



2016/0062A(NLE)

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

PA_Leg_Consent

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 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

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)

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>

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.

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

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ID	Jean-François Jalkh

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention