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REPORT

on the current situation in combating violence against women and any future
action
(2004/2220(INI))

Committee on Women's Rights and Gender Equality

Rapporteur: Maria Carlshamre

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the current situation in combating violence against women and any future action (2004/2220(INI))

The European Parliament,

- having regard to the United Nations legal instruments in the field of human rights and notably of women's rights, such as the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, the Convention on the Eliminations of All Forms of Discrimination Against Women and its Protocol, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
- having regard to other UN instruments on violence against women, such as the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, the Declaration by the United Nations General Assembly on the Elimination of Violence against Women of 20 December 1993¹, the Resolution on the Elimination of Domestic Violence against Women², Resolution on the Elimination of crimes against women committed in the name of honour³, the Resolution on crime prevention and criminal justice measures to eliminate violence against women⁴, the reports by the UN Special Rapporteurs on violence against women, the general recommendation No. 19 by the CEDAW committee,
- having regard to the Platform for Action adopted at the Fourth World Conference on Women held in Beijing on 15 September 1995 and its resolution of 18 May 2000 on the follow-up to the Beijing Action Platform⁵,
- having regard to Charter of Fundamental Rights of the European Union of 7 December 2000,⁶
- having regard its resolution of 16 July 1997 on the need to establish a European Union-wide campaign for zero tolerance of violence against women, Committee on Women's Rights,⁷
- having regard to its resolution of 10 March 2005 on the follow-up to the Fourth World Conference on Women - Platform for Action (Beijing + 10),⁸
- having regard to its resolution of 20 September 2001 on female genital mutilation⁹,

¹ UN General Assembly resolution 48/104 of 20 December 1993

² UN General Assembly resolution 58/147 of 19 February 2004

³ UN General Assembly resolution 57/179 of 30 January 2003

⁴ UN General Assembly resolution 52/86 of 2 February 1998

⁵ OJ C 59, 23.2.2001, p. 258.

⁶ OJ C 364/01, 18.12.2000, p. 1.

⁷ OJ C 286, 22.9.1997, p. 247.

⁸ P6_TA(2005)0073.

⁹ OJ C 77 E, 28.3.2002, p. 126.

- having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Women's Rights and Gender Equality and the opinion of the Committee on Civil Liberties, Justice and Home Affairs (A6-0404/2005),
- A. whereas Article VI of the UN Declaration on the Elimination of Violence against Women that states that "Nothing in the present Declaration shall affect any provision that is more conducive to the elimination of violence against women that may be contained in the legislation of a State or in any international convention, treaty, or other instrument in force in a State,
 - B. whereas men's violence against women is not only criminal but also a serious social problem; whereas men's violence against women represents a general violation of human rights — the rights to life, safety, dignity and physical and mental integrity — and is therefore an obstacle to the development of a democratic society,
 - C. whereas men's violence against women can affect women of any age, irrespective of education, income or social position; whereas large-scale prevalence studies in Sweden, Germany and Finland show that at least 30 - 35 % of women between 16 and 67 have at onetime been victims of physical or sexual violence¹; and if psychological violence is included the figures raise to between 45-50 %,
 - D. whereas men's violence against women is a universal phenomenon linked to the unequal distribution of gender power which still characterises our society; whereas the lack of equality is also a reason why this type of crime has not been sufficiently highlighted and prosecuted,
 - E. whereas the kind of violence affecting women is typically perpetrated by close relatives or by partners,
 - F. whereas, in addition to taking measures to help the victims of violence, there is also need for proactive and preventive strategies aimed at the perpetrators and those at risk of becoming perpetrators of violence and making for effective, proportionate, and dissuasive penalties,
 - G. whereas unequal distribution of gender power lies at the root of all violence against women; whereas the types of violence affecting women can vary according to cultural tradition, ethnic origin, or social background; whereas female genital mutilation, so called crimes of honour and forced marriages are now a reality in the European Union as well,
 - H. whereas men's violence against women often occurs in secret, in the home, and can do so because society does not impose adequate penalties; whereas deep historically and culturally rooted norms are often a factor in legitimising men's violence against women,
 - I. whereas only a few Member States have gathered data and compiled statistics relating to the prevalence of different forms of men's violence against women, making it difficult to understand the real extent of such violence and consequently to draw up an efficient response at institutional level,

