



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 11.05.1999
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Amended proposal for a

EUROPEAN PARLIAMENT AND COUNCIL DECISION

adopting a programme of Community action (the DAPHNE Programme) (2000-2004) on measures aimed to prevent and protect against violence against children, young persons and women

(presented by the Commission pursuant to Article 250 (2) of the EC-Treaty)

EXPLANATORY MEMORANDUM

1. On 20 May 1998, the Commission adopted a Communication on violence against children, young persons and women, together with a Proposal for a Council Decision on a medium-term Community action programme on measures in this field (the DAPHNE Programme) (2000-2004)(COM(1998) 335 final). The legal base of the Proposal was Article 235 of the EC Treaty.
2. On 16 February 1999 the Commission amended the legal base of the Proposal to Article 129 of the EC Treaty (Public Health). This will be replaced by Article 152 of the Amsterdam Treaty with effect from 1 May 1999.
3. On 16 April the European Parliament held its First Reading under the co-decision procedure and adopted 36 amendments to the Proposal. The Commission accepts 16 of these amendments in their entirety, 4 in part and 6 with minor re-wording. It rejects the remaining 10 amendments. The Commission is amending the legal base accordingly.

Amended proposal for a

EUROPEAN PARLIAMENT AND COUNCIL DECISION

adopting a programme of Community action (the DAPHNE Programme) (2000-2004) on measures aimed to prevent and protect against violence against children, young persons and women

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 152 thereof,

Having regard to the proposal from the Commission,¹

Having regard to the opinion of the Economic and Social Committee,²

Having regard to the opinion of the Committee of the Regions,³

Acting in accordance with the procedure referred to in Article 251 of the Treaty,

- (1) Whereas all acts of physical, sexual and psychological violence against children, young persons and women constitute a breach of their right to life, safety, freedom, dignity and physical and emotional integrity and a serious threat to the physical and mental health of the victims of such violence and can be considered a major health scourge;
- (2) Whereas it is important to recognise the serious immediate and future long-term implications for health, psychological and social development, and for the equal opportunities of those concerned, that violence has for individuals, families and communities and the high social and economic costs to society as a whole;
- (3) Whereas these principles have been recognised by the Convention of 1979 on the Elimination of All Forms of Discrimination against Women, the United Nations Convention of 1989 on the Rights of the Child, the Vienna Declaration of 1993 on the elimination of violence against women, the Declaration and Platform of Action adopted at the IVth Conference on Women

¹ OJ C 89, 30.3.1999, p. 42

² OJ

³ OJ

held in Beijing in 1995 and the Stockholm Declaration of 1996, as well as the Plan of Action against the Sex Trade and the Exploitation of Minors;

- (4) Whereas the European Parliament, in its Resolutions of 18 January 1996 on trafficking in human beings,⁴ 19 September 1996 on minors who are victims of violence⁵, of 12 December 1996 on measures to protect minors in the European Union⁶ and of 16 September 1997 on the need to establish a European Union-wide campaign for zero tolerance of violence against women⁷ and of 16 December 1997 on trafficking in women for the purpose of sexual exploitation⁸ has called upon the Commission to draw up and implement action programmes to combat such violence;
- (5) Whereas according to the World Health Organisation's definition health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity; whereas, in accordance with point (p) of Article 3 of the Treaty, Community action shall include a contribution to the attainment of a high level of health protection;
- (6) Whereas the Commission, in its Communication of 24 November 1993 on the framework for action in the field of public health⁹, identified, inter alia, the prevention of injuries as an important area for action in the public health field; whereas in this context on 25 January 1999 a Decision of the European Parliament and the Council was adopted on a programme Community action on injury prevention;
- (7) Whereas, by providing support for acquiring better knowledge and understanding of, and wider dissemination of information about violence against women, young persons and children and by developing actions complementary to existing Community programmes and actions, while avoiding unnecessary duplication, the programme will contribute greatly to curbing exploitation and ensuring a high level of human health protection, taking into account its physical, mental and social aspects, and a high quality of life;
- (8) Whereas direct action concerning violence against women, young persons and children is in essence part of Member States' activity at national, regional or local level;
- (9) Whereas the Community can provide added value to the actions of Member States concerning the prevention of and protection against violence, abuse and sexual exploitation perpetrated against women, young persons and children through the dissemination and the exchange of information and experiences, promoting an innovative approach, the joint establishment of priorities, the development of networking as appropriate, the selection of Community-wide projects and the motivation and mobilisation of all involved;

⁴ OJ C 32, 5.2.1996, p 88.

⁵ OJ C 320, 28.10.1996, p. 190.

⁶ OJ C 20, 20.1.1997, p. 170.

⁷ OJ C 304, 6.10.1997, p. 55.

