

ROADMAP			
TITLE OF THE INITIATIVE	(A possible) EU Accession to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)		
LEAD DG – RESPONSIBLE UNIT – AP NUMBER	JUST – JUST.D.1 (LEGAL ASPECTS) AND JUST D.2 (POLICY ASPECTS) 2015/JUST/010	DATE OF ROADMAP	October 2015
LIKELY TYPE OF INITIATIVE	Accession to an international convention – proposal for a Council Decision		
INDICATIVE PLANNING	<i>Insert hyperlink to forecast report</i>		
ADDITIONAL INFORMATION	<i>Insert link to "Commission decides" or to the specific website for the initiative</i>		
This indicative roadmap is provided for information purposes only and can be subject to change. It does not prejudice the final decision of the Commission on whether this initiative will be pursued or on its final content and structure.			

A. Context, Subsidiarity Check and Objectives

Context
<p>On 6 April 2011, the Council of Europe (CoE) adopted the Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). The Convention is the first instrument in Europe to set legally binding standards to specifically prevent violence against women and girls, protect its victims and punish perpetrators. The Istanbul Convention understands "women" to include girls under the age of 18¹. The Convention covers a broad range of measures, from data collection and awareness-raising, to legal measures on criminalising broadly different forms of violence against women. It also deals with protection measures, the provision of support services and measures to address the asylum and migration dimension of violence against women. The cross-border dimension of gender-based violence is also addressed by the Istanbul Convention. The Convention entered into force on 1 August 2014.²</p> <p>The Convention provides for the signing and ratification of the Convention also by the European Union. The EU can accede to it to the extent of its competences. The Convention, involving both Member States' and EU competences, enables EU Member States and EU to become parties jointly. Core provisions of the Convention relate notably to EU <i>acquis</i> in the area of procedural criminal law (Articles 82 and 84 TFEU), and, to a more limited extent, to <i>acquis</i> on migration and asylum (Articles 78 and 79 TFEU). Member States remain competent for the Convention's provisions on the creation of criminal offences for different forms of violence against women, which are part of Chapter V of the Convention on Substantive Law. As to procedure for Union's accession, the Council would, following a Commission proposal, adopt a Decision concluding the agreement. Following this decision, which is subject to the consent of the European Parliament, the agreement would become binding upon the institutions of the EU and its Member States (Article 216(2) TFEU) to the extent of the EU's competences involved.</p> <p>This initiative by creating a coherent EU framework for combating violence against women would contribute to the European Commission's commitment to gender equality as expressed in President Juncker's guidelines. Equality between women and men is a fundamental value and objective of the European Union, as recognised in the Treaties.</p> <p>The EU accession would also contribute to the EU's commitments in the framework of the UN Convention on the rights of persons with disabilities to which the EU is a party together with Member States and which requires Parties to ensure that women and children with disabilities enjoy equal rights and that disabled persons are protected against exploitation, violence and abuse (Articles 6, 7 and 16 of the UN Convention³). Moreover, in its Concluding observations (dated 4/09/2015) on the initial report of the European Union, the UN Committee on the</p>

¹ See Article 3(f) of the Convention.

² So far 38 countries (of which 24 are EU MS) have signed the Convention. 18 countries have ratified it, of which 11 EU Member States (in italics): Albania, Andorra, *Austria*, Bosnia and Herzegovina, *Denmark*, *Finland*, *France*, *Italy*, *Malta*, Monaco, Montenegro, *Poland*, *Portugal*, Serbia, *Slovenia*, *Spain*, *Sweden*, and Turkey.

³ Other relevant articles are: 11, 14, 17, 22, 23, 25.