- J. whereas no detailed EU-level study has been carried out into the financial costs and social and human consequences of men's violence against women; whereas, however, it is vital to do so in order to highlight the phenomenon and combat this serious violation of human rights,
- K. whereas men's violence against women is an important factor in the lives of women and girls becoming victims of trafficking in human beings for sexual exploitation or other purposes and prostitution; whereas surveys show that 65-90% of prostituted women had already been subjected to sexual abuse as children or later,
- L. whereas men's violence against women is an obstacle to women's participation in society and the labour market and can lead to marginalisation and poverty,
- M. whereas there is a large number of reports showing that women are most at risk of severe violence from their (former) spouse during, or shortly after, separation,
- N. whereas violence against women as mothers directly and indirectly affects and has long-lasting negative effects on their children's emotional and mental health, and can create a cycle of violence and abuse which is perpetuated through generations,
- O. whereas apart from their frequent economic dependence, one important reason for women not to report being victims of violence, in particular domestic or sexual violence, is a lingering myth in society that they are to blame for the violence or that it is a private matter as well as a desire to hold their relationship and family together and the whereas another reason why women do not report violence is the lack of trust and confidence in the police, the judicial system and social services,
- P. whereas the risk of men perpetrating violence against women increases in a society which does not take a sufficiently strong and clear stand against it; whereas legislation and its actual enforcement are important instruments in combating violence,
- Q. Whereas in the Communication from the Commission to the Council and the European Parliament, establishing for the period 2007-2013 a Framework Programme on Fundamental Rights and Justice (COM(2005)0122), fighting violence against women, children and young people plays a very important role, as part of the effort to create a real area of freedom, security and justice,
- R. Recalling that, as stated by the Vice-President of the European Commission, Mr. Franco Frattini, in his speech to the European Parliament on 21 June 2005, there is estimated to be at least 700-900 women who die each year from intimate partner violence in Europe and that even this number is considered to be underestimated,

A) Violence against women

- 1. Recommends, as regards men's violence against women, the Commission and the Member States:
 - (a) to regard it as a violation of human rights reflecting unequal gender power relations in

our society, and adopt an approach in policy making capable of encompassing all the facets of this phenomenon, including effective methods of prevention and punishment;

(b) to regard men's violence against women as a structural phenomenon and a crucial barrier to efforts to overcome inequality between women and men;

(c) to have zero tolerance of to all forms of violence against women

(d) to adopt a framework for cooperation between governmental and non-governmental organisations with a view to developing policies and practices to combat the phenomenon of domestic violence;

(e) to establish harmonised methodology, definitions and criteria, in cooperation with Eurostat, the Fundamental Rights Agency and the future Gender Institute, in order to gather comparable and compatible data throughout the European Union concerning men's violence against women, especially comprehensive studies of prevalence;

(f) to appoint national rapporteurs to gather, exchange and process information and statistics on men's violence against women, including information on children growing up in violent environments, and promote the exchange of best practice between Member States and the accession and candidate countries;

(g) to highlight in all work relating to men's violence against women how such violence affects the children,

(h) to establish a single system of recording instances of assault by all the competent authorities, such as the judicial and police authorities, hospitals and social services, in order to ensure joint recording of the data and greater scope for utilising them;

(i) to provide appropriate education and training for professionals responsible for recording incidents and data relating to domestic violence so that they carry out their duties with the required consistency;

(j) to earmark funds for investigation into the costs of men's violence against women in the EU;

(k) to establish the necessary means to monitor the activity and progress of potential Member states regarding treatment of women in all areas of society, and to make the safety and treatment of women a criteria for accession;

(l) to develop programmes and surveys targeting women who are members of culturally specific communities or ethnic minority groups, with a view to obtaining an account of the specific forms of violence that these women encounter and planning appropriate methods of dealing with them;

