



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

2016/0062A(NLE)

12.4.2023

DRAFT 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.)

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	4
EXPLANATORY STATEMENT.....	6

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’), which entered into force on 1 August 2014 and was signed by the Union on 13 June 2017,
- 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 (A9-0000/2023),

¹ OJ C 337, 20.9.2018, p. 167.

² OJ C 481, 29.11.2021, p. 2.

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 and 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.

The latest 2022 review of the GREVIO mid-term horizontal report⁵ shows the progress

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

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

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.