


# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Decision <a href="#">1998/0192(COD)</a>	Procedure completed
Daphne Programme 2000-2003: action relating to violence against children, young persons and women  See also <a href="#">2015/2827(RSP)</a>	
Subject 4.10.03 Child protection, children's rights 4.10.09 Women condition and rights	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>FEMM</b> Women's Rights and Equal Opportunities		27/07/1999
		PPE-DE <a href="#">AVILÉS PEREA</a> <a href="#">María Antonia</a>	
	Former committee responsible		
	<b>FEMM</b> Women's Rights		22/09/1998
		PPE <a href="#">BENNASAR TOUS</a> <a href="#">Francisca</a>	
Council of the European Union	Former committee for opinion		
	<b>BUDG</b> Budgets		
	<b>JURI</b> Legal Affairs, Citizens' Rights		08/12/1998
		PSE <a href="#">GEBHARDT Evelyne</a>	
European Commission	<b>LIBE</b> Civil Liberties and Internal Affairs		
	Council configuration	Meeting	Date
	<a href="#">Environment</a>	<a href="#">2235</a>	13/12/1999
	<a href="#">General Affairs</a>	<a href="#">2201</a>	13/09/1999
	Youth	<a href="#">2185</a>	27/05/1999
	<a href="#">Justice and Home Affairs (JHA)</a>	<a href="#">2116</a>	24/09/1998
	Commission DG	Commissioner	
	<a href="#">Secretariat-General</a>		

Key events			
20/05/1998	Legislative proposal published	COM(1998)0335	Summary
14/09/1998	Committee referral announced in Parliament, 1st reading		

24/09/1998	Debate in Council	<a href="#">2116</a>	
17/02/1999	Modified legislative proposal published	COM(1999)0082	Summary
30/03/1999	Vote in committee, 1st reading		Summary
30/03/1999	Committee report tabled for plenary, 1st reading	<a href="#">A4-0188/1999</a>	
15/04/1999	Debate in Parliament		
16/04/1999	Decision by Parliament, 1st reading	T4-0341/1999	Summary
11/05/1999	Modified legislative proposal published	COM(1999)0244	Summary
13/09/1999	Council position published	<a href="#">09150/1/1999</a>	Summary
07/10/1999	Committee referral announced in Parliament, 2nd reading		
09/11/1999	Vote in committee, 2nd reading		Summary
09/11/1999	Committee recommendation tabled for plenary, 2nd reading	<a href="#">A5-0056/1999</a>	
15/11/1999	Debate in Parliament		
17/11/1999	Decision by Parliament, 2nd reading	<a href="#">T5-0101/1999</a>	Summary
13/12/1999	Act approved by Council, 2nd reading		
24/01/2000	Final act signed		
24/01/2000	End of procedure in Parliament		
09/02/2000	Final act published in Official Journal		

### Technical information

Procedure reference	1998/0192(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Decision
	See also <a href="#">2015/2827(RSP)</a>
Legal basis	Rules of Procedure EP 050; EC Treaty (after Amsterdam) EC 152
Stage reached in procedure	Procedure completed
Committee dossier	FEMM/5/12078

### Documentation gateway

Legislative proposal	<a href="#">COM(1998)0335</a> <a href="#">OJ C 259 18.08.1998, p. 0002</a>	20/05/1998	EC	Summary
Modified legislative proposal	<a href="#">COM(1999)0082</a> <a href="#">OJ C 089 30.03.1999, p. 0042</a>	17/02/1999	EC	Summary
Committee of the Regions: opinion	<a href="#">CDR0300/1998</a> <a href="#">OJ C 198 14.07.1999, p. 0061</a>	10/03/1999	CofR	
Committee report tabled for plenary, 1st	<a href="#">A4-0188/1999</a>	30/03/1999	EP	