B) Domestic violence

2. Calls on the Member States to establish partnership schemes between the law-enforcement authorities, NGOs, victims' refuges, and any other appropriate authorities and to intensify cooperation in order to ensure effective implementation of laws combating men's violence against women, and to sensitize officials at all levels to issues regarding men's violence against women;
3. Urges the Member States to take appropriate measures concerning men's violence against women in their respective national law, in particular:
 - (a) to recognize marital sexual violence as a crime; and make rape within marriage a criminal offence;
 - (b) not to accept any reference to cultural practice as an extenuating circumstance in cases of violence against women, crimes of honour and genital mutilation;
 - (c) to cooperate and exchange best practice information with the authorities in countries with more experience of crimes of honor;
 - (d) to ensure victims' right to safe access to justice and effective enforcement, including by providing for compensation;
 - (e) to encourage the prosecution of accomplices to the honour crime, such as family members of the perpetrator who have encouraged or ordered the honour crime, in order to state firmly that such behaviour is unacceptable in society;
 - (f) to take account of the fact that children who witness their mothers being battered could be regarded as victims, and thus consider whether they should be entitled to damages in accordance with national law;
 - (g) to consider the risks of joint custody with the perpetrator of violence and establish effective measures that will ensure safe custody exchange in cases of separation and divorce;
 - (h) not to accept any references to intoxication by alcohol as extenuating circumstances in cases of men's violence against women;
4. Calls on the Member States to take appropriate measures to ensure better protection and support of victims and those at risk of becoming victims of violence against women by:
 - (a) providing qualified protection and legal, medical, social and psychological services and aid, including police protection;
 - (b) providing proper training, including a child's perspective, to the staff of competent bodies dealing with men's violence against women, such as police officers, judicial personnel, health personnel, educators, youth and social workers, and prison staff; in the event of treatment in the form of talk therapy, it is particularly important that the child psychologist or therapist concerned is familiar with men's violence against women so that the father's violence against the mother and/or the child is not diminished or trivialised;

- (c) recognising the importance of providing support to victims, both women and children, to help them become financially and psychologically independent of the perpetrator;
 - (d) providing all necessary assistance, including transitional housing, to women and their children in cases of separation or divorce;
 - (e) providing safe shelters including sufficient financial resources;
 - (f) providing for a minimum income for women who have no other income to enable them to find ways of reintegrating into society as a whole in relative safety, in cooperation with the advisory centres throughout;
 - (g) investigating the possibility of setting up 'multi-agencies' where victims can contact the necessary authorities: representatives from the police, the public prosecutor and social and health services;
 - (h) planning services and centres for the care and support of children of women who are victims of violence;
 - (i) providing social and psychological support to children who have witnessed domestic violence;
 - (j) providing free testing for diseases in cases of rape;
 - (k) ensuring that all perpetrators of violence receive professional help and treatment;
 - (l) providing proper protection for immigrants, especially single mothers and their children, who often do not have adequate means of defence or knowledge of available resources to counter domestic violence in Member States;
5. Calls on Member States to make use of the Daphne II programme in order to combat honour crimes in the Member States, to build and support more shelters for women who are victims of violence in general and honour crimes in specific, and to train experts who specialize in dealing with honour crime victims;
 6. Calls on the European Union to address the problem of honour crimes, which has become a European problem with cross border implications, and calls on Commissioner Frattini to follow up on his promise to organize a European conference on the issue;
 7. Calls on the Member States to act in order to lift the secrecy still surrounding men's violence against women in society, especially domestic violence, and to adopt measures to raise collective and individual awareness about men's violence against women;
 8. Calls on the Member States to develop public awareness and information programmes on domestic violence and to reduce the social stereotyping of the position of women in society through the education systems and the media;
 9. Calls on the Member States to take appropriate measures to stop female genital mutilation; stresses that preventing and banning female genital mutilation and

prosecuting perpetrators must become a priority in all relevant European Union policies and programmes; points out that immigrants residing in the Community should be aware that female genital mutilation is a serious assault on women's health and a violation of human rights; calls in this context on the Commission to devise a comprehensive strategic approach at European level with the aim of putting an end to the practice of female genital mutilation in the European Union;

