Procedure file

Basic information

NLE - Non-legislative enactments	2016/0062A(NLE)	Procedure completed

Council of Europe Convention on preventing and combating violence against women and domestic violence

Accompanying procedure 2016/0062R(NLE)
Accompanying procedure 2016/0062B(NLE)

Subject
4.10.09 Women condition and rights
7.30.30.02 Action to combat violence, trafficking in human beings and migrant smuggling

Key players

European Parliament

Joint Committee Responsible	Rapporteur	Appointed
LIBE Women?s Rights and Gender Equality		12/04/2023
Civil Liberties, Justice and Home Affairs	epp KOKALARI Arba	12/04/2023
	S&D KOHUT Łukasz	
FEMM Women?s Rights and Gender Equality		
Civil Liberties, Justice and Home Affairs		

Former committee responsible

LIBE Civil Liberties, Justice and Home Affairs

Committee for opinion	Rapporteur for opinion	Appointed
JURI Legal Affairs		05/04/2022
	S&D LEITÃO-MARQUES Maria-Manuel	

Former committee for opinion

JURI Legal Affairs

JURI Legal Affairs

FEMM Women?s Rights and Gender Equality

Council of the European Union

Council configuration	Meeting	Date
Agriculture and Fisheries	3533	11/05/2017

European Commission

Commission DG	Commissioner
Justice and Consumers	JOUROVÁ Věra

Key events

04/03/2016	Preparatory document	COM(2016)0109	
11/07/2017	Vote in committee		
19/07/2017	Committee interim report tabled for plenary	A8-0266/2017	Summary
11/09/2017	Debate in Parliament		
12/09/2017	Decision by Parliament	T8-0329/2017	Summary
09/02/2023	Legislative proposal published	05514/2023	
13/03/2023	Committee referral announced in Parliament		
25/04/2023	Vote in committee		
02/05/2023	Committee report tabled for plenary, 1st reading/single reading	A9-0169/2023	
08/05/2023	Referral to joint committee announced in Parliament		
09/05/2023	Debate in Parliament		
10/05/2023	Results of vote in Parliament		
10/05/2023	Decision by Parliament	T9-0196/2023	Summary
01/06/2023	Act adopted by Council after consultation of Parliament		
02/06/2023	Final act published in Official Journal		

Technical information

Procedure reference	2016/0062A(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legal basis	Rules of Procedure EP 58; Treaty on the Functioning of the EU TFEU 218-p6a; Treaty on the Functioning of the EU TFEU 336
Stage reached in procedure	Procedure completed
Committee dossier	CJ01/8/06786; CJ01/9/11698

Documentation gateway

Document attached to the procedure		COM(2016)0111	04/03/2016	EC	
Preparatory document		COM(2016)0109	04/03/2016	EC	
Committee draft report		PE601.176	24/03/2017	EP	
Amendments tabled in committee		PE603.111	11/05/2017	EP	
Committee opinion	JURI	PE601.097	31/05/2017	EP	
Committee interim report tabled for plenary		A8-0266/2017	19/07/2017	EP	Summary
Interim resolution adopted by Parliament		T8-0329/2017	12/09/2017	EP	Summary

Legislative proposal		05514/2023	09/02/2023	CSL	
Committee draft report		PE746.704	12/04/2023	EP	
Amendments tabled in committee		PE746.815	19/04/2023	EP	
Committee opinion	JURI	PE734.251	27/04/2023	EP	
Committee report tabled for plenary, 1st reading/single reading		A9-0169/2023	02/05/2023	EP	
Text adopted by Parliament, 1st reading/single reading		T9-0196/2023	10/05/2023	EP	Summary

Final act

Decision 2023/1075
OJ L 143I 02.06.2023, p. 0001 Summary

Council of Europe Convention on preventing and combating violence against women and domestic violence

PURPOSE: to conclude, by the European Union, the Council of Europe Convention on preventing and combating violence against women and domestic violence.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: the Council of Europe Convention on preventing and combating violence against women and domestic violence was adopted on 7 April 2011 and it came into force on 1 August 2014. As of 1 February 2016, 12 EU Member States have ratified the Convention, and 25 Member States have signed it.

The Convention is the first international instrument aiming to eliminate violence against women, including girls under the age of 18, as a root cause of persisting inequality between men and women, by setting up a comprehensive framework of legal and policy measures to prevent violence against women and protect and assist victims of such violence.

Equality between men and women is a fundamental value and objective of the European Union, as recognised in the Treaties:

- the EU has taken firm positions on the need to eradicate violence against women and is funding specific campaigns and grass-roots projects to combat it;
- existing legislation in the areas of protection of crime victims, childrens sexual exploitation and abuse, asylum and migration takes account of the particular needs of victims of gender based violence.