reading/single reading		<a href="#">OJ C 219 30.07.1999, p. 0009</a>			
Text adopted by Parliament, 1st reading/single reading		T4-0341/1999 <a href="#">OJ C 219 30.07.1999, p. 0494-0505</a>	16/04/1999	EP	Summary
Economic and Social Committee: opinion, report		<a href="#">CES0456/1999</a> <a href="#">OJ C 169 16.06.1999, p. 0035</a>	28/04/1999	ESC	
Modified legislative proposal		COM(1999)0244 <a href="#">OJ C 162 09.06.1999, p. 0011</a>	11/05/1999	EC	Summary
Council position		<a href="#">09150/1/1999</a> <a href="#">OJ C 317 04.11.1999, p. 0001</a>	13/09/1999	CSL	Summary
Commission communication on Council's position		SEC(1999)1550	01/10/1999	EC	Summary
Committee recommendation tabled for plenary, 2nd reading		<a href="#">A5-0056/1999</a> <a href="#">OJ C 189 07.07.2000, p. 0005</a>	09/11/1999	EP	
Text adopted by Parliament, 2nd reading		<a href="#">T5-0101/1999</a> <a href="#">OJ C 189 07.07.2000, p. 0054-0069</a>	17/11/1999	EP	Summary
Commission opinion on Parliament's position at 2nd reading		COM(1999)0670	08/12/1999	EC	Summary
Document attached to the procedure		<a href="#">COM(2002)0169</a>	08/04/2002	EC	Summary
Follow-up document		<a href="#">COM(2004)0824</a>	22/12/2004	EC	Summary

#### Additional information

European Commission

[EUR-Lex](#)

#### Final act

[Decision 2000/293](#)  
[OJ L 034 09.02.2000, p.](#) Summary

## Daphne Programme 2000-2003: action relating to violence against children, young persons and women

**PURPOSE:** to establish a five-year Community action programme (2000 - 2004) on measures for combatting violence against children, young persons and women (DAPHNE). **CONTENTS:** the proposal establishes the programme to run from 01/01/2000 to 31/12/2004 and contribute towards combatting this violence, with particular regard to assisting and encouraging the relevant NGOs and voluntary organizations. Actions under this programme fall under three headings : 1) networks, exchange of information, coordination and cooperation at an EU level; 2) raising of public awareness and the exchange of best practise. 3) complementary expenditure - information, conferences, studies. The Commission will implement actions in cooperation with Member States and relevant institutions and organizations, and ensure consistency and complementarity with other Community programmes. An advisory committee will be established which will draw its own internal rules of procedure, and comprise representatives from each Member State, chaired by the Commission. It will be presented with a draft of the measures to be taken, in order for it to give its opinion, which the Commission is required to take into account. Furthermore, the committee shall assist the Commission with project selection and financing criteria, and monitoring and evaluation procedure. Cooperation with third countries and international organizations will be encouraged, and the programme will be open to the applicant States. The Commission will monitor the programme and provide the Council, the European Parliament, the Economic and Social Committee, and the Committee of the Regions with an evaluative report during the third year of the programme, and at its completion.?

## Daphne Programme 2000-2003: action relating to violence against children, young persons and women

This amended proposal is a result of deliberations within the Council ad hoc DAPHNE working group, which concluded that the appropriate legal base for the DAPHNE programme is Article 129 of the EC Treaty (Public Health) and not Article 235 as was the case in the initial

proposal. As a result, the Commission is amending the legal base accordingly and including the appropriate amendments to effect this change (notably, the inclusion of a financial reference amount within the body of the text, to be maintained at 25 million Euros for the period 2000-2004, as put forward in the initial proposal's financial statement.?

