

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

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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.