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

Opinion¹

Social, Health and Family Affairs Committee

Rapporteur: Mr Michael HANCOCK, United Kingdom, Alliance of Liberals and Democrats for Europe

I. Conclusion

1. The significance and importance of the report by Ms Antigoni Papadopoulou cannot be stressed enough. The responsibility of every Council of Europe member state to do everything in its power to protect victims or potential victims and prevent gender-related infringements of basic rights is of utmost concern.

2. A forced marriage has been defined as one conducted without the valid consent of both people, where pressure or abuse is used. Although in the Western world, forced marriage is sometimes discussed as a religious practice, no major world faith condones it. A forced marriage must be distinguished from an arranged marriage, where both parties fully and freely consent to the marriage, although their families take a leading role in the choice of partner.

3. The report rightly highlights the complexity of the problem to tackle gender-based human rights violations mainly attributable to the great pressures exerted in some immigrant or other communities in Council of Europe member states. The rapporteur identifies such pressures as resulting from patriarchal cultures where the preservation of family honours and the maintenance of ancestral customs preside over basic human rights of women and girls.

4. Such human rights violations can either take place on the territory of a Council of Europe member state, or within a third country, such as the place of origin of the woman or girl, where such a practice persists. The difficulty lies within the identification of prevention, intervention and condemnation practices, especially when the violation takes place in a third country.

5. A difficulty to take action occurs if the victim has the dual nationality. However, consular protection may allow a state party to protect its national even if the offence is committed in a third country. In this regard, the rapporteur has suggested the conclusion of bilateral agreements which has the merit to facilitate joint action between the authorities.

6. The report rightly addresses and suggests measures to be taken at national and international level. In this regard, the rapporteur notices the United Nations Declaration on the elimination of violence against women; the United Nations Convention on the Rights of the Child; and the Hague Conference on Private International Law; which call on Council of Europe member states' duty to take action and protect girls and women from such human rights violations.

¹ See Doc. 11784 presented by the Committee on Equal Opportunities for Women and Men

II. Explanatory memorandum

7. At the national level, states have the duty to help victims through early intervention and information for victims or potential victims, as well as prevention measures targeted at younger women and their families. There is a need to develop training programmes for involved parties, such as the police, magistrates, and social workers. The rapporteur underlines cases of good practices developed in certain Council of Europe member states, the experience of which should be made available to other member states to develop effective measures.

8. In 2005 the Forced Marriage Unit (FMU) has been launched in the United Kingdom. It is dedicated to preventing British nationals being forced into marriage overseas. Anyone who fears that they, or someone they know, may be forced into a marriage overseas is advised to contact the Forced Marriage Unit, on a confidential basis.

9. The Forced Marriage (Civil Protection) Act 2007 came into force in autumn 2008. The aim of the Act is to provide civil remedies for those faced with forced marriage, and victims of forced marriage. Hopes have been expressed that the approach of the Act, in using civil, rather than criminal, law provisions will encourage victims to seek protection because it would not involve reporting family members to the police. Under the Act, a person who is being forced into marriage or has been forced into marriage may apply to the court for a Forced Marriage Protection Order.

10. Contrary to the Act, I do agree with Mrs Antigoni Papadopoulou that the criminal conviction is required. However, taking into account the complexity and sensitivity of this problem, less drastic measures could prove more effective.

11. The Government has consulted on migration measures designed to combat forced marriage, including, as it was rightly stressed by Mrs Antigoni Papadopoulou in her report, raising the minimum age of the spouse and sponsor for a marriage visa from 18 to 21 and the introduction of an English language test before entry for spouses who intend to settle in the United Kingdom.

12. The Home Affairs Committee in the United Kingdom Parliament has conducted an inquiry into domestic violence including issues of forced marriages and so-called "honour killings." The Government has also outlined the steps being taken to protect children in relation to forced marriage.

13. I encourage the member states of the Council of Europe to promote similar legislations in their countries and also the importance of international co-operation to tackle violations, which take place in a third country. In this context, consulates have the duty to develop networks with the authorities in the country, and local NGOs. Consular staff requires training to become more aware and proactive.

14. During the discussion in the Committee, members stressed the following points (and I fully endorse them):

- the importance of recognising the role and responsibility of the in-country local communities, in particular to do away with the "plague" of ancient practices, such as female circumcision;
- the need for properly funded social and health services and properly qualified social workers, in dealing with gender-based human rights violation including the abduction of women and girls.

15. The rapporteur outlines a series of detailed measures to be taken by every Council of Europe member state. I congratulate the rapporteur on the thoroughness of her work and the range of actions that are suggested.

Reporting committee: Committee on Equal Opportunities for Women and Men

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Secretariat of the committee: Mr Mezei, Ms Arzilli