Rights of Persons with Disabilities recommended "that the EU accede to the Council of Europe Istanbul Convention as a step to combating violence against women and girls with disabilities".⁴

The EU Agenda for the rights of the child (2011 – 2014)⁵ highlighted that the well-being of children can only be achieved in a society which is free of violence, abuse and exploitation of children. EU accession would contribute to the EU's commitment to the rights of the child and their protection from violence and its work on integrated child protection systems.⁶

Eurobarometer 428 on Gender Equality reveals that **59% of Europeans believe that violence against women is the gender inequality issue that should be dealt with the most urgently.**

The Commission has in particular shown its **commitment to ending violence against women through the Women's Charter⁷ and the Strategy for equality between women and men⁸.**

Moreover, the EU has adopted **legal measures in the fields of criminal and civil justice that prevent gender-based violence and provide support to victims:** on equal treatment, including sexual harassment⁹; on trafficking in human beings¹⁰; against the sexual abuse and sexual exploitation of children and child pornography¹¹; on the European Protection Orders applicable in criminal and civil matters¹²; and on the rights of crime victims¹³. At present the Commission focuses on actively monitoring and guiding Member States in implementing this existing legislation.

The Commission funds **awareness-raising campaigns** by national governments and **grassroots projects**, under the Rights, Equality and Citizenship Programme, which contribute to ending violence against women, and organises exchanges of good practice between Member States so they can learn about successful policies.

The Commission is also cooperating with all stakeholders involved in **getting more accurate and comparable data** on violence against women, which is crucial to strengthening policy responses. In March 2014, the Fundamental Rights Agency (FRA) released the results of the **first EU-wide survey on women's experiences of violence.**¹⁴ The European Institute for Gender Equality (EIGE) has also produced an online mapping tool on administrative data sources and related statistical products.¹⁵ In addition, Eurostat is working with the United Nations Office on Drugs and Crime (UNODC) to improve statistics on crime, including intentional homicide, rape and other sexual assault, through a joint collection of data, the results of which will be available in 2015.

Over the last few years, in particular in Resolution of 25 February 2014 with recommendations to the Commission on combating Violence Against Women (2013/2004(INL)) and Oral question O-000080/2014, the European Parliament has repeatedly called on the Commission inter alia to propose the accession of the EU to

⁴http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fEU%2fCO%2f1&Lang=en

⁵ <http://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX:52011DC0060>

⁶ The Commission has worked on integrated child protection systems which serve to protect children against all forms of violence, notably through the organisation of three European Forums on the rights of the child on this subject. The reflection paper of the 9th European Forum, proposed 10 Principles for integrated child protection systems. See: http://ec.europa.eu/justice/fundamental-rights/rights-child/eu-agenda/index_en.htm
http://ec.europa.eu/justice/fundamental-rights/files/2015_forum_roc_background_en.pdf,
http://ec.europa.eu/justice/fundamental-rights/rights-child/protection-action/index_en.htm
http://ec.europa.eu/justice/fundamental-rights/rights-child/index_en.htm
http://ec.europa.eu/justice/fundamental-rights/rights-child/protection-systems/index_en.htm

⁷ <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52010DC0078&from=EN>

⁸ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1396540108305&uri=CELEX:52010DC0491>

⁹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:204:0023:0036:EN:PDF>

¹⁰ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF>

¹¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:335:0001:0014:EN:PDF>

¹² http://ec.europa.eu/justice/criminal/files/directive_2011_99_on_epo_en.pdf

¹³ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:181:0004:0012:en:PDF>

¹⁴ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:315:0057:0073:EN:PDF>

¹⁵ <http://fra.europa.eu/en/publication/2014/vaw-survey-main-results>

¹⁶ <http://eige.europa.eu/gender-based-violence/administrative-data-sources>

¹⁷ Resolution of 6 February 2013 on the 57th session on UN CSW: Elimination and prevention of all forms of violence against women and girls (2012/2922(RSP)); Oral question O 000084/2013; Written question E-000344/2014; Resolution of 25 February 2014 with recommendations to the Commission on combating Violence Against Women (2013/2004(INL)); Oral question O-000080/2014.

¹⁸ Opinion of the European Economic and Social Committee on Eradicating domestic violence against women (2012); <http://www.amnesty.org/en/news/europe-must-ratify-istanbul-convention-fight-violence-against-women-2014-08-01>; <http://www.womenlobby.org/news/european-international-news/article/10-ratifications-reached-the?lang=en>

the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).¹⁶ In response to EP's Oral question O-000080/2014, Commissioner Jourova committed to exploring and proposing the EU accession to the Convention: *In as far as the EU has competence to sign and ratify the Convention, I will propose the EU accession to it.*

Stakeholders, such the European Economic and Social Committee, Amnesty International and the European Women's Lobby (EWL), have also called for national ratifications of and EU accession to the Istanbul Convention.¹⁷

Issue

The problem of violence against women

Violence against women is a **violation of women's human rights and an extreme form of discrimination, entrenched in gender inequalities and contributing to reinforcing them.** A public policy intervention is therefore justified on the basis of protection of the fundamental rights of EU citizens (equity).