⁸ OJ C 14, 19.1.98, p.39

⁹ COM(93) 559 final

- (10) Whereas this programme can bring added value by identifying and stimulating good practice, by encouraging innovation and by exchanging relevant experience concerning actions undertaken in the Member States, including an exchange of information relating to the various laws and the results achieved;
- (11) Whereas, therefore, in accordance with the principles of subsidiarity and proportionality as set out in Article 5 of the Treaty, the objectives of the proposed measure can be better achieved by the Community; whereas this Decision confines itself to the minimum required in order to achieve those objectives and does not go beyond what is necessary for that purpose;
- (12) Whereas active partnership between the Commission, the Member States and non-governmental organisations (NGOs) and in particular organisations concerned with women's and children's welfare and quality of life needs to be promoted in this area and synergy between all the relevant policies and measures encouraged by promoting cooperation between NGOs and regional and local authorities;
- (13) Whereas, in order to achieve the objectives of the programme and use the resources available in the most efficient way, the areas in which work is to be done must be carefully chosen by selecting projects which offer a greater added value and show the way towards trying out and disseminating innovative ideas to prevent and protect against violence, within a multidisciplinary approach;
- (14) Whereas cooperation with the international organisations active in relevant fields including the field of public health, education and development and with third countries should be fostered, as well as with all those likely to be involved in preventing and protecting against all forms of violence;
- (15) Whereas provision should be made for opening up this programme to participation by the applicant countries in the pre-accession phase, in conformity with the conditions established in the relevant agreements, particularly the association agreements and the additional protocols to those agreements;
- (16) Whereas, in order to increase the value and impact of the programme, a continuous assessment of the actions undertaken should be carried out, with particular regard to their effectiveness and the achievement of the objectives set and with a view, where appropriate, to making the necessary adjustments;
- (17) Whereas this programme should be of five-year duration in order to allow sufficient time for actions to be implemented to achieve the objectives set;
- (18) Whereas for the purposes of the application of this Decision, the Commission should be assisted by an advisory committee;
- (19) Whereas an agreement on a *modus vivendi* between the European Parliament, the Council and the Commission concerning measures for the implementation of acts adopted under the procedure laid down in Article 251 of the Treaty was reached on 20 December 1994;

- (20) Whereas this decision lays down a financial framework constituting the principal point of reference, within the meaning of point 1 of the Declaration of the European Parliament, the Council and the Commission of 6 March 1995, for the budgetary authority during the annual budgetary procedure;
- (21) Whereas the financial framework for the programme (2000-2004) shall be determined after the establishment of the future financial perspectives,

HAVE DECIDED AS FOLLOWS:

Article 1

Establishment of the programme

1. A programme of Community action on measures aimed to prevent and protect against violence, abuse and sexual exploitation perpetrated against children, young persons and women, hereinafter referred to as "the programme", is hereby adopted for the period 1 January 2000 to 31 December 2004.
2. The aim of the programme is to contribute towards ensuring a high level of protection of physical and mental health and social well-being and of support in relation to children, young persons and women who are victims or potential victims of violence. It further aims to increase knowledge and expertise at Community level, including knowledge of the legislative instruments applied in the Member States, in methods and techniques designed to anticipate and prevent the effects of violence against children, young persons and women. It further aims to assist and encourage NGOs and voluntary organisations active in this field.
3. The actions to be implemented under the programme and their specific objectives are set out in the Annex and involve:
 - (a) the setting-up of multidisciplinary networks, the exchange of information and coordination and cooperation at Community level;
 - (b) the raising of public awareness and the exchange of best practice;
 - (c) complementary actions.

Article 2

Implementation

1. The Commission shall ensure implementation, in close cooperation with the Member States, of the actions referred to in Article 1(3).
2. The Commission shall cooperate with institutions and organizations active in the field of prevention of and protection against violence against children, young persons and women, and of the rehabilitation of victims, in particular

NGOs and voluntary organisations. It shall promote cooperation between such NGOs and national, regional and local authorities

3. The Commission shall ensure a balanced approach, in respect of the two target groups, namely women and children, with regard to the implementation of the programme.

Article 3

Budget

1. The financial framework for the implementation of the five-year programme (2000 - 2004) shall be established at €25 million.
2. The annual appropriations shall be established by the Budgetary Authority in accordance with the financial perspectives.

Article 4

Consistency and complementarity

The Commission shall ensure that there is consistency and complementarity between the Community actions to be implemented under the programme and those implemented under other relevant Community programmes and measures.

Article 5

Committee

1. For the purpose of the application of this Decision, the Commission shall be assisted by a committee of an advisory nature composed of the representatives of the Member States and chaired by the representative of the Commission.

The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft, within a time-limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account.

2. The Committee shall draw up its own internal rules of procedure.

Article 6

Functions of the Committee

1. The Committee, acting in accordance with the procedure laid down in Article 5 shall assist the Commission in particular concerning:
 - (a) the criteria, and procedures for selecting and financing projects under the programme;
 - (b) the monitoring and evaluation procedure.
2. The representative of the Commission shall keep the Committee regularly informed about the overall state of progress of the programme.

