

## EU accession to the Istanbul Convention

After delays in ratification of the Council of Europe's Convention on preventing and combating violence against women and domestic violence, the Council has requested Parliament's consent for EU ratification. Parliament's Committees on Women's Rights and Gender Equality (FEMM) and Civil Liberties, Justice and Home Affairs (LIBE) adopted a favourable recommendation on 25 April 2023. Members are due to vote in May on granting consent.

### The Istanbul Convention

The Council of Europe's [Convention](#) on preventing and combating violence against women and domestic violence (the Istanbul Convention) opened for signature in 2011, and entered into [force](#) in 2014. It addresses acts of gender-based violence (GBV) that cause physical, sexual, psychological or economic harm to women, such as rape, stalking, and sexual harassment, including domestic violence. It sets standards on prevention, protection, prosecution and adequate provision of services to victims and persons at risk of GBV (including men and boys). While all EU Member States have signed the convention, only 21 have ratified it. Six EU Member States (Bulgaria, Czechia, Hungary, Latvia, Lithuania and Slovakia) have not ratified it, [invoking](#) legal uncertainty and incompatibility with their constitutional framework.

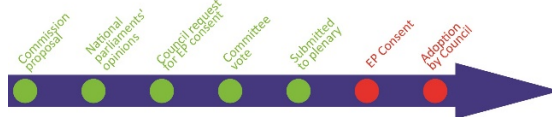
### The ratification process

The European Commission proposed the [legislation](#) for the EU's accession to the Council in 2016. The Council split the draft decision on signature into two decisions: on [judicial cooperation in criminal matters](#) (2017/865) and [asylum and non-refoulement](#) (2017/866), and adopted both in May 2017. The EU signed the convention on 13 June 2017. Ratification stalled due to uncertainty around the legal basis and the appropriate legislative procedure for ratification. Both the EU and its Member States have competences in the areas covered by the Convention. In its resolution of [4 April 2019](#), Parliament decided to request an opinion from the Court of Justice of the EU (ECJ) regarding the choice of legal basis. The Court delivered its Opinion 1/19 on [6 October 2021](#), clarifying that unanimity in the Council is not necessary (as the scope of the convention falls under the ordinary legislative procedure), and that the EU does not have to wait for ratification by all Member States to proceed with its own ratification. The Court outlined the appropriate legal basis and confirmed the Council's [freedom](#) to choose a legal basis that would limit EU accession to its exclusive external competence (as defined in [Article 3\(2\)](#) TFEU), rather than opt for a broad accession. On 21 February 2023, the Council [requested](#) the Parliament's consent to proceed with ratification. On 25 April, Parliament's FEMM and LIBE committees voted jointly to recommend Parliament give its consent.

### European Parliament position

Parliament has [repeatedly called](#) for EU accession to the Istanbul Convention and for its ratification by individual Member States. It [welcomed](#) EU signature of the convention and [condemned](#) campaigns against the convention based on 'deliberate misinterpretations'. On 25 January 2023, the FEMM and LIBE committees (acting jointly under Rule 58) [adopted](#), by a substantial majority, a report, which highlighted the ECJ decision dispelling the legal uncertainty, and noted the positive impacts EU accession would have on combatting GBV. The committees called for constructive dialogue to address Member States' concerns.

Recommendations on consent to Council decisions: [2016/0062A\(NLE\)](#) and [2016/0062B\(NLE\)](#); Committees responsible: FEMM and LIBE (Rule 58); Rapporteurs: Arba Kokalari (EPP, Sweden), Łukasz Kohut (S&D, Poland). For further information see a previous EPRS ['At a glance' note](#).



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