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Informationen for Opinion Leaders



EU-Ratification Istanbul Convention

What is the Istanbul Convention and why do we need it?

One in three women in the European Union have experienced physical or sexual violence.¹ This is precisely why comprehensive legal packages are essential.

The “**Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence**” was signed in Istanbul in 2011 and is also known as the “Istanbul Convention” (IC). It is the **first legally binding instrument to comprehensively combat all forms of violence** against women and girls in Europe. Austria has been a signatory of the IC since the beginning and it has been in force in **Austria since 2014**. (Attention: the Council of Europe, based in Strasbourg (47 members) is not to be confused with the EU institutions!)

The concept of violence is broadly defined in the Convention. These include **psychological violence**, stalking, physical violence including **rape**, forced marriage, female genital mutilation, **forced abortion**, forced sterilization, and **sexual harassment**.

The four pillars of IC are:

- **Prevention**
- **Protection**
- **Prosecution**
- **Co-ordinated policies**

¹ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2014-vaw-survey-main-results-apr14_en.pdf

EU Member States & IC:

All EU member states have signed the IC, but **only 21 member states** have **ratified** the IC, making the convention valid. Bulgaria, Latvia, Lithuania, but also our neighbors Hungary, the Czech Republic and Slovakia have not ratified the IC. In July 2020, Poland announced that it would withdraw from the convention, but has not yet carried out this threat. Turkey was the first country to leave the IC in July 2022. Ukraine ratified the IC during the 2022 war.

EU & IC:

In 2015, the Commission presented a roadmap for protection against violence, which also envisions the accession of the EU to the IC. In 2016, the Commission put a concrete proposal for a Council decision on EU accession on the table. The EU signed the IC in 2017 but has not yet seen it ratified. In 2017, the Council published a decision building on the Commission proposal, but split it into two draft decisions, namely the following:

- 1) **Institutions and public administration of the Union**
- 2) **judicial cooperation in criminal matters, asylum and non-refoulement**

In **2019**, the **European Parliament**, under great pressure from the Committee on Women's Rights and Gender Equality (FEMM) chaired by Evelyn Regner, asked the **European Court of Justice** (ECJ) to determine whether the EU may ratify the IC even if not all member states have ratified the IC and therefore no unanimity in the Council is required for ratification. In its **2021 opinion**, the ECJ confirmed that the EU can also ratify the IC with a **qualified majority**, but at the same time followed the Council approach, which limits the **focus to exclusive EU competences**.

In the first half of 2023, the responsible committees in the European Parliament, the plenum and the Judicial Council spoke out in favor of the ratification of the **Istanbul Convention** by the EU. This **came into force on June 22, 2023**.

What are the next steps?

The decisions now have to be formally adopted by the **Justice and Home Affairs** Council. The Council must also adopt the **Code of Conduct** and the **Declaration of Competencies**, which clarifies the responsibilities between the EU and its member states. These further steps are planned for the Swedish Council Presidency in the first half of 2023.

What will change if the European Union ratifies it?

Once ratified, there can be **appeals to the ECJ** and the **Commission can sanction member states** that do not comply with the parts of the IC that have been ratified. According to the two resolutions, the focus is not on the entire IC, but only on the areas of exclusive competence of the EU, above all on criminal justice. Especially for women and girls in the member states who have not ratified the IC and therefore cannot turn to the European Court of Human Rights in Strasbourg, the now possible appeal to the ECJ represents a significant improvement. Austria too (see GREVIO report) itself does not yet meet all the points required by the IK.²

More demands

We continue to work intensively to ensure that the **six missing member states** ratify the IC at national level in order to give girls and women full protection from violence and access to all rights of the IC. We also call for **gender-based violence** to be included in the **list of Eurocrimes** under Article 83(1) TFEU, which could set cross-border minimum rules defining criminal offenses and penalties. We need an **EU framework** for **unified prevention, protection** and **especially law enforcement** (e.g. appropriate training, procedures and guidelines on gender issues, specific support and protection measures with a victim-centred approach for all professionals involved including law enforcement, judiciary and prosecutors).

² <https://rm.coe.int/grevio-report-austria-1st-evaluation/1680759619>

Further Information

Council of Europe Convention on preventing and combating violence against women and domestic violence (IC):

<https://rm.coe.int/168008482e>

GREVIO Baseline Evaluation Report Austria (2017):

<https://rm.coe.int/grevio-report-austria-1st-evaluation/1680759619>

Gender Equality Strategy (2020-2025) of the EU-Commission:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2020%3A152%3AFIN>

ECJ Opinion (1/19 v. 06.10.2021):

<https://curia.europa.eu/juris/document/document.jsf?docid=238745&doclang=EN>