



Strasbourg, 15 July 2010

CAHVIO (2010) 11

**AD HOC COMMITTEE ON PREVENTING AND COMBATING
VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE
(CAHVIO)**

REPORT OF THE 5th MEETING

**Strasbourg
29 June - 2 July 2010**

ITEM 1 OF THE AGENDA: OPENING OF THE MEETING

1. The fifth meeting of the Ad Hoc Committee on Preventing and Combating Violence against Women and Domestic Violence (CAHVIO) was opened by Ms Dubravka Šimonović and Mr Eric Ruelle as Co-Chairs.

2. Mr Jan Kleijssen, Director of Standard-Setting of the Directorate General of Human Rights and Legal Affairs of the Council of Europe, addressed the Committee in an opening speech. Welcoming the delegates, scientific experts and observers, in particular first-time participants such as ILGA and the European Group of National Human Rights Institutions (see list of participants as it appears in Appendix II), he invited the Committee to proceed with its negotiations on the draft convention which were now entering a crucial phase. He informed the Committee that the Ministers responsible for gender equality expressed in their Resolution and Action Plan adopted at the 7th Council of Europe Conference of Ministers responsible for equality between women and men (Baku, 25 May 2010) their support to the work of CAHVIO. Furthermore, at the Annual High-Level Meeting between the Council of Europe, the Organisation for Security and Co-operation in Europe and the United Nations and Partner Organisations in the "Tripartite-Plus" Format held on 14 June 2010, the three organisations expressed, in the adopted Joint Communiqué, their support for the work of CAHVIO. They also called for the application of this convention in times of war or other public emergency as well as post-conflict situations. Lastly, Mr Kleijssen stressed the important role of the Parliamentary Assembly which had adopted a range of resolutions and recommendations directly linked to the work of CAHVIO. Through its Committee of Equal Opportunities between Women and Men and its network of parliamentarians it continued to identify ways in which to contribute actively to the success of the future convention.

ITEM 2 OF THE AGENDA: ADOPTION OF THE AGENDA

3. The Committee adopted the agenda as it appears in Appendix I.

ITEM 3 OF THE AGENDA: INFORMATION BY THE CO-CHAIRPERSONS

4. The Co-Chairs informed the Committee that the aim of the meeting was to begin the second reading of the revised draft convention by examining it article by article, starting with the preamble. For this purpose, the Co-Chairs, together with the scientific experts and the Secretariat, had prepared a revised version of the draft convention. This had been done on the basis of the discussion held during the 3rd and 4th meeting of the Committee as well as the written proposals for amendments submitted by delegations. All proposals received had been compiled by the Secretariat in a 220-page document (CAHVIO(2010)5) which had been put at the disposal of all delegations. After presenting additional documents prepared by the Secretariat and the scientific experts for this meeting, the Co-Chairs expressed their hope of covering as many articles as possible in order for the negotiations to advance. Furthermore, they informed the Committee of their invitation to present the status of negotiations to the Committee of Ministers of the Council of Europe during its meeting on 30 June 2010. In view of the terms of reference of CAHVIO which are due to expire at the end of 2010, the Committee of Ministers had expressed its desire to see the final text of the convention adopted by CAHVIO before the end of 2010.

ITEM 4 OF THE AGENDA: INFORMATION BY THE SECRETARIAT

5. Mr Carlo Chiaromonte, Secretary to the Committee, provided the Committee with additional practical information on the meeting.

ITEM 5 OF THE AGENDA: EXAMINATION OF THE DOCUMENT “DRAFT CONVENTION ON PREVENTING AND COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE” (CAHVIO (2009)