



2024/1667

12.6.2024

COUNCIL DECISION (EU) 2024/1667

of 30 May 2024

on the position to be taken on behalf of the European Union at the 16th meeting of the Committee of the Parties to the Council of Europe Convention on preventing and combating violence against women and domestic violence on the adoption of a recommendation and conclusions addressed to five State Parties on their implementation of that Convention, with regard to matters related to institutions and public administration of the Union

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 336, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Council of Europe Convention on preventing and combating violence against women and domestic violence ('the Convention') was concluded by the Union by Council Decision (EU) 2023/1075 ⁽¹⁾ with regard to institutions and public administration of the Union, and by Council Decision (EU) 2023/1076 ⁽²⁾ with regard to matters related to judicial cooperation in criminal matters, asylum and non-refoulement, insofar as they fall within the exclusive competence of the Union, and entered into force for the Union on 1 October 2023.
- (2) In accordance with Article 66(1) of the Convention, the Group of experts on action against violence against women and domestic violence ('GREVIO') has been tasked with monitoring the implementation of the Convention by its Parties. Pursuant to Article 68(11) of the Convention, GREVIO is to adopt its report and conclusions concerning the measures taken by the Party concerned to implement the provisions of the Convention.
- (3) The Committee of the Parties to the Convention may adopt recommendations addressed to the Party concerned, in accordance with Article 68(12) of the Convention. The recommendations are based on the GREVIO report and differentiate between those measures which the Committee of the Parties considers the Party concerned should take as soon as possible, with a requirement to report back to it on steps taken in that regard within a 3-year period, and those measures which, while important, the Committee of the Parties considers could be left at a secondary level of immediacy. At the end of the 3-year period, the Party must report back to the Committee of the Parties on the measures taken, within 10 specific areas of the Convention. On the basis of that information, and any additional information obtained from non-governmental organisations, civil-society and national institutions for the protection of human rights, the Committee of the Parties is to adopt conclusions on the implementation of the recommendations prepared by the Secretariat of the Committee.
- (4) The Committee of the Parties, during its 16th meeting on 31 May 2024, is expected to adopt the following draft recommendation and four draft conclusions, concerning the implementation of the Convention by five State Parties (the 'draft recommendation and conclusions'):
 - Recommendation on the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence by Liechtenstein [IC-CP(2024)1-prov];
 - Conclusions on the implementation of recommendations in respect of Andorra adopted by the Committee of the Parties [IC-CP(2024)2-prov];
 - Conclusions on the implementation of recommendations in respect of Belgium adopted by the Committee of the Parties [IC-CP(2024)3-prov];

⁽¹⁾ 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 (OJ L 143 I, 2.6.2023, p. 1).

⁽²⁾ Council Decision (EU) 2023/1076 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 matters related to judicial cooperation in criminal matters, asylum and non-refoulement (OJ L 143 I, 2.6.2023, p. 4).

