female genital mutilation and any other gender-based violations of human rights, also performed in the name of cultural or religious relativism;
  - 7.3. promote networking among social and political players with a view to exchanging information, and encourage concerted public action;
  - 7.4. prosecute abductions, illegal confinements and forced returns of women or girls when there is a known risk of their being subjected to practices such as forced marriage or female genital mutilation which are contrary to human rights and Council of Europe values;
  - 7.5. implement preventive measures, which might include:
    - 7.5.1. awareness and training programmes for women and girls and their family circles on respect for fundamental rights, the promotion of equality between women and men and the fight against practices contrary to human rights, particularly where these are based on gender;
    - 7.5.2. provision of information about laws and best practices, made available in the languages of the communities concerned, highlighting the risks incurred by offenders and the protection arrangements that exist;
    - 7.5.3. provision of information targeted at girls, including girls and women undergoing full-time education at school or university in the communities concerned about the protection arrangements available in the host country;
    - 7.5.4. support for non-governmental organisations with a view to informing immigrant communities about any improvements in the law with regard to women's rights that might have occurred in the countries of origin and any changes in attitudes;
  - 7.6. make arrangements to assist victims, particularly by increasing the number of safe women's refuges, so as to ensure their protection (shelters, helplines) and their social and occupational reintegration after their return to their home country;
  - 7.7. set up awareness and training programmes on gender-related violence for police forces (including border police), court staff and the judiciary, both civil and criminal and health systems;
  - 7.8. introduce an early warning system to enable relatives of victims or potential victims of gender-based violence to alert the authorities in the country of residence (and, where appropriate, its consular missions) to abductions, illegal confinements and any forced or arbitrary return of these victims to their countries of origin so that an official investigation can be launched and, where possible, introduce victim protection measures, such as issuing an order prohibiting them from

leaving the country;

7.9. introduce legal measures which make it simpler to prosecute perpetrators of the criminal offence of domestic violence against women.

8. The Assembly further invites the member states, in their international relations, to:

8.1. increase awareness of the consular staff, through training and practical guides, on gender equality issues in the countries of origin, on the existing statutory arrangements concerning women's rights and their application, and on the serious risks facing women and girls who, in the name of practices contrary to human rights, are forcibly or arbitrarily returned to their countries of origin;

8.2. develop, for consular staff in particular, clear response protocols, setting out the procedures for locating and identifying victims, for facilitating their access to the consulate of the country where they are habitually resident and for facilitating their return and reintegration;

8.3. develop co-operation procedures with the national and local authorities in the countries of origin encouraging them to intercede with the families concerned so as to prevent or stop human rights violations and, where appropriate, impose the penalties prescribed by law;

8.4. introduce co-operation programmes with non-governmental organisations in the countries of origin in order to enable victims to be located and identified and to make the establishment of contacts with the victim's family easier;

8.5. speed up the granting of a return visa to any woman or girl victim of a violation of human rights, particularly when the original residence permit has expired;

8.6. step up co-operation with the authorities of the countries of origin and, through training programmes and financial assistance for example, encourage them to:

8.6.1. amend their legislation, if they have not yet done so, to prohibit any ritual or customary practices contrary to human rights in accordance with international legal instruments, particularly the United Nations Declaration on the Elimination of Violence against Women and the Convention on the Elimination of All Forms of Discrimination against Women;

8.6.2. enact laws to give women more independence, improve gender equality and combat violence against women;

8.6.3. pursue vigorous policies to raise awareness of this legislation and ensure its effective application, both in urban and rural areas;

8.7. support non-governmental organisations in host countries and countries of origin, which play a vital role in prevention and assistance in this area and can act as a bridge between immigrant communities and their countries of origin.

<sup>1</sup> *Assembly debate* on 28 April 2009 (13<sup>th</sup> Sitting) (see [Doc. 11784](#), report of the Committee on Equal Opportunities for Women and Men, rapporteur: Mrs Papadopoulou, and [Doc. 11873](#), opinion of the Social, Health and Family Affairs Committee, rapporteur: Mr Hancock). *Text adopted by the Assembly* on 28 April

2009 (13<sup>th</sup> Sitting).