Violence and Abuse against Young Girls and Teenagers: There is Room to Strengthen Harmonization within the European Union

Terre des Hommes report presented to the Ministry of Foreign Affairs

Rome, 29 November 2012 — The fight against violence and abuse on young girls and teenagers is a priority for every country and every international institution. In this context, the European Union can become a crucial contributor toward harmonizing the different types of offenses and the minimum sanctions that Member States must apply. This is one of the key results from the research “Violence Against Young Women: A Human Rights Violation” presented today as a preview by Terre des Hommes at the international conference of the Council of Europe “The role of International Cooperation in tackling sexual violence against children” at the Ministry of Foreign Affairs and available at http://www.terredeshommes.it/dnload/PH_TerreDesHommes_Full_Report.pdf

The research was carried out by Paul Hastings in the framework of Terre des Hommes’ campaign “Indifesa (Unprotected)” for the protection of girl child rights in the world.

The key findings of the research are the following:

- Despite numerous efforts and positive results achieved in the international arena in the last decades, preventing, fighting and criminalizing all forms of violence against women and children is still a significant priority, as the number of victims is dramatically high.

- This kind of violence must be considered a crime against humanity, as it is stated in the “Indifesa” dossier, recently released by Terre des Hommes Italy, denunciating the different forms of abuse and discrimination against the girl child in the world. This dossier is available in Italian at http://www.indifesa.org/dossier-indifesa/

- In Europe, actions and programs launched in the area of human rights have been guided by the acknowledgment that there can be no form of freedom, security or justice without a strong commitment to prevent and fight all threats that compromise fundamental rights of all human beings.

- With reference to the European Union, the Treaty of Lisbon does not provide for the European Union’s general legislative competence in order to achieve minimum harmonization of all the offenses that constitute crimes against humanity and related penalties.
At a national level, many countries have introduced specific offenses for the main crimes concerning women and children as victims analyzed by the study. Judges have filled the gaps in national legislation by applying existing penalties for offenses of general nature to certain types of crimes against humanity that are not yet contemplated by specific provisions of law.

“Terre des Hommes has always pursued awareness among national and international institutions to continuous improvement of the legislative framework concerning children”, says Federica Giannotta, Child Rights Policy and Advocacy Officer for Terre des Hommes Italia Onlus. One of the most important results obtained was the promulgation of Law 269/98 “Regulations against the exploitation of prostitution, pornography, sexual tourism involving children as new forms of slavery”, which also introduced the important principle of extraterritoriality in a farsighted way.

We believe that the picture we present to the European institutions today, carried out with the support of the law firm Paul Hastings, is very appropriate and effective. A lot has been done to date, both at the national and international level, to lay the foundations to successfully fight against crimes perpetrated on these vulnerable targets. But there is still more that we should and could do. In particular, we need to further facilitate actual harmonization and legal classification of individual offenses among countries by taking each other’s best practices as examples.

“The issue of violence against women and children has been addressed as a priority at international and national levels, on the assumption that it represents a human rights violation”, stated Raffaele Salinari, President of Terre des Hommes Italia Onlus.

“The universal nature of this phenomenon was the main reason of the many efforts developed by International and European institutions and many countries in fighting violence against women and children. These efforts have also included the introduction in the national legislations of specific offenses, as recently done in Italy with the ratification of the Lanzarote Convention on the protection of children from exploitation and sexual abuse.”

“We have been asked by Terre des Hommes Italy to carry out a multijurisdictional research project on main legislations aimed at fighting violence and abuse against young women and we have been pleased to accept it,” reported Carmen Di Marino, associate of Paul Hastings-Milan and co-editor of the research. “We led this assignment from the Milan office and grouped together five different teams of lawyers in London, Paris, Frankfurt, New York, and Beijing in addition to the Italian team. Consistently with the firm’s pro bono objectives, we considered it being our duty to provide Terre des Hommes the relevant legal support in this research project.”

Since 1960, Terre des Hommes leads the way in protecting world children from violence, abuse, exploitation and ensuring education, recreation, health and food to every child. At present, Terre des Hommes is operating in more than 1,200 child-focused projects in 72 countries. Terre des Hommes Italy Foundation is part of Terre des Hommes International Federation, and is a
partner of ECHO, UE, UNO agencies, USAID and the Italian Ministry of Foreign Affairs. For further information please visit www.terredeshommes.it and www.terredeshommes.org.

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