- Conclusions on the implementation of recommendations in respect of Malta adopted by the Committee of the Parties [IC-CP(2024)4-prov]; and
- Conclusions on the implementation of recommendations in respect of Spain adopted by the Committee of the Parties [IC-CP(2024)5-prov].
- (5) The Union has exclusive competence to accept obligations set out in the Convention with regard to its own institutions and public administration, within the scope of Article 336 of the Treaty on the Functioning of the European Union. In its Opinion 1/19 (Istanbul Convention)⁽³⁾ of 6 October 2021, paragraph 305, the Court of Justice has confirmed that a significant part of the obligations of the Convention relating to the adoption of preventive measures are, in essence, binding on the Union as regards the staff in its administration and as regards the members of the public visiting the premises and buildings of its institutions, agencies and bodies. Moreover, in paragraph 307 of the same Opinion, the Court held that the Union should not confine itself to establishing minimum requirements or supporting measures, but should itself ensure that those obligations are fully satisfied.
- (6) The draft recommendation and conclusions concern the implementation of provisions of the Convention which also apply to the Union with regard to its own institutions and public administration. It is therefore appropriate to establish the position to be taken on behalf of the Union in the Committee of the Parties with regard to matters related to institutions and public administration of the Union, as the envisaged acts are capable of decisively influencing the content of Union law in that they may affect the interpretation of relevant provisions of the Convention in the future.
- (7) As regards Liechtenstein, the draft recommendation on its implementation of the Convention includes the need to develop a comprehensive strategy or action plan for preventing and combating all forms of violence covered by the Convention (Article 7 of the Convention), to ensure gender budgeting and earmarked funding to identify sums spent on addressing violence against women and domestic violence by all relevant institutions (Article 8 of the Convention), to allocate human and financial resources to coordinating bodies (Article 10 of the Convention), to conduct population-based surveys on all forms of violence covered by the Convention and to promote research on the situation of women victims (Article 11 of the Convention), to ensure a free, dedicated state-wide telephone helpline (Article 24 of the Convention) and to make use of police barring orders to ensure victim protection (Article 52 of the Convention). As the recommendations on those matters are in line with the Union's policies and objectives and do not raise any concerns with respect to Union law, the position of the Union should be to not object to the adoption of the recommendation addressed to Liechtenstein.
- (8) As regards Andorra, the draft conclusions on its implementation of the Convention include the need to ensure that relevant stakeholders receive sufficient human and financial resources (Articles 8 and 25 of the Convention), to ensure a coordinated and cross-cutting approach to preventing and combating violence against women (Article 7 of the Convention), to promote regular research activities on the situation of all forms of violence covered by the scope of the Convention (Article 11 of the Convention) and to ensure that victims have access to emergency barring orders in line with the Convention (Article 52 of the Convention). As the conclusions on those matters are in line with the Union's policies and objectives and do not raise any concerns with respect to Union law, the position of the Union should be to not object to the adoption of the conclusions addressed to Andorra.
- (9) As regards Belgium, the draft conclusions on its implementation of the Convention include the need to ensure data collection on violence against women (Article 11 of the Convention) and to ensure that specialist support services receive funding in a manner that ensures their continued services (Articles 8 and 25 of the Convention). As the conclusions on those matters are in line with the Union's policies and objectives and do not raise any concerns with respect to Union law, the position of the Union should be to not object to the adoption of the conclusions addressed to Belgium.
- (10) As regards Malta, the draft conclusions on its implementation of the Convention include the need to strengthen cooperation with non-governmental actors, including those providing specialist support services, and to ensure their effective participation in the design of relevant policies (Article 7 of the Convention), to ensure the comprehensive collection of data in relation to all forms of violence covered by the Convention (Article 11 of the Convention), and to ensure that the legislation is in line with the Convention as regards emergency barring orders and protection orders (Articles 52 and 53 of the Convention). As the conclusions on those matters are in line with the Union's policies and objectives and do not raise any concerns with respect to Union law, the position of the Union should be to not object to the adoption of the conclusion addressed to Malta.

⁽³⁾ ECLI:EU:C:2021:832.

- (11) As regards Spain, the draft conclusions on its implementation of the Convention include the need to harmonise the level of support and protection of women victims throughout the country and to evaluate the implementation of relevant measures (Articles 10 and 25 of the Convention). As the conclusions on those matters are in line with the Union's policies and objectives and do not raise any concerns with respect to Union law, the position of the Union should be to not object to the adoption of the conclusions addressed to Spain,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on behalf of the Union at the 16th meeting of the Committee of the Parties, established under Article 67 of the Convention, shall be to not object to the adoption of the following acts:

- (1) Recommendation on the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence by Liechtenstein [IC-CP(2024)1-prov];
- (2) Conclusions on the implementation of recommendations in respect of Andorra adopted by the Committee of the Parties [IC-CP(2024)2-prov];
- (3) Conclusions on the implementation of recommendations in respect of Belgium adopted by the Committee of the Parties [IC-CP(2024)3-prov];
- (4) Conclusions on the implementation of recommendations in respect of Malta adopted by the Committee of the Parties [IC-CP(2024)4-prov]; and
- (5) Conclusions on the implementation of recommendations in respect of Spain adopted by the Committee of the Parties [IC-CP(2024)5-prov].

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 30 May 2024.

For the Council

The President

H. LAHBIB