## Daphne Programme 2000-2003: action relating to violence against children, young persons and women

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The Committee has unanimously adopted the report by Francisca BENNASAR TOUS (EPP, E) on the Commission's amended proposal on the Daphne programme (2000-2004). This programme, which was launched in 1997 for a two-year period, is designed to prevent and combat sex-related violence and trafficking in women and children for purpose of sexual exploitation. The rapporteur pointed out that Daphne was aimed at NGOs, which have to present their projects and cooperate, possibly with local and regional authorities, although these are not directly involved in the programme. As regards the new legal basis (Article 129 of the Maastricht Treaty - on public health), Ms HAUTALA explained that until now the representatives of the Member States to whom she had written had not given clear answers about their position on the codecision procedure entailed by Article 129. Under this article, Parliament will enjoy full legislative powers on an equal footing with the Council, which will probably deliver its common position on Daphne under Article 152 of the Amsterdam Treaty, the entry into force of which is imminent (instead of Article 129 of the Maastricht Treaty). Elena MARINUCCI (PES, I) pointed out that many of the amendments adopted today, from the inclusion in the title of the idea of "fighting" violence to the World Health Organisation's interpretation of health as "a state of complete physical, mental and social well-being", would prove pointless if the Council were to follow the letter of the treaty provisions in force on public health by rejecting any amendments of Parliament which went beyond the scope of Article 152. The change of legal basis by the Commission would then result in the programme's scope being restricted. This possibility was, however, rejected by Ms BENNASAR, who emphasised that the old legal basis proposed (Article 235) had no chance of achieving unanimity in the Council. Parliament's Legal Service, while pointing out that the choice of a legal basis must be justified by the substance and the aim of the act in question, expressed just one cautionary remark concerning the changes made by the parliamentary proposal, namely that the amendments distorted the initial text. The Commission representative said that Article 152 went further than Article 129 and that it could therefore not be seen as an obstacle to the pursuit of certain objectives of the new Daphne programme such as the fight against trafficking in women. The amendments adopted firstly encouraged cooperation as much between Member States as between NGOs and regional and local authorities, secondly provided for multidisciplinary networks extending to cover the NGOs of east European countries and lastly called on the media to show some understanding of the causes underlying violence and any attacks on the dignity of women and the rights of children.?

## Daphne Programme 2000-2003: action relating to violence against children, young persons and women

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The Parliament adopted its opinion, drafted by Ms. Bennasar Tous (EPP, Spain), concerning the Commission's amended proposal for a Community action programme - DAPHNE - (2000-2004) on measures aimed to prevent violence against children, young persons and women. A series of amendments submitted by the Women's Rights Committee were adopted. These serve to: - strengthen the role of co-operation between NGOs and national, regional and local authorities, - cover the issue of protection against violence (in addition to prevention of), and - the 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, in all Member States and under the same procedures.?

## Daphne Programme 2000-2003: action relating to violence against children, young persons and women

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The Commission's amended proposal incorporates 26 of the 36 amendments approved by the European Parliament in its first reading. 16 of the amendments were incorporated in their entirety, 4 in part and 6 with minor re-wording. The Commission did not, however, subscribe to the approach advocated by the European Parliament which called for the programme to work towards combating, and not simply preventing, violence against children, young people and women, using a variety of measures. Among the important European Parliament amendments taken up by the Commission were those that seek to: - re-define acts of violence as constituting a breach of the right to life, safety, freedom, dignity and physical and emotional integrity of the persons concerned, and stressing social and economic costs to society, in addition to being a major health scourge, - make reference to the World Health Organisation's definition of health as being 'a state of complete physical, mental and social well-being, and not merely the absence of disease or infirmity', - establish the DAPHNE programme in the context of the fight against the sexual abuse and exploitation of women, children and young persons within a multidisciplinary framework, - ensure that there is a balance maintained between the programme's two target groups (women and children), - open participation in the programme to the applicant countries in accordance with conditions laid down in the Association Agreements or Additional Protocols related thereto, - ensure that DAPHNE is a programme that works towards ensuring a high level of physical, mental and social well-being of the persons concerned, - involve more actively NGOs and other voluntary organisations (in particular those concerned with public health, education and development). The annexes were also amended in order to take account of a number of the European Parliament's amendments: - support for the establishment and strengthening of multidisciplinary networks involving NGOs from different Member States and the participating applicant countries in order to ensure co-operation in the prevention of violence, - support for innovative projects aimed at preventing violence and sexual exploitation of women, children and young persons and support for the rehabilitation of victims as well as the effectiveness of repressive measures, - awareness raising among the general public about violence against women, children and young people, including about trafficking for the purposes of sexual exploitation, commercial sexual exploitation and other sexual abuse, - support for the stimulation and exchange of best practice at Community level on the support and protection of children, young persons and women at risk, help 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 victims of violence, - support for measures to increase the reporting of violence and sexual exploitation. The Commission, on the other hand, did not take up the European Parliament's amendments that seek to link this programme with the programme

on injury prevention, as well as the amendments relating to comitology (creation of a forum of NGOs to assist the committee) and keeping the Parliament informed about the progress of the programme. The Commission did not accept the Parliament's amendment relating to the rehabilitation and re-insertion into society of offenders.?