10. Urges Member States to define acts of female genital mutilation as an illegal act of violence against women, which constitutes a violation of their fundamental rights and a serious aggression against their physical integrity; regardless of where or in which country this act occurs against EU citizens or residents, it remains illegal;
11. Calls on Member States to either implement specific law provisions on female genital mutilation or to adopt such laws and to prosecute each person who conducts genital mutilation;
12. Calls for doctors who conduct genital mutilation of young women and girls not only to be prosecuted but also to have their practising licence withdrawn;
13. Calls on these Member States to ensure that parents are held legally liable when such acts of genital mutilation occur on minors;
14. Calls on the Member States to ensure that genital mutilation be considered a reasonable argument for an asylum claim in order to protect the asylum seeker from inhuman treatment;
15. Asks the Commission to declare a European Year against men's violence against women, as repeatedly requested by Parliament, and produce a work plan to enable the phenomenon to be highlighted more clearly and provide means of speaking out against the current situation;
16. Calls on the Commission to establish a program "Fight against violence" as a separate part of the General Program "Fundamental Rights and Justice" for the period 2007-2013;
17. Considers it of utmost importance that reliable statistics exist regarding women's reporting of brutal or inhuman treatment to the law enforcement authorities;
18. Regrets that, as the above-mentioned reporting is usually left unrecorded when no action is taken by law enforcement authorities, the statistics remain untrustworthy and unreliable;
19. Calls therefore on the Member States to ensure that all reports by women of brutal or inhuman treatment are recorded, as well as the percentage of cases in which the law enforcement authorities took action and which types of action were used;
20. Recalls that the burden of proof is often placed on women who are already in a disadvantaged situation;

21. Calls on the Commission to establish a mechanism on the basis of which it would be possible to identify those Member States in which the situation of violence against women appears to be comparatively worse;
22. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, health-care professional bodies and consumer organisations.

EXPLANATORY STATEMENT

Men's violence against women is an extensive and complex problem. This report confines itself, primarily, to men's violence against women in close relationships within the EU. Initially, there is a need to answer a fundamental question. To what extent should political decisions concerning men's violence against women be taken at European level?

The point of departure for this report is that there are significant arguments in favour of a serious attempt also to find common guidelines and minimum requirements at European level as well. The most crucial argument is that men's violence against women is a violation of human rights. Above all, the violence typically perpetrated against women is not prosecuted as vigorously as the violence typically perpetrated against men.

A common requirement of all Member States of the EU is that they must fulfil the fundamental criteria applying under the rule of law. Obviously, violence has no place in a civilised society. Naturally there are national and regional differences in laws and case-law within the EU but, for example, a country which does not consider murder to be a criminal offence could not become a member. One of the most important tasks under the rule of law is precisely to protect citizens' lives and health against violence.

This fundamental idea was introduced in 1690 by the British philosopher John Locke in his classic work 'Two Treatises on Government'. A government should be regarded as a tool for the defence of fundamental rights, the most fundamental civil right being the right to life and physical safety. This is the moral, normative basis for the State and, hence, its *raison d'être*. Citizens confer their right to legislate and rule on the State but this presupposes in turn that the State fulfils its basic commitment, i.e. to protect the lives, freedom and property of its citizens. Any State which fails in this task has broken the contract. On the basis of that principle, it can be shown that men's violence against women is a challenge to the contract of which all common policy is an expression. All violence is a challenge to our civilisation, to the rule of law, regardless of victim or perpetrator.

The fundamental point in this context, however, is that, in the EU, there is a systematic discrepancy between how crimes of violence are treated and punished depending on the gender of the victim.

The violence to which men are typically subjected occurs in a public environment and is perpetrated by a male acquaintance or stranger, whereas women are subjected to violence in a private environment where the perpetrator is a man known to the victim, very often a man with whom the woman has, or has had, a sexual relationship. It does occur that women batter men in close relationships but the overwhelming proportion of violence in these contexts has a male perpetrator and a female victim. The most crucial difference politically is that private violence against women is not prosecuted as vigorously or seriously as public violence against men.

While violence in the street or other public environments - which primarily affects men - has been a criminal offence for centuries, it is relatively recent that violence occurring in the home and in private life - which primarily affects women - has also been made a criminal

offence.