Article 7

International cooperation

1. In the course of implementing the programme, cooperation with third countries and with international organisations competent in the field of public health, education and development shall be fostered as well as with all those likely to be involved in preventing and protecting against all forms of violence.
2. The programme shall be open to participation by the EFTA/EEA countries in accordance with the conditions fixed in the EEA Agreement. The programme shall be open to participation by the associated countries of Central Europe (CEC), in accordance with the conditions laid down in the Association Agreements or Additional Protocols related thereto concerning participation in Community programmes. The programme shall be open to participation by Cyprus on the basis of additional appropriations in accordance with procedures to be agreed with that country.

Article 8

Monitoring and evaluation

1. In the implementation of this Decision, the Commission shall take the necessary measures to ensure the monitoring and continuous evaluation of the programme taking account of the general and specific objectives referred to in Article 1 and in the Annex.
2. Each year the Commission shall submit progress reports to the European Parliament and the Council. During the third year of the programme, the Commission shall present to the European Parliament and to the Council an evaluation report.
3. The Commission shall submit to the European Parliament and the Council a final report on completion of the programme.

4. The Commission shall incorporate into the reports referred to in paragraphs 2 and 3 information on Community financing in the various fields of action and on complementarity with the other actions referred to in Article 4, as well as the results of the evaluations. It shall also send them to the Economic and Social Committee and the Committee of the Regions.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

ANNEX

SPECIFIC OBJECTIVES AND ACTIONS

I. ACTIONS TO SET UP MULTIDISCIPLINARY NETWORKS AND TO ASSURE EXCHANGE OF INFORMATION, COORDINATION AND COOPERATION AT EUROPEAN COMMUNITY LEVEL

Objective: to support and encourage non-governmental organisations and voluntary organisations (NGOs) to work together with each other and with officials of different public bodies involved

1. Support for the establishment and strengthening of multidisciplinary networks involving NGOs from different Member States and the participating applicant countries in order to ensure coordination and cooperation and to facilitate the exchange of information and experiences concerning actions undertaken in the Member States.
2. Encouragement and support of cooperation between NGOs of the Member States and the participating applicant countries and officials of the various public bodies concerned at national, regional and local level, in order to improve on both sides the level of knowledge and understanding of each other's role and to exchange relevant information and experiences concerning actions undertaken in the Member States, in particular on innovative pilot projects.

The networks shall in particular carry out activities to address the problems of violence that will :

- (1) characterise different types of violence and assess the causes and the physical and mental health as well as the social well-being consequences of violence;
- (2) assess the types and effectiveness of measures to prevent violence and sexual exploitation and support the rehabilitation of victims as well as the effectiveness of repressive measures;
- (3) promote activities to tackle this problem at both international and national level.

II. ACTIONS AIMED AT THE RAISING OF PUBLIC AWARENESS AND THE EXCHANGE OF BEST PRACTICE

Objective: to raise public awareness about violence and the prevention of and protection against violence against children, young persons and women, including trafficking for the purpose of sexual exploitation, commercial sexual exploitation and other sexual abuse and to encourage the exchange of best practice

3. Promotion of information campaigns and pilot projects and awareness raising activities among the general public and, in particular, among children and young persons, educators and other categories involved about potential risks of violence and of ways of avoiding them.
4. Development of a Community-wide information source to assist and inform NGOs and public bodies of publicly available information compiled by governmental, NGO and academic sources relevant to the field of violence, its prevention and rehabilitation of victims, and the means to prevent it, as well as the provision of information about all measures and programmes on this subject under the auspices of the EC. This should enable information to be integrated into the public health information system established under the injury prevention programme, as well as other relevant information systems.
5. Research programmes in the field of violence and sexual abuse and the means of their prevention with the aim, inter alia, of identifying the most effective procedures for preventing and protecting against violence and for examining the social and economic costs thereof.
6. Stimulation and exchange of best practice at Community level on the support and protection of children, young persons and women at risk, with special emphasis on the following areas:
 - prevention (general or targeting specific groups at risk);
 - protection and support to victims (psychological and medical assistance, training and reintegration into social and working life);
 - procedures to ensure the interests of children, young people or women who are the victims of violence.
7. Encouragement of the introduction of measures to increase the reporting to the authorities of violence against women, children and young persons and different forms of trade in women for sexual exploitation.

III. COMPLEMENTARY ACTIONS

In addition, the programme will finance studies, meetings of experts, seminars, information and publications directly connected with the realization of the action of which they are an integral part, as well as the technical and administrative assistance expenditure, to the mutual benefit of the Commission and the beneficiaries of the operation and not falling within the permanent tasks of the public service, connected

with the identification, preparation, management, monitoring, auditing and control of the programme or project.

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