## Daphne Programme 2000-2003: action relating to violence against children, young persons and women

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The Council's common position incorporates, in whole or in part, 19 of the 26 amendments accepted by the Commission in its amended proposal (out of a total of 36 put forward by the European Parliament at first reading). This is the case in particular for the amendments that seek to establish the programme in the context of the fight against violence against women, adolescents and children within a multidisciplinary framework; emphasis on research into the social well-being of victims; ensuring a balance between the two target groups of the programme (women and children). The Council did not, on the other hand, retain the amendments seeking to: - extend the definition of acts of violence to include a 'breach of their (womens' and childrens') right to life, safety, freedom, dignity and physical and emotional integrity'; - make reference to the definition of 'health' in the constitution of the WHO; - limit the type of NGOs and public bodies that can participate in the programme (in particular, NGOs active in the fields of education and development); - refer to certain specific Community public health programmes with a view to making DAPHNE complementary to these various initiatives; - provide in the Annexes for specific actions focusing on exchange of best practice. The Council also deleted all references to 'protection against' sexual exploitation introduced by the European Parliament, preferring instead the use of the word 'prevention'. The Council also made some changes to the Commission's proposal as follows: 1) Duration of the programme: the programme period, which was originally planned for 5 years, will now be for 4, and the evaluation report will be presented at the end of the second year (and not the third year) of the programme; 2) Funding: the budget has been set at 20 million euros, i.e. 5 million euros per year; 3) Comitology: the Council has opted for a Committee procedure of the 'mixed' type (advisory and management, depending on the matter under discussion), involving Procedures IIb and I; the consultation of the Member States will be necessary for the implementation of the programme; 4) Role of NGOs: the Council considered that public bodies, as well as NGOs, play an important role in the fight against violence and that they too should be eligible for support under DAPHNE. The Council also specified that the Community contribution should vary according to the nature of the action and that it may not exceed 80% of the total cost of the action. The Council has also made the stipulation that 'a significant number of Member States' shall be involved in actions.?

## Daphne Programme 2000-2003: action relating to violence against children, young persons and women

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The Commission accepts the Council's common position and considers that it retains all the important elements of the Commission proposal and will constitute a valuable weapon in the fight against violence. It should be noted that a Commission statement is annexed to the common position which states that 'the Commission considers that consultation of the Member States should take place within the framework of the Committee provided for in Art. 5(4) of the Decision'.?

## Daphne Programme 2000-2003: action relating to violence against children, young persons and women

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The committee adopted the recommendation for second reading (codecision procedure) by María Antonia AVILES PEREA (EPP/ED, E) amending the Council's common position on the Daphne programme (2000-2003). Although it is a small programme with a limited budget, Parliament has had to defend it several times from attacks by the Council. At first reading Parliament prevented the programme's content from being distorted by a change in the legal basis. At second reading the committee adopted a number of important amendments which had not been taken on board in the Council's common position and at the same time prevented the procedure for approving the new programme from getting bogged down just before the current programme expires in December 1999. The amendments included the WHO's definition of health as a state of physical, mental and social well-being and not merely the absence of disease and infirmity. One amendment aimed to extend the programme's scope by assisting and encouraging as many voluntary organisations active in this field as possible. Among transnational measures designed to raise public awareness, the committee introduced a reference to media campaigns to combat violence against women. It also adopted two technical amendments on the comitology arrangements for implementing the programme.

## Daphne Programme 2000-2003: action relating to violence against children, young persons and women

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The European Parliament approved the report drafted by Mrs. AVILES PEREA (EPP/ED, D) subject to several amendments. The Parliament reinstated several of the amendments that it adopted in its first reading, but which had been rejected by the Council: - the reference in the first recital, to violence as a breach of fundamental human rights; - the WHO definition of health (the Parliament opposes the 'public health' legal basis and takes the view that the concept of health is much wider); - part of its amendment regarding the recognition of the vital role of NGOs; - reference to the role of the media.?

## Daphne Programme 2000-2003: action relating to violence against children, young persons and women

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The European Parliament adopted seven amendments to the Council's common position. The Commission accepts all seven amendments. No substantial changes are made to the amendments on comitology, but the text is reformulated.?