According to the FRA survey on women's experiences of violence against women¹⁸, violence against women and girls is widespread, for example:

- one in three women in the EU has experienced physical and/or sexual violence since the age of 15;
- 75 % of women in qualified professions or in top management have experienced sexual harassment;
- one in twenty women has been raped;
- one in ten women has experienced sexual harassment or stalking through new technologies; and
- women with disabilities are in a particularly disadvantaged position, prevalence of various forms of violence against women with a health problem or disabilities is more than 10 percentage points higher than for women without a health problem or disabilities.

The survey shows that this issue affects **all European countries** and societies.

Not only does gender-based violence affect women's health and well-being, but it can **hamper women's access to employment**, thereby **negatively affecting their financial independence and the economy in general.** EIGE's [Estimating the costs of gender-based violence in the European Union: Report](#) calculates that gender-based violence against women **costs the EU approximately EUR 226 billion per year.**

The causes of violence against women and domestic violence are diverse and complex. Gender inequalities, including economic dependence of women on their partners, contribute to violence against women. In addition, lack of adequate and sensitive support and limited access to justice lead to under-reporting and to a culture of impunity, as well as long-term consequences on the lives, health, well-being and income of women and their families. These issues are all tackled in the Istanbul Convention, which provides a **comprehensive, human-rights-based framework to tackle violence against women at the national and European levels.**

Who will be affected

Women across the EU will be affected by EU accession, as the Convention includes an obligation to put in place prevention measures. Female victims of violence will also be affected by the initiative, as they will be better protected and supported. Asylum seekers who are victims of violence or who are at risk of violence if returned to their country of origin will be better protected and treated in a gender-sensitive way by a more systematic consideration of the risk of exposure to violence and abuse. In general, also all child victims and child witnesses of violence are afforded better protection under the Convention, and the perpetrators of domestic violence are affected by preventive intervention and treatment programmes.

Member States will also be affected, as they will be subject to the obligations of the Convention falling within EU competence even if they have not yet ratified.

Subsidiarity check

Articles 78, 79, 82(2) and 84 of the Treaty on the Functioning of the European Union (TFEU), in conjunction with Article 218(6)(a)(v) thereof. The centre of the gravity of the Conventions relates to the crime prevention and to the rights of the victims of crime (Articles 84 and 82(2) TFEU).

EU action is justified on grounds of subsidiarity: the thrust of the measures mirrors the EU approach in particular under Directive 2012/29/EU (the Victims Directive) that has been found to respect the principle of subsidiarity. The need for action on violence against women, including at EU level has been recognised by the European Parliament and the Council¹⁹.

¹⁸ <http://fra.europa.eu/en/publication/2014/vaw-survey-main-results>

¹⁹ https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/lsa/113226.pdf

There are varying levels of protection for women at risk of violence and access to support services in the EU Member States. The Istanbul Convention, and EU accession to it, can play a unifying role in raising awareness and promoting the exchange of good practice throughout the EU. EU action provides an opportunity to contribute towards international progress in ending violence against women.

While alternative modes of engagement could be conceived, these would not achieve these policy objectives to the same extent.

Main policy objectives

The main policy objective is to promote equality between women and men (a goal recognised in the Treaty on European Union) and to combat violence against women, i.e. to prevent and reduce levels of violence, protect women from violence and support victims, thereby saving lives and improving the quality of life of victims. The broad and far-reaching provisions of the Convention, and the coordinated approach it takes, will contribute to furthering these aims.

B. Option Mapping

The policy options are:

- **No accession to the Convention:**

Current actions, such as legislation on various aspects related to violence against women (but non on violence against women per se), funding and awareness-raising, can continue. The ratification by Member States only could however generate the risk of diverging interpretations of considerable existing acquis on issues covered by the Convention and notably disparities between Member States that have ratified the Convention and those that have not ratified it.

