EU ACCESSION TO THE COUNCIL OF EUROPE CONVENTION ON PREVENTING AND COMBATING VIOLENCE AGAINST WOMEN ('ISTANBUL CONVENTION')

CONTENT

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 establishes a comprehensive framework of legal and policy measures for preventing such violence, supporting victims and punishing perpetrators.

As of January 2024, the Convention has been signed by all EU Member States, and ratified by 22 (Austria, Belgium, Croatia, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Latvia, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovenia, Spain and Sweden). Bulgaria, Czechia, Hungary, Latvia, Lithuania and Slovakia have not ratified the Convention. In July 2020, the Polish government announced its intention to withdraw from the Convention, but this has not been enacted.

The Convention also provides for the possibility of EU accession. In 2015, the Commission issued a roadmap for EU accession to the Convention. In 2016, considering that EU accession would create a coherent EU level framework for combating violence against women, the Commission issued two proposals for Council decisions, one on the signature and the other on the conclusion (ratification) of the Convention on behalf of the EU. In May 2017, the Council adopted two signature decisions (on different legal bases), the first covering articles of the Convention on cooperation in criminal matters, the second covering articles on asylum and non-refoulement. The EU signed the Convention on 13 June 2017, but uncertainty around the legal basis and the Council's reluctance to proceed with the ratification in the absence of a common accord among Member States blocked the process for several years.

Meanwhile, the von der Leyen Commission included the file as a priority in its EU 2020-2025 gender equality strategy and as a pending priority in its 2022 work programme. Since progress remained blocked, in March 2022, the Commission also proposed new legislation to address violence against women at EU level, which is listed as a priority pending file in its 2023 work programme.

The European Parliament first asked the European Commission to launch the procedure for EU accession to the Istanbul Convention in its Resolution on Combating Violence against Women of 25 February 2014. Since then, Parliament has consistently supported the idea, highlighting that, in conjunction with an EU directive on violence against women, it would send a robust message about the EU's commitment to eradicating violence against women and establish a coherent European legal framework for doing so. Pending conclusion of work in the Council, Parliament considered the matter:
In September 2017, Parliament adopted an interim resolution, based on a report by the Civil Liberties (LIBE) and Women's Rights (FEMM) Committees, welcoming the signature of the Convention by the EU, but calling for EU accession to be broad and without limitations. In November 2022, the LIBE and FEMM Committees prepared a further draft interim report (rapporteurs: Łukasz Kohut, Poland, S&D; Arba Kokalari, Sweden, EPP), underlining the importance of EU accession to the Convention. On 25 January 2023, the two committees adopted the joint interim report. The Plenary Session debated the report on 14 February 2023 and adopted it with a substantial majority. The text called for EU ratification, urged Member States which have not ratified it to do so without delay, and encouraged national authorities to adopt measures to fight disinformation about the Convention.

In a resolution of 4 April 2019, Parliament asked for an opinion from the European Court of Justice to clarify the appropriate legal basis and therefore the scope of EU accession and the ratification procedure.

Parliament has condemned campaigns against the Istanbul Convention, based on deliberate misinterpretations, as a rejection of the internationally agreed zero-tolerance norm for violence against women and gender-based violence.

Answering the Parliament's request, the European Court of Justice (Grand Chamber) delivered its Opinion on 6 October 2021. It opened the way for quick ratification, determining that the appropriate legal basis is Articles 78(2), 82(2), 84 and 336 TFEU. This enables the Council to adopt the Convention with qualified majority. It also found that the Council does not have to wait for the common accord of EU Member States.

In its meeting of 21 February 2023, the Council requested the consent of the European Parliament to adopt the decisions on the ratification of the Convention. In the May 2023 Plenary Session, the Parliament gave its consent with a substantial majority to the EU accession to the Convention. On 1 June, the Council adopted two decisions on the conclusion by the EU of the Istanbul Convention, practically completing the ratification process: one on the conclusion of the Convention with regard to matters related to judicial cooperation in criminal matters, asylum and non-refoulement, and another one with regard to institutions and public administration of the Union. The decisions state explicitly that the EU will accede to the Convention only as regards matters falling under its exclusive competences following from agreed common rules in the area of judicial cooperation, and asylum and non-refoulement, as well as with regard to the institutions and public administration of the Union. The two decisions are accompanied by two documents in addendum: a declaration on the EU competences in relation to the provisions of the Conventions, and a Code of conduct clarifying how the EU and its Member States will divide among themselves the tasks related to the implementation and reporting under the Convention.

On 1 October 2023, the Istanbul Convention entered into force for the European Union, which became the 38th party.

References:

- Council of Europe, [Convention on preventing and combating violence against women and domestic violence](http://convention.coe.int/Treaties/en/CONEVENT/Ratification) (Istanbul Convention) and [Chart of signatures and ratifications](http://convention.coe.int/Treaties/en/CONEVENT/Ratification)
Council, Decisions of 11 May 2017 on the signing of the Istanbul Convention on behalf of the EU with regard to judicial cooperation in criminal matters (2017/865) and asylum and non-refoulement, (2017/866)


European Court of Justice, Case File / Opinion of the Court (Grand Chamber), delivered on 6 October 2021

European Economic and Social Committee, Opinion: Combatting violence against women, 13 July 2022

Further reading:

European Parliament, EPRS, EU accession to the Istanbul Convention, At a Glance, February, 2023


Arba Kokalari, FEMM Committee rapporteur for opinion, Five Istanbul Convention Myths, Opinion, EU Observer, 9 September 2020

For a more extensive list of references and further reading, please see the previous versions

Related legislative train carriages:

- EU gender equality strategy
- Combating violence against women
- Prevention of violence against women (November 1999).

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