



Plenary sitting

A9-0169/2023

2.5.2023

RECOMMENDATION

on the draft Council decision on the conclusion, on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to institutions and public administration of the Union
(05514/2023 – C9-0037/2023 – 2016/0062A(NLE))

Committee on Civil Liberties, Justice and Home Affairs
Committee on Women's Rights and Gender Equality(Joint committee
procedure – Rule 58 of the Rules of Procedure)

Rapporteurs: Łukasz Kohut, Arba Kokalari

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the draft Council decision on the conclusion, on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to institutions and public administration of the Union (05514/2023 – C9-0037/2023 – 2016/0062A(NLE))

(Consent)

The European Parliament,

- having regard to the draft Council decision (05514/2023),
- having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence (the ‘Convention’) (14868/2016 ADD1),
- having regard to the request for consent submitted by the Council in accordance with Article 336 and Article 218(6), second subparagraph, point (a)(v) of the Treaty on the Functioning of the European Union (C9-0037/2023),
- having regard to its resolution of 12 September 2017¹ on the proposal for a Council decision on the conclusion, by the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence,
- having regard to the opinion of the Court of Justice² on the compatibility of the Convention with the Treaties,
- having regard to its resolution of 15 February 2023³ on the proposal for a Council decision on the conclusion, by the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence,
- having regard to Rule 105(1) and (4) and Rule 114(7) of its Rules of Procedure,
- having regard to the opinion of the Committee on Legal Affairs,
- having regard to the joint deliberations of the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Women’s Rights and Gender Equality under Rule 58 of its Rules of Procedure,
- having regard to the recommendation of the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Women’s Rights and Gender Equality (A9-0169/2023),

¹ OJ C 337, 20.9.2018, p. 167.

² Opinion of the Court of Justice of 6 October 2021, 1/19, ECLI:EU:C:2021:198.

³ Texts adopted, P9_TA(2023)0047.

1. Gives its consent to the conclusion of the Convention;
2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and to the Council of Europe.

EXPLANATORY STATEMENT

Procedure

The Council of Europe Convention on preventing and combating violence against women ('Istanbul Convention'), which came into force in 2014, is the first legally binding international instrument on preventing and combating violence against women and girls at international level. It is the first international text that is legally defining violence against women and establishes a comprehensive framework of legal and policy measures for preventing such violence, supporting victims and punishing perpetrators.

As of September 2022, it has been signed by all EU Member States, and ratified by 21 (Austria, Belgium, Croatia, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovenia, Spain and Sweden). Bulgaria, Czechia, Hungary, Latvia, Lithuania and Slovakia have not yet ratified the Convention.

Outside the EU, countries such as United Kingdom, Moldova and Ukraine, in the middle of a burning war, have ratified the Convention in 2022. Turkey is the only country that has withdrawn from the Convention.

In October 2015, the Commission adopted a roadmap, which concluded that EU accession to the Convention would create a coherent EU level framework for combating violence against women, improve prevention for all women and afford better protection and support for women and children who are victims of violence and specific groups of women.

In March 2016, the Commission issued two proposals for Council decisions, one on the signing and the other on the conclusion (ratification) of the Convention on behalf of the European Union.

The Council of the EU decided that the draft decision on the signing of the Convention by the EU should be divided into two decisions, one covering judicial cooperation in criminal matters and the other asylum and non-refoulement. These two Council decisions were adopted in May 2017 and the EU signed the Convention on 13 June 2017. The Council has now requested the European Parliament's consent to the conclusion of the Convention divided in two draft decisions one with regard to institutions and public administration of the Union, and the other with regard to matters related to judicial cooperation in criminal matters, asylum and non-refoulement.

In accordance with Rules 105 of Parliament's Rules of Procedure, the Committees responsible (LIBE and FEMM) shall submit a recommendation for the approval or rejection of the proposed act. Amendments at Committee level shall be admissible only with the aim to reverse the recommendation proposed by the rapporteur. Parliament shall then take a decision by means of a single vote, and no amendments to the agreement may be tabled.

Content

Gender-based violence continues to be of the biggest threats to the full enjoyment of human and fundamental rights in the world, which affects women to a disproportionately high extent. 137 women are killed by their partner or a family member every day. One in three women worldwide have experienced physical and/or sexual violence in their lifetime. 150 million girls are raped or subject to sexual violence worldwide each year, often this is done by someone in their immediate circle.⁴

The Convention recognises violence against women as a violation of human rights and a form of discrimination against women. It covers various forms of gender-based violence against women, which refers to violence directed against women because they are women or violence affecting them disproportionately.

The Convention is a major step towards a comprehensive and harmonised response to ensuring a life free of violence for all women and girls across and beyond Europe. Its obligations cover four areas of action, often called the four 'Ps'. These are: preventing violence against women, protecting victims, prosecuting perpetrators, as well as implementing related comprehensive and co-ordinated policies.

The Convention defines and criminalises various forms of violence against women: psychological violence, stalking, physical violence, including rape, forced marriage, female genital mutilation, forced abortion, forced sterilisation as well as sexual harassment. It prevents violence by obliging parties to invest in education, training for experts, and treatment programmes for perpetrators. It protects victims by obliging states to establish appropriate support services.

The Convention is at the center of a monitoring system, based on a two pillar monitoring mechanism:

- An independent expert body (GREVIO), which draws up reports on the themes of the Convention,
- A Committee of the Parties (which follows up on GREVIO reports and makes recommendations to the parties concerned).

Two types of monitoring procedures have been provided. First, a country-by-country evaluation procedure, beginning with a baseline report and concluding with final reports and conclusions adopted by GREVIO. Second, a special urgent inquiry procedure that can be initiated by GREVIO, when there is reliable information indicating that action is required to prevent a serious, massive or persistent pattern of any of the acts of violence covered by the Convention.

The importance of the Convention stems from the fact that, as a comprehensive instrument tackling all aspects of gender-based violence, it provides ways forward, which are the result of work at multilateral level through the Council of Europe.

⁴ <https://reliefweb.int/report/world/16-shocking-facts-about-violence-against-women-and-girls>

The latest 2022 review of the GREVIO mid-term horizontal report⁵ shows the progress achieved in adopting and implementing the standards of the Convention.

Considering the content of the draft Council decision, the rapporteurs recommend that the Committee on LIBE and FEMM give its consent to the conclusion of the convention on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to institutions and public administration of the Union.

⁵ <https://rm.coe.int/prems-010522-gbr-grevio-mid-term-horizontal-review-rev-february-2022/1680a58499>

6.9.2022

OPINION OF THE COMMITTEE ON LEGAL AFFAIRS

for the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Women's Rights and Gender Equality

on the draft Council decision on the conclusion, on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to institutions and public administration of the Union (05514/2023 – C9-0037/2023 – 2016/0062A(NLE))

Rapporteur for opinion: Maria-Manuel Leitão-Marques

SHORT JUSTIFICATION

Violence against women and girls is widespread in the European Union¹. The EU Agency for Fundamental Rights published in 2014 the most comprehensive survey on violence against women at the EU level. It is estimated that one in three women have experienced some form of physical and/or sexual violence since the age of 15, that one in ten women has experienced some form of sexual violence and that one in twenty has been raped.

Violence against women is a violation of human rights. It is a form of gender-based discrimination and is a major obstacle to gender equality. It has both immediate as well as far-reaching long-term consequences for its victims. It affects their physical and mental health as well as the health of those close to them, such as children.

Violence against women also has broader consequences to society as a whole. The European Institute for Gender Equality estimates that violence against women leads to a loss of €289 billion in the EU per year, in the form of, for example, healthcare, social, policing and legal costs as well as loss of productivity².

The Council of Europe Convention on preventing and combating violence against women and domestic violence, also known as Istanbul Convention, sets legally binding standards to prevent gender-based violence, protect victims of violence and punish perpetrators³. Between other aspects, it covers measures such as awareness-raising campaigns, data collection and the criminalisation of different forms of violence.

The Istanbul Convention has been signed by all EU Member States. However, it has only been ratified by 21. Evidence suggests that the ratification of the Istanbul Convention has led to the creation of services for victims in many countries. It has also triggered amendments to

¹ [https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/698809/EPRS_BRI\(2021\)698809_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/698809/EPRS_BRI(2021)698809_EN.pdf)

² <https://eige.europa.eu/news/gender-based-violence-costs-eu-eu366-billion-year>

³ [https://www.europarl.europa.eu/RegData/etudes/ATAG/2021/698801/EPRS_ATA\(2021\)698801_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2021/698801/EPRS_ATA(2021)698801_EN.pdf)

existing legislation and/or the adoption of new legal measures, for example, to introduce new offences (e.g. criminalisation of forced marriage and psychological violence) or stricter sanctions⁴.