- **Proposal by the Commission for a Council Decision authorising Member States to ratify the Istanbul Convention:**

This procedure would authorise Member States to ratify the Convention, pave the way for and facilitate full accession by every EU Member State. It would clarify the legal situation relating to national ratifications as regards areas where accession to the Convention could impact the scope and interpretation of existing acquis.

- **Proposal for a Council Decision on EU accession to the Istanbul Convention:**

Provided that the EU would accede, alongside Member States, to the full extent of its competences, ratification of the Istanbul Convention would put the EU in a strong position as regards monitoring of enforcement of the Convention also beyond the EU and would send a firm political message. At the same time, the EU would become internationally accountable for the implementation of those parts of the Convention. EU accession would also answer the calls from the European Parliament and stakeholders for binding measures at EU level.

The benefits of EU accession to the Convention lie in the reduction in violence against women and therefore in the **improvement of the health and lives of victims**. Moreover, a reduction of gender-based violence would thereby bring great savings to the EU economy (the European added-value assessment suggests that **if we reduced violence by only 10%, the direct economic costs would be reduced by approximately EUR 7 billion a year**²⁰).

EU accession would, as side-effect, promote cooperation among Member States for the purposes of combating violence against women, also in view of the cross-border dimension of the issue of violence against women, and an EU accession to the Convention would help address this and thus be of added value.

EU accession is important also for policy reasons and would send a **strong political message** on the importance of women's human rights in the EU, and the need to combat violence against women through an integrated and comprehensive set of measures. EU ratification would allow for the **coordination of policies** across EU institutions, the support of actions by various stakeholders and the provision of adequate resources in a sustainable way.

EU accession to the Convention, and the monitoring implied, would support the work and **give added impetus in particular areas**, such as developing knowledge of the phenomenon in the EU and **data collection, which helps European and national policymakers to formulate and implement better policies**.

The European Parliament and stakeholders such as the European Women's Lobby have repeatedly requested the Commission to take greater action in this area. The EU accession would respond to these calls from the European Parliament and promote the **EU's reputation as a union of values and a leader in the promotion and respect for fundamental rights and gender equality**.

EU accession would also confirm and **reinforce EU support for the Convention internationally**, as already

²⁰ http://www.europarl.europa.eu/meetdocs/2009_2014/documents/femm/dv/eav_violence-against-women-/eav_violence-against-women-en.pdf