Despite the efforts at both national and EU level, the extent of violence against women is still a matter of serious concern:

- according to a survey by the Fundamental Rights Agency published in 2014, one in three women in the EU has experienced physical and/or sexual violence since the age of 15, one in twenty women has been raped, 75?% of women in qualified professions or top management have been victims of sexual harassment, and one in ten women has experienced stalking or sexual harassment through new technologies;
- the European Institute for Gender Equality estimates that gender-based violence against women generates costs in the EU of approximately EUR 226 billion per year.

The Conventions approach is fully in line with the Unions multifaceted approach to the phenomenon of gender-based violence and the thrust of measures in place through internal and external EU policies. The Commission considered that the conclusion of the Convention would send a strong political message about the EUs commitment to combating violence against women, create coherence between its internal and external action, as well as complementarity between national and EU levels, and reinforce its credibility and accountability towards its international partners.

CONTENT: under this draft Decision, the Council is called upon to approve, on behalf of the Union, the Council of Europe Convention on preventing and combating violence against women and domestic violence.

The Convention creates a comprehensive legal framework to protect women and girls against all forms of violence. It seeks to prevent, prosecute and eliminate violence against them, including domestic violence. It covers a broad range of measures from data-collection and awareness-raising to legal measures on criminalising different forms of violence against women. It includes measures for the protection of victims and the provision of support services, and addresses the gender-based violence dimension in matters of asylum and migration.

The Convention obliges Parties:

- to condemn all forms of discrimination by ensuring that the principle of equality between men and women is applied in their legal orders and it is made clear that positive action may be taken;
- to ensure that state actors refrain from engaging in any act of violence and to exercise due diligence so that acts of violence committed by non-state actors are prevented, investigated and punished, and that reparation be provided for such acts. The

Convention explicitly applies in times of peace and in situations of armed conflict.

With respect to matters falling within the Unions competence, the Commission shall represent the Union at meetings of the bodies created by the Convention. In particular, the Commission shall select, propose and participate in the nomination of experts to the Group of experts on action against violence against women and domestic violence (GREVIO), on behalf of the Union.

The Commission and the Member States shall cooperate closely, in particular as far as questions of monitoring, reporting, voting arrangements and the functioning of the coordinating body referred to in Article 10 of the Convention are concerned.

Council of Europe Convention on preventing and combating violence against women and domestic violence

The Committee on Civil Liberties, Justice and Home Affairs, together with the Committee on Womens Rights and Gender Equality, adopted the interim report by Anna Maria CORAZZA BILDT (EPP, SE) and Christine REVAULT D'ALLONNES BONNEFOY (S&D, FR) 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.

The committee asked the Estonian Presidency to speed up the ratification by the Union of the Istanbul Convention, stressing that the accession of the Union to the Convention will ensure the establishment of a coherent European legal framework to prevent and combat violence against women and gender-based violence

While welcoming the signing of EUs accession to the Istanbul Convention on 13 June 2017, Members regretted the fact that the limitation to two areas, namely matters relating to judicial cooperation in criminal matters and those related to asylum and non-refoulement, raised legal uncertainties as to the scope of the EUs accession.

The report invited the Council, the Commission and the Member States to take account of a series of recommendations, including:

- initiating a constructive dialogue with the Council and Member States, in cooperation with the Council of Europe, so as to address reservations, objections and concerns expressed by Member States, and in particular to clarify misleading interpretations of the Istanbul Convention;
- keeping Parliament fully informed at all stages of the negotiations and ensuring that it is involved in the monitoring process of the Convention;
- ensuring that Member States ensure the proper application of the Convention and allocate adequate financial resources to preventing and combating violence against women;
- drawing up a holistic EU strategy on combating violence against women and gender-based violence;
- designating an EU Coordinator to act as representative of the EU to the Committee of the Parties at the Council of Europe once the Istanbul Convention is ratified by the EU;
- producing practical guidelines and strategies for the application of the Istanbul Convention;
- taking the necessary measures pursuant to Articles 60 and 61 of the Convention on migration and asylum, taking into account the fact that migrant women and girls have the right to live free from violence.

Members also called on the Commission to present a legal act to support Member States in their efforts to prevent and eliminate all forms of violence against women and to set up a European Monitoring Observatory on gender-based violence.

For its part, the Council should activate the passerelle clause by adopting a unanimous decision to identify violence against women and girls (and other forms of gender-based violence) as an area of crime under Article 83(1) TFEU.

Council of Europe Convention on preventing and combating violence against women and domestic violence

The European Parliament adopted by 489 votes to 114, with 69 abstentions, a resolution 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.

Members recalled that gender-based violence should be treated as a serious and urgent issue as it concerns more than 250 million women and girls in the EU alone.