Well into the 20th century, Europe had laws which in various ways excused domestic violence by men against women and children. In many Member States, for example, men's violence against women in the home was not a crime subject to public prosecution until the later decades of the 20th century, in some countries as late as the 1990s. The remnants of this historical legacy live on in the EU; we can see it in case-law, attitudes and perceptions about the less serious nature of private violence.

However, towards the end of the 1990s, views of the violence to which women are subjected began to change. The seminal document was *The Declaration on the elimination of violence against women* adopted by the UN General Assembly in 1993. This was the first time that a UN document had put men's violence against women in a gender power perspective; it explicitly links violence to the superior position of men and the subordinate position of women. From this point of view, the violence is a result of, and a way of maintaining men's position of power:

Violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men (United Nations 1993).

Violence against women is not simply confined to physical violence, and the separation between private and public has disappeared. Unfortunately, this division is still far too typical of how we deal with the issue of men's violence against women in practice, particularly the perception that the State should not interfere in the private lives of its citizens. This notion has also been instrumental in the law enforcement agencies' systematic failings in prosecuting men's violence against women. This discrimination is a violation of fundamental democratic and human rights, which is a serious matter in its own right.

The extent of men's violence against women is also a major social problem. There are as yet no reliable studies showing exactly how great the problem is at EU level but the three national prevalence studies carried out in Finland in 1999, Sweden in 2001 and Germany in 2004 indicate that previous assessments have vastly underestimated the extent of the problem. Using the UN's definition of violence against women as their point of reference, these studies show that 40 - 50% of women in these three countries have at some point in their lives been subjected to violence by a man. The corresponding figure for the EU as a whole would be very high: 80 - 100 million women. Obviously, effective measures must be based on correct facts and figures. The need for similar studies in other Member States is therefore acute. Neither is it known how much this violence costs the EU in purely economic terms. There is also a need for a fundamental analysis in this area.

Since March 2004, Amnesty International has been waging a global campaign against violence against women, which it describes as one of the most serious violations of human rights of our age. Amnesty points out that a large number of states with operational legislation in this area systematically fail to investigate and prosecute these crimes. Your rapporteur shares Amnesty's views in this respect.

A majority of the men who batter have themselves seen their father batter their mother.

According to Save the Children, there are between 100 000 and 200 000 children in Sweden alone who see and hear such physical abuse. The corresponding figure for the Union as a whole would be 5 - 10 million children. It is an old axiom that children do not do as we say but as we do. It is therefore crucial to take a serious view of men's violence against women in close relationships as a decisive issue for the future of Europe. Only then can we put an end to this barbaric tradition.

In the light of this situation, it is therefore one of the most important tasks of a common European policy based on respect for fundamental human rights to combat all forms of discrimination in the legal treatment of such violence. Violence against women is an equally serious crime as violence against men. This must be a natural point of departure, a minimum requirement of all States which are, or wish to become, members of the EU.

30.11.2005

OPINION OF THE COMMITTEE ON CIVIL LIBERTIES, JUSTICE AND HOME AFFAIRS

For the Committee on Women's Rights and Gender Equality
on the current situation in combating violence against women and any future actions
(2004/2220(INI))

Draftswoman: Edith Mastenbroek

SUGGESTIONS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Women's Rights and Gender Equality, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

- A. Whereas in the Communication from the Commission to the Council and the European Parliament, establishing for the period 2007-2013 a Framework Programme on Fundamental Rights and Justice (COM(2005)0122), fighting violence against women, children and young people plays a very important role, as part of the effort to create a real area of freedom, security and justice,
- B. Recalling that, as stated by the Vice-President of the European Commission, Mr. Franco Frattini, in his speech to the European Parliament on 21 June 2005, there is estimated to be at least 700-900 women who die each year from intimate partner violence in Europe and that even this number is considered to be underestimated,
 - 1 Urges Member States to define acts of female genital mutilation as an illegal act of violence against women, which constitutes a violation of their fundamental rights and a serious aggression against their physical integrity; **regardless of where or in which country this act occurs against EU citizens or residents, it remains illegal;**
 2. Calls on these Member States to ensure that parents are held legally liable when such acts of genital mutilation occur on minors;
 3. Calls on the Member States to ensure that genital mutilation be considered a reasonable argument for an asylum claim in order to protect the asylum seeker from inhuman treatment;
 4. Considers it of utmost importance that reliable statistics exist regarding women's

reporting of brutal or inhuman treatment to the law enforcement authorities;