<p>acknowledged by an explicit reference to the Convention in the Victims' Directive and repeated calls on Member States to ratify. It would allow for closer cooperation with the Council of Europe in this area, thereby consolidating efforts and avoiding duplication.</p> <p>Finally, it would send a strong signal to non-EU Member States about the advantages of acceding to the Convention. Consequently, the EU accession to the Convention would increase visibility to the rest of the world of the EU's commitment towards the elimination of violence against women. EU accession would also strengthen the basis for pursuing the issue of violence against women with those partner countries that are parties to the CoE Convention but that are not EU Member States.</p>
<p>Proportionality check</p>
<p>EU accession to the Istanbul Convention is the most proportionate instrument to reach the defined objectives. Proportionality can be ensured through the flexibility of the Convention as to the means of implementation.</p>
<p style="text-align: center;">C. Data collection and Better Regulation instruments</p>
<p>Data collection</p>
<p>The EU's main sources of information and data are:</p> <ul style="list-style-type: none"> • Special Eurobarometer 344: Domestic Violence Against Women (September 2010); • the report "Feasibility study to assess the possibilities, opportunities and needs to standardise national legislation on violence against women, violence against children and sexual orientation violence" commissioned by DG JUST in 2010; • The European Parliament's Added Value Assessment on Combatting violence against women (accompanying the European Parliament's Legislative own-Initiative Report (Rapporteur Antonya Parvanova, MEP)); • The Fundamental Rights Agency's "Violence against women: an EU-wide survey. Main results report" (March 2014) • Eurobarometer 428: Gender Equality (March 2015). <p>No further information is planned to be gathered before a possible proposal for EU accession. At this stage, no communication and information activities are planned before the proposal for accession.</p>
<p>Consultation approach</p>
<p>A consultation of relevant services within the Commission is ongoing. The internal consultations were also carried out during the negotiations on the Convention, and the possibility for the EU accession to the Convention was included in its final clauses,</p> <p>The European Network of Experts on Gender Equality carried out an analysis of the impacts and added value of an EU accession to the Convention.</p> <p>The Member States will be consulted in an expert meeting. An early consultation as well as monitoring of the signature and accession situation of the Member States has been done at the High-Level Group on gender mainstreaming that consists of representatives of the Member States.</p> <p>No other formal stakeholder consultation is planned at this stage.</p>
<p>Will an Implementation plan be established?</p>
<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>The Better Regulation Guidelines (SWD (2015) 111) support the need for an establishment of an Implementation Plan for the sake of timely, effective and consistent implementation for measures of a complex nature. Such Plan is necessary where the legal act creates a large number of legal obligations or in the case of framework directives. The Guidelines specify that an Implementation Plan would normally not be needed for measures of a limited scope and/or limited legal obligations or a limited amendment of legal obligations under an existing directive (see pages 34/35 of the SWD). The accession to the Istanbul Convention would create obligations that can be classified as limited changes in the light of the analysis carried out by the services so far. The obligations would also build on existing <i>acquis</i> and would only complement a limited number of legal obligations established notably by the Victims Directive which share the logic and approach of the Convention.</p>
<p>Will an impact assessment be carried out for this initiative and/or possible follow-up initiatives?</p>
<p>An analysis of a possible EU accession to the Convention has identified only limited legislative and economic impacts which would present political and legal added value.</p> <p>The initial assessment is that the Convention is generally compatible with the EU <i>acquis</i> although some articles</p>

of the Convention are more specific than the relevant existing EU instruments.

Preparatory work is ongoing to assess in detail the nature of any legal implications of a possible EU accession, including whether this would require new EU legislation.

At this stage it has been identified that a possible EU accession would require some limited adaptations:

From a policy perspective, an EU accession would involve a number of activities, **many of which are already being implemented**: adopting an action plan or framework strategy combating violence against women, designating a coordinating body for the EU (in principle, the European Commission, in particular DG Justice and Consumers), nominating a representative of the EU for the Committee of the Parties, organising trainings for professionals, ensuring sustainable funding, data collection and research, supporting civil society organisations and awareness-raising.

As regards the obligation to collect data, a statistical Regulation would be needed to allow Eurostat to run an EU-wide population-based survey on prevalence of violence against women. As Member States will also have an obligation to carry out such surveys, Eurostat's role would be to harmonise definitions and coordinate the work carried out by Member States, to enable the comparability of data across the EU. The cost of such a survey is estimated at around 10 m EUR every 5-6 years, with half a post within Eurostat dedicated to it. However, it should be noted that work on improving the collection of data on violence against women is already ongoing, would be required from the ratifying Member States in any case and an EU accession would add to the push at the European level for better statistics and information on the prevalence, trends and circumstances of the phenomenon.

The Rights, Equality and Citizenship Programme, Justice Programme and Erasmus + would have to continue to be used to fund civil society organisations, research, awareness-raising (by Member States and civil society organisations), education and other prevention measures, such as promoting social change and non-stereotypical behaviours among men and women. However, no new additional budgets are required.

Another cost of EU accession lies in the monitoring of the EU's obligations, which will represent an additional administrative burden. The Convention establishes a monitoring mechanism in the form of a group of experts ("GREVIO"), which will have the mandate to consider reports submitted by States Parties on the basis of a questionnaire prepared by GREVIO (see Articles 66-69 of the Convention). The coordinating body within the EU (i.e. the Commission) will have to prepare **regular reporting** based on relevant statistical data, surveys and research in the context of the GREVIO monitoring mechanism. However, monitoring and evaluation is necessary to ensure effective policymaking regardless.

No formal IA is envisaged, as the preliminary analysis shows that legislative and economic impacts of a possible EU accession to the Convention are limited in the light of the implementation of the Victims' Directive, in particular because most Member States intend to ratify the Convention.