

**RESULTS OF THE DISCUSSIONS
IN THE COMMITTEE OF LEGAL ADVISERS ON PUBLIC INTERNATIONAL LAW
(CAHDI)
ON THE DRAFT COUNCIL OF EUROPE CONVENTION ON PREVENTING AND
COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE**

1. During its 41st meeting, the Committee of Legal Advisers on Public International Law (CAHDI) held an exchange of views on the request of the Committee of Ministers regarding Articles 3, 4, 5, 60 and 61 of the *draft Council of Europe Convention on preventing and combating violence against women and domestic violence*.
2. During this exchange of views, there was a consensus that it would not be appropriate for CAHDI to reopen the negotiations on the draft Convention, because of its importance, with a view to its adoption, and, to this end, delegations agreed that the clarifications below should be reflected in the explanatory report.
3. In CAHDI, a consensus has been reached on the interpretation of the provisions contained in the request of the Committee of Ministers and it has been acknowledged that the legal issues raised could helpfully be clarified, as follows:
4. With regard to Articles 3 and 4, CAHDI noted that the draft Convention is an agreement between States, which would create obligations only for them. These provisions do not create any new rights but clarify existing human rights. Any obligations for individuals would follow from such legislative and other measures which State Parties adopt in accordance with the convention.
5. With regard to the title of Article 5, delegations agreed that the reference to “State responsibility” was not in conformity with the content of the provision and that it should be changed to “*State obligations and due diligence*”. It was agreed that no adjustment should be made to the content of the provision, which reflects the case-law of the European Court of Human Rights.
6. With regard to Articles 60 and 61, the provisions of the Convention are intended to be read so that they are compatible with the 1951 *Convention relating to the Status of Refugees* and Article 3 of the *European Convention of Human Right* as interpreted by the European Court of Human Rights. In addition, these provisions do not go beyond the scope of application of the said instruments but give them practical dimension.
7. Delegations agreed that in addition to this note it would be appropriate to reflect paragraphs 4, 5 and 6 above in the explanatory report.