5. Regrets that, as the above-mentioned reporting is usually left unrecorded when no action is taken by law enforcement authorities, the statistics remain untrustworthy and unreliable;
6. Calls therefore on the Member States to ensure that all reports by women of brutal or inhuman treatment are recorded, as well as the percentage of cases in which the law enforcement authorities took action and which types of action were used;
7. Recalls that the burden of proof is often placed on women who are already in a disadvantaged situation;
8. Calls on the Commission to establish a mechanism on the basis of which it would be possible to identify those Member States in which the situation of violence against women appears to be comparatively worse.

PROCEDURE

Title	Current situation in combating violence against women and any future actions
Procedure number	2004/2220(INI)
Committee responsible	FEMM
Opinion by Date announced in plenary	LIBE 18.11.2004
Enhanced cooperation – date announced in plenary	
Drafts(wo)man Date appointed	Edith Mastenbroek 21.02.2005
Previous drafts(wo)man	
Discussed in committee	14.11.2005
Date adopted	24.11.2005
Result of final vote	+ : [32] - : [0] 0 : [0]
Members present for the final vote	Edit Bauer, Mihael Brejc, Kathalijne Maria Buitenweg, Michael Cashman, Charlotte Cederschiöld, Carlos Coelho, Agustín Díaz de Mera García Consuegra, Rosa Díez González, Kinga Gál, Patrick Gaubert, Adeline Hazan, Lívia Járóka, Ewa Klamt, Wolfgang Kreissl-Dörfler, Barbara Kudrycka, Stavros Lambrinidis, Sarah Ludford, Edith Mastenbroek, Martine Roure, Inger Segelström, Manfred Weber, Stefano Zappalà, Tatjana Ždanoka, Johannes Blokland, Giusto Catania
Substitute(s) present for the final vote	Gérard Deprez, Genowefa Grabowska, Jeanine Hennis-Plasschaert, Sylvia-Yvonne Kaufmann, Bill Newton Dunn, Herbert Reul, Marie-Line Reynaud
Substitute(s) under Rule 178(2) present for the final vote	Margaret Bowles, Othmar Karas
Comments (available in one language only)	

PROCEDURE

Title	The current situation in combating violence against women and any future action
Procedure number	2004/2220(INI)
Basis in Rules of Procedure	Rule 45
Committee responsible Date authorisation announced in plenary	FEMM 18.11.2004
Committee(s) asked for opinion(s) Date announced in plenary	LIBE 18.11.2004
Not delivering opinion(s) Date of decision	
Enhanced cooperation Date announced in plenary	0.0.0000
Rapporteur(s) Date appointed	Maria Carlshamre 25.11.2004
Previous rapporteur(s)	
Discussed in committee	21.06.2005 24.11.2005 29.11.2005
Date adopted	29.11.2005
Result of final vote	for: 29 against: 0 abstentions: 0
Members present for the final vote	Edit Bauer, Hiltrud Breyer, Maria Carlshamre, Edite Estrela, Ilda Figueiredo, Věra Flasarová, Lissy Gröner, Zita Gurmai, María Esther Herranz García, Anneli Jäätteenmäki, Lívia Járóka, Rodi Kratsa-Tsagaropoulou, Pia Elda Locatelli, Astrid Lulling, Angelika Niebler, Siiri Oviir, Teresa Riera Madurell, Raül Romeva i Rueda, Amalia Sartori, Eva-Britt Svensson, Anne Van Lancker, Corien Wortmann-Kool, Anna Záborská
Substitutes present for the final vote	Mary Honeyball, Zita Pleštinská
Substitutes under Rule 178(2) present for the final vote	Thijs Berman, Marianne Mikko, Karin Scheele, Kathy Sinnott
Date tabled - A6	9.12.2005 A6-0404/2005