The EU accession to the Istanbul Convention would provide for a systematic and EU-wide approach to combating gender-based violence. It would, for example, contribute to ensuring that incidents of domestic violence are taken into account when determining custody and visitation rights in relation to children.⁵ Moreover, it would also complement other efforts, such as the proposal for a directive on combating violence against women and domestic violence⁶.

The European Parliament asked, in its resolution of 4 April 2019, the European Court of Justice for an opinion to clarify the appropriate legal basis and ratification procedure of the EU's accession to the Istanbul Convention⁷. In its ruling on 6 October 2021⁸, the CJEU found that the appropriate legal basis to be used is Articles 78(2), 82(2), 84 and 336 TFEU. These cover asylum, judicial cooperation in criminal matters and the obligations of the EU institutions and public administration. Moreover, the opinion clarifies that the EU does not need to wait until all Member States have ratified the Istanbul Convention before acceding to it. The opinion also clarifies that the Council should not make the agreement of all Member States a prerequisite for the accession decision. The decision in the Council to accede should be based on a qualified majority.

Taking all the above into consideration, the rapporteur is of the opinion that the EU should accede to the Council of Europe Convention on preventing and combating violence against women and domestic violence.

The Committee on Legal Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to recommend approval of the draft Council decision on the EU accession to the Council of Europe Convention on preventing and combating violence against women and domestic violence.

⁴ [https://www.europarl.europa.eu/RegData/etudes/STUD/2020/658648/IPOL_STU\(2020\)658648_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/658648/IPOL_STU(2020)658648_EN.pdf)

⁵ https://www.europarl.europa.eu/doceo/document/TA-9-2021-0406_EN.html

⁶ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022PC0105>

⁷ [https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2019/2678\(RSP\)](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2019/2678(RSP))

⁸ <https://curia.europa.eu/jcms/upload/docs/application/pdf/2021-10/cp210176en.pdf>

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	The EU accession to the Council of Europe Convention on preventing and combating violence against women and domestic violence
References	2016/0062A(NLE)
Committee responsible	LIBE FEMM
Rapporteur for the opinion Date appointed	Maria-Manuel Leitão-Marques 5.4.2022
Discussed in committee	13.7.2022
Date adopted	5.9.2022
Result of final vote	+: 17 –: 1 0: 0
Members present for the final vote	Pascal Arimont, Ilana Cicurel, Pascal Durand, Karen Melchior, Sabrina Pignedoli, Adrián Vázquez Lázara, Axel Voss, Marion Walsmann, Tiemo Wölken, Lara Wolters, Javier Zarzalejos
Substitutes present for the final vote	Patrick Breyer, Heidi Hautala, Antonius Manders, Angelika Niebler, Luisa Regimenti, René Repasi
Substitutes under Rule 209(7) present for the final vote	Cornelia Ernst, Jean-François Jalkh, Elissavet Vozemberg-Vrionidi

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

17	+
NI	Sabrina Pignedoli
PPE	Pascal Arimont, Angelika Niebler, Luisa Regimenti, Axel Voss, Elissavet Vozemberg-Vrionidi, Marion Walsmann, Javier Zarzalejos
RENEW	Ilana Cicurel, Pascal Durand, Karen Melchior, Adrián Vázquez Lázara
S&D	René Repasi, Tiemo Wölken, Lara Wolters
VERTS/ALE	Patrick Breyer, Heidi Hautala

