

SECRETARIAT GENERAL

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– Draft Convention on preventing and combating violence against women and domestic violence

Document distributed at the request of¹: the United Kingdom

Réunion : Consultations informelles du GR-J – 15 février 2011

Référence du point : 07/11 – Comité ad hoc pour prévenir et combattre la violence à l'égard des femmes et la violence domestique (CAHVIO) – Projet de Convention sur la prévention et la lutte contre la violence à l'égard des femmes et la violence domestique

Document distribué à la demande du¹ : Royaume-Uni

Amendments by the United Kingdom / Amendements du Royaume-Uni.

¹In the application of Article 21.b of the rules of procedure of the Committee of Ministers, it is understood that distribution of documents at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers (CM/Del/Dec(2001)772/1.4). / Dans le cadre de l'application de l'article 21.b du Règlement intérieur du Comité des Ministres, il est entendu que la distribution de documents à la demande d'un représentant se fait sous la seule responsabilité dudit représentant, sans préjuger de la position juridique ou politique du Comité des Ministres CM/Del/Dec(2001)772/1.4).

Draft Council of Europe Convention on preventing and combating violence against women and domestic violence (CAHVIO) (document CM(2011)3)

UNITED KINGDOM AMENDMENTS

Article 2 – Scope of the Convention

3. This Convention shall apply in times of peace, ~~and in situations of armed conflict.~~

Article 3 – Definitions

For the purpose of this Convention:

a. “violence against women” ~~constitutes a serious obstacle for women’s enjoyment is understood as a violation~~ of human rights and ~~is understood as~~ a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life;

Article 4 – Fundamental rights, equality and non-discrimination

1. Parties shall take the necessary legislative and other measures to ~~ensure that promote and protect the right for~~ everyone, particularly women, ~~to~~ live free from violence in both the public and the private sphere.

2. Parties condemn all forms of discrimination against women and ~~shall~~ take, without delay, the necessary legislative and other measures to prevent it, in particular by:

- embodying in their national constitutions or other appropriate legislation the principle of equality between women and men and ensuring the practical realisation of this principle;
- prohibiting discrimination against women, including through the use of sanctions, where appropriate;
- abolishing laws and practices which discriminate against women.

Article 5 – ~~Principles of s~~State ~~obligations responsibility, including due diligence~~

1. Parties shall refrain from engaging in any act of violence against women, ~~and ensure that state authorities, officials, agents, institutions and other actors acting on behalf of the state act in conformity with this obligation.~~

2. Parties shall take the necessary legislative and other measures to ~~exercise due diligence to~~ prevent, investigate, punish and provide reparation for acts of violence covered by the scope of this Convention that are perpetrated by non-state actors.

Article 17 – Participation of the private sector and the media

1. Parties shall, ~~while respecting the independence of the media, note the important role the media and new technologies can play in creating the climate in which violence against women is unacceptable and encourage all media to deal responsibly and sensitively with the issue of gender-specific violence.”~~ encourage the private sector, the information and communication technology sector and the media, with due respect for freedom of expression and their independence, ~~to participate in the elaboration and implementation of policies and to set guidelines and self-regulatory standards to prevent violence against women and to enhance respect for their dignity.~~

Article 37 – Forced marriage

1. Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of forcing an adult or a child to enter into a marriage is ~~subject to criminal or other effective legal sanction.~~ ~~criminalised.~~

2. Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of luring an adult or a child to the territory of a Party or state other than the one she or he resides in with the purpose of forcing this adult or child to enter into a marriage is subject to criminal other effective legal sanction, eriminalised.

Article 40 – Sexual harassment

Parties shall take the necessary legislative or other measures to ensure that any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose ~~or~~ and effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment, is subject to criminal or other legal sanction.

Article 41 – Aiding or abetting and attempt

1. Parties shall take the necessary legislative or other measures to establish as an offence, when committed intentionally, aiding or abetting the commission of the offences established in accordance with Articles 33, 34, 35, 36, ~~37~~, 38.a, and 39 of this Convention.

2. Parties shall take the necessary legislative or other measures to establish as offences, when committed intentionally, attempts to commit the offences established in accordance with Articles 35, 36, ~~37~~, 38.a and 39 of this Convention.

Article 61 – Non-refoulement

2. Parties shall take the necessary legislative or other measures to ensure that victims of violence against women who are in need of protection, regardless of their status or residence, shall not be returned under any circumstances to any country where their life would be at real risk or where they would ~~might~~ be at real risk of ~~subjected to~~ torture or inhuman or degrading treatment or punishment.

Article 78 – Reservations

2. Any state or the European Union may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, declares that it reserves the right not to apply or to apply only in specific cases or conditions the provisions laid down in:

- Article 30, paragraph 2;
 - Article 44, paragraphs 1.d., 1.e, 2.3 and 4;
 - Article 55, paragraph 1 in respect of Article 35 regarding minor offences;
 - Article 58, paragraph 1 in respect of Articles 37, 38 and 39;
 - Article 59.
- Article 60(3)