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International Day for the Elimination of Violence against Women

Ratification of the Istanbul Convention will mean that women and girls will be guaranteed the right to live lives free from violence.



Statistics show that violence against women is a serious problem in the European Union today: 1 in 3 women in the EU has experienced sexual violence since the age of 15, and half of all women in the EU avoid certain situations or places for fear of being assaulted. It is therefore with great anticipation that we welcome the Council of Europe Istanbul Convention, which was adopted in 2011 and entered into force in 2014, as the first legally binding instrument on preventing and combating violence against women at international level and currently the most comprehensive and ambitious international treaty to combat violence against women in all its forms. As a result, in March 2016, the European Commission proposed the EU accession to the Istanbul Convention. Negotiations in the Council have been very slow so far. A majority of Member States are in favour of the EU accession, but they would like the EU to join only in the framework of its exclusive competences. The Commission defends a broad accession, meaning the EU would join the framework in all of its competences. The Slovakian Presidency intends for the Council to adopt the decision on signature before the end of the year, and to discuss then the decision on the accession, which will take more time. In the Commission's proposal for a Council decision on the conclusion by the EU of the Istanbul Convention, it is explicitly mentioned that violence against women, including girls under the age of 18, is a root cause of persisting inequality between men and women, and that the Convention creates a comprehensive and multifaceted legal framework to protect women against all forms of violence. The conclusion of the Convention by the European Union contributes to the realisation of equality between men and women in all areas, which is a core objective and value of the

Union to be realised in all its activities in accordance with Articles 2 and 3 of the Treaty on European Union, Article 8 of the Treaty on the Functioning of the European Union and Article 23 of the Charter of Fundamental Rights of the European Union. Violence against women is 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 to 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 that is of particular relevance for women and girls. Accessing to the Convention would be a major step forward in making Europe a safer place; All EU Member States have signed it, but only fourteen of them have ratified it (Remaining 14 MS that need to ratify: Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Slovakia, UK). It would be important for the objectives of gender equality and freedom from violence, that EU law on these issues is interpreted in the manner required by the Convention, as the Convention offers a consistent and comprehensive framework for interpretation not only to Member State jurisdictions but also to the Court of Justice of the European Union. The Convention will be used as a standard for interpretation of EU law. More specifically:

- it will guarantee a coherent legal European framework to prevent and combat violence against women and gender-based violence and to protect the victims;
- it will provide greater coherence and efficiency in the EU's internal and external policies;
- it will ensure better monitoring and implementation of EU laws, programmes and funds relevant to the Convention, as well as more adequate and better collection of comparable data on violence against women at EU level; an EU accession to the Convention would oblige Member States to collect and send accurate and comparable data to Eurostat, which is essential for developing effective policies and awareness-raising campaigns;
- it will reinforce the EU's accountability on the international stage;
- more accountability: the EU will have an active role in monitoring the proper and effective application of the Convention, as a member of the Committee of the parties (representatives of those who have ratified), the EU would participate in electing the Group of experts and adopting recommendations concerning the implementation of the Convention. This would strengthen the EU's international role in the fight against violence against women
- areas covered by the Convention that EU accession will have an impact, include : prevention, fight against discrimination, cooperation in judicial and criminal matters (in particular mutual recognition), victims' protection and support, protection of children, protection of women asylum seekers and refugees, better data collection.
- EU accession should respect the holistic approach followed by the Convention, i.e. the adoption of integrated policies, combining actions in various areas led by multiple stakeholders (judicial, police and social authorities, NGOs, local and regional associations, governments), at all levels of governance.

As a conclusion, however, it is important to clarify that the EU joining the Istanbul convention does not mean we would have EU hard law prohibiting violence against women. The soft law requirements that exist at EU level, including the conclusion of the Istanbul convention by the EU, and the specific EU policy intervention of funding the Daphne programmes, are not sufficient for shifting the negative legal legacies of the member states on the issue of violence against women. This is why as Greens/EFA we call on the Commission to submit a legislative initiative of EU law on eliminating violence against women, because we realise that a positive, European legal legacy is required to be put into place, in order to balance the historically unequal reception of domestic laws towards gender-based violence. *The European Parliament resolution on EU accession to the Istanbul convention on violence against women was adopted by a huge majority on Thursday 24 November 2016 (516 votes in favour, 54 against, 52 abstentions). This makes the European Parliament's message very strong: the Parliament wants the EU to accede to the Istanbul Convention, the Commission to propose legislative initiative combating violence against women, and the*

Council to adopt the unanimous decision of identifying violence against women as an area of crime under article 83 of the Treaty on the Functioning of the European Union, which we can only hope the Commission upholds.

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