## Daphne Programme 2000-2003: action relating to violence against children, young persons and women

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**PURPOSE** : to adopt a programme of Community action (the Daphne programme) (2000 to 2003) on preventative measures to fight violence against children, young persons and women. **COMMUNITY MEASURE** : Decision 293/2000/EC of the European Parliament and of the Council adopting a programme of Community action (the Daphne programme) (2000 to 2003) on preventative measures to fight violence against children, young persons and women. **CONTENT** : this programme aims to contribute towards ensuring a high level of physical and mental health by the protection of children, young persons and women against violence (including violence in the form of sexual exploitation and abuse), by the prevention of violence and by the provision of support for the victims of violence, in order, in particular, to prevent future exposure to violence. It further aims to assist and encourage NGOs and other organisations active in this field. By doing so, the programme will contribute to social well-being. In addition, the actions to be implemented under the programme are intended to promote: - transnational actions to set up multidisciplinary networks and to ensure exchange of information, best practice and cooperation at Community level; - transnational actions aimed at raising public awareness; - complementary actions. The Commission shall ensure implementation, in close cooperation with the Member States, it shall subsequently cooperate with the institutions and organisations active in this field. The programme shall be open to the participation of: - the EFTA/EEA countries, in accordance with the conditions established in the EEA Agreement; - the associated central and eastern European countries, in accordance with the conditions established in the European Agreements; - Cyprus, funded by additional appropriations in accordance with procedures to be agreed with that country; - Malta and Turkey, funded by additional appropriations in accordance with the provisions of the Treaty. As far as the budget is concerned, the financial framework for the implementation of the 4 year programme is hereby set at EUR 20 million. The Community contribution shall vary according to the nature of the action. However, it may not exceed 80% of the total cost of the action. In conclusion, the Commission shall submit a final report to the European Parliament and the Council on completion of the programme. **ENTRY INTO FORCE** : this Decision shall enter into force on the 24.01.2000.?

## Daphne Programme 2000-2003: action relating to violence against children, young persons and women

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**PURPOSE** : to present the final report from the Commission on the Daphne Programme 2000-2003.

**CONTENT** : this report presents the progress made by the Daphne Programme since its approval in January 2000 and a summary of its main achievements. During their seven years of existence (1997-2003), the Daphne Initiative and the subsequent Programme met with a response far greater than could have been expected. More than 2200 proposals were received requesting around EUR 195 million. This overwhelming response shows that the Programme clearly meets a deeply felt need within the voluntary sector. A total of 303 projects were funded during the same period for a total EC budget of EUR 31 million.

The long list of project activities, including innovative methods for prevention, co-operation, exchanges, networking, developing new models and sharing best practice, have already started to have multiplier effects on NGO and institutional activities in Europe. As a consequence, the Daphne Programme can be seen as successful in continuing the mobilisation of the NGO sector at all levels, resulting in many new partnerships and alliances that are working together for more comprehensive European policies on violence.

The report highlights some of the most interesting findings : there is a reasonable balance in the funded projects between the various categories of beneficiaries: children, young people and women; the 220 projects analysed in detail produced 700 tangible outputs (e.g. studies, good practice guides, training manuals, CD-ROM, TV or radio spots); in 65% of the projects under the Daphne Programme, the objective is the exchange of good practice. In terms of results, 34% of outputs produced contributed to the achievement of this objective. This illustrates the added value of Daphne, which reinforced the dissemination of a number of good practices at the level of the European Union. In addition, 1 project in 2 produced results that are directly applicable, such as field actions or training modules. With regard to the impact of these results on the project partners, 66% of the projects have now adopted new practices in their current work. 80% of the partners recognise that their expertise, know-how and involvement in transnational networks/partnerships have improved. In terms of the impact on the end beneficiaries (children, young people and women), in more than half of the projects, these populations benefited from better access to assistance and improved their capacity to face the situations by themselves. This result is of primary importance, because it goes beyond the concept of assistance to victims towards the concept of rehabilitation and empowerment. The last finding that is worth mentioning is that 12% of the projects had an impact on legislation and/or led to policy change. Given the fact that the primary aim of Daphne is not to propose legislative measures or to change policies, this is a side-effect due to the strong commitment and dedication of some organisations. This can be seen as a plus.