1	-
ID	Jean-François Jalkh

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention

PROCEDURE – COMMITTEE RESPONSIBLE

Title	The EU accession to the Council of Europe Convention on preventing and combating violence against women and domestic violence: Institutions and public administration of the Union	
References	05514/2023 – C9-0037/2023 – 2016/0062A(NLE)	
Date of consultation or request for consent	9.2.2022	
Committees responsible Date announced in plenary	LIBE 13.3.2023	FEMM 13.3.2023
Committees asked for opinions Date announced in plenary	JURI 13.3.2023	
Rapporteurs Date appointed	Łukasz Kohut 12.4.2023	Arba Kokalari 12.4.2023
Date adopted	25.4.2023	
Result of final vote	+: 74 –: 9 0: 5	
Members present for the final vote	Magdalena Adamowicz, Isabella Adinolfi, Abir Al-Sahlani, Konstantinos Arvanitis, Malik Azmani, Katarina Barley, Pietro Bartolo, Robert Biedroń, Theresa Bielowski, Vladimír Bilčík, Malin Björk, Vasile Blaga, Patrick Breyer, Annika Bruna, Maria da Graça Carvalho, Patricia Chagnon, Caterina Chinnici, Margarita de la Pisa Carrión, Gwendoline Delbos-Corfield, Lena Düpont, Laura Ferrara, Nicolaus Fest, Frances Fitzgerald, Lina Gálvez Muñoz, Maria Grapini, Evin Incir, Sophia in 't Veld, Patryk Jaki, Livia Járóka, Marina Kaljurand, Assita Kanko, Fabienne Keller, Łukasz Kohut, Arba Kokalari, Moritz Körner, Alice Kuhnke, Jeroen Lenaers, Juan Fernando López Aguilar, Radka Maxová, Karen Melchior, Javier Moreno Sánchez, Johan Nissinen, Carina Ohlsson, Maite Pagazaurtundúa, Samira Rafaela, Paulo Rangel, Evelyn Regner, Diana Riba i Giner, Diana Riba i Giner, Eugenia Rodríguez Palop, Maria Veronica Rossi, Isabel Santos, Christine Schneider, Birgit Sippel, Sara Skyttedal, Sylwia Spurek, Ramona Strugariu, Tomas Tobé, Yana Toom, Milan Uhrík, Tom Vandendriessche, Elissavet Vozemberg-Vrionidi, Jadwiga Wiśniewska, Elena Yoncheva, Javier Zarzalejos, Marco Zullo	
Substitutes present for the final vote	Barry Andrews, Bartosz Arłukowicz, Susanna Ceccardi, Nathalie Colin-Oesterlé, Balázs Hidvéghi, Michiel Hoogeveen, Beata Kempa, Ewa Kopacz, Predrag Fred Matić, Jan-Christoph Oetjen, Katarína Roth Neved'álová, Monika Vana, Hilde Vautmans, Hilde Vautmans	
Substitutes under Rule 209(7) present for the final vote	Bas Eickhout, Alexandra Geese, Claude Gruffat, Niclas Herbst, Martin Hojsík, Caroline Roose, Thomas Waitz, Michal Wiezik	
Date tabled	2.5.2023	

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

74	+
ECR	Assita Kanko
ID	Annika Bruna
NI	Laura Ferrara
PPE	Magdalena Adamowicz, Isabella Adinolfi, Bartosz Arłukowicz, Vladimír Bilčík, Vasile Blaga, Maria da Graça Carvalho, Nathalie Colin-Oesterlé, Lena Düpont, Frances Fitzgerald, Niclas Herbst, Arba Kokalari, Ewa Kopacz, Jeroen Lenaers, Paulo Rangel, Christine Schneider, Sara Skyttedal, Tomas Tobé, Elissavet Vozemberg-Vrionidi, Javier Zarzalejos
Renew	Abir Al-Sahlani, Barry Andrews, Malik Azmani, Martin Hojsík, Sophia in 't Veld, Fabienne Keller, Moritz Körner, Karen Melchior, Jan-Christoph Oetjen, Maite Pagazaurtundúa, Samira Rafaela, Ramona Strugariu, Yana Toom, Hilde Vautmans, Michal Wiezik, Marco Zullo
S&D	Katarina Barley, Pietro Bartolo, Robert Biedroń, Theresa Bielowski, Caterina Chinnici, Lina Gálvez Muñoz, Maria Grapini, Evin Incir, Marina Kaljurand, Łukasz Kohut, Juan Fernando López Aguilar, Predrag Fred Matić, Radka Maxová, Javier Moreno Sánchez, Carina Ohlsson, Evelyn Regner, Katarína Roth Nevedálová, Isabel Santos, Birgit Sippel, Elena Yoncheva
The Left	Konstantinos Arvanitis, Malin Björk, José Gusmão, Elena Kountoura, Eugenia Rodríguez Palop
Verts/ALE	Patrick Breyer, Gwendoline Delbos-Corfield, Bas Eickhout, Alexandra Geese, Claude Gruffat, Alice Kuhnke, Diana Riba i Giner, Caroline Roose, Sylwia Spurek, Monika Vana, Thomas Waitz

9	-
ECR	Patryk Jaki, Beata Kempa, Margarita de la Pisa Carrión, Jadwiga Wiśniewska
ID	Nicolaus Fest, Tom Vandendriessche
NI	Balázs Hidvéghi, Livia Járóka, Milan Uhrík

5	0
ECR	Michiel Hoogeveen, Johan Nissinen
ID	Susanna Ceccardi, Patricia Chagnon, Maria Veronica Rossi

Key to symbols:

+ : in favour

- : against

0 : abstention