Some groups of women and girls, such as migrant women, women refugees and asylum seekers, women and girls with disabilities, LBTI women and Roma women, are at risk of multiple discrimination and are therefore even more vulnerable to violence.

Condemning all forms of violence against women, Parliament welcomed the signing of the EUs accession to the Istanbul Convention on 13 June 2017. It urged the Estonian Presidency to speed up the EUs ratification of the Convention, the first comprehensive legally binding international instrument on preventing and combating violence against women and gender-based violence, including domestic violence.

Members stressed that the EUs accession to the Convention will ensure a coherent European legal framework to prevent and combat violence against women and gender-based violence and to protect and support victims in the EUs internal and external policies.

Parliament invited the Council, the Commission and the Member States to take account of a series of recommendations, including:

- initiating a constructive dialogue with the Council and Member States, in cooperation with the Council of Europe, so as to address reservations, objections and concerns expressed by Member States, and in particular to clarify misleading interpretations of the Istanbul Convention;
- keeping Parliament fully informed at all stages of the negotiations and ensuring that it is involved in the monitoring process of the Convention;
- ensuring that Member States ensure the proper application of the Convention and allocate adequate financial resources to preventing

and combating violence against women;
- drawing up a holistic EU strategy on combating violence against women and gender-based violence;
- designating an EU Coordinator to act as representative of the EU to the Committee of the Parties at the Council of Europe once the Istanbul Convention is ratified by the EU;
- producing practical guidelines and strategies for the application of the Istanbul Convention;
- taking the necessary measures pursuant to Articles 60 and 61 of the Convention on migration and asylum, taking into account the fact that migrant women and girls have the right to live free from violence.

The Commission was also called upon to:

- present a legal act to support Member States in their efforts to prevent and eliminate all forms of violence against women;
- revise the EU framework decision currently in force on combating certain forms and expressions of racism and xenophobia by means of criminal law, in order to include sexism, bias crime and incitement to hatred on grounds of sexual orientation, gender identity and sex characteristics.

Lastly, Parliament called for the creation of a European Monitoring Observatory on gender-based violence.

Council of Europe Convention on preventing and combating violence against women and domestic violence

The European Parliament adopted by 472 votes to 62, with 73 abstentions, a 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.

The European Parliament gave its consent to the conclusion of the Convention.

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.

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 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 Istanbul Convention is at the centre of a monitoring system, based on a two pillar monitoring mechanism: (i) an independent expert body (GREVIO), which draws up reports on the themes of the Convention; (ii) a Committee of the Parties (which follows up on GREVIO reports and makes recommendations to the parties concerned).

The Council has now requested the European Parliaments 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.

Council of Europe Convention on preventing and combating violence against women and domestic violence

PURPOSE: to conclude, 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 the institutions and public administration of the Union.

LEGISLATIVE ACT: Council Decision (EU) 2023/1075 of 1 June 2023 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.

CONTENT: under the terms of this Decision, the Council of Europe Convention on preventing and combating violence against women and domestic violence is hereby approved on behalf of the Union in so far as it applies to its institutions and public administration. The Union's accession to the Convention shall be without prejudice to the competence of the Member States to ratify the Convention in respect of matters falling within their national competences.

The Council of Europe Convention on preventing and combating violence against women and domestic violence is the first international instrument aiming to eliminate violence against women, including girls under the age of 18, as a root cause of persisting inequality between men and women, by setting up a comprehensive framework of legal and policy measures to prevent violence against women and protect and assist victims of such violence. The Convention entered into force on 1 April 2014.

The Convention was signed on 13 June 2017 on behalf of the Union with regard to matters covered by the Convention that fall within the exclusive competence of the European Union, subject to its conclusion at a later date.

The Convention creates a comprehensive and multidimensional legal framework to protect women against all forms of violence. It aims to prevent, prosecute and eliminate violence against women and girls and domestic violence. It includes a range of measures, from data

collection and awareness-raising to legal measures to criminalise different forms of violence against women. It includes measures for the protection of victims and the provision of support services and addresses the gender-based violence dimension of asylum and migration. To ensure effective implementation of its provisions by the parties, the Convention establishes a specific monitoring mechanism.

Violence against women is not only a criminal offence but also a violation of their human rights and an extreme form of discrimination, entrenched in gender inequalities and contributing to maintaining and reinforcing them. By committing to the implementation of the Convention, the Union confirms its engagement in combating violence against women within its territory and globally and reinforces its current political action and existing substantial legal framework in the area of criminal procedural law, which is of particular relevance for women and girls.

This Decision concerns the provisions of the Convention only in so far as they are applicable to the institutions and public administration of the Union. It does not concern the provisions of the Convention relating to judicial cooperation in criminal matters, asylum or non-refoulement, which are covered by a separate Council Decision adopted in parallel with this Decision.

ENTRY INTO FORCE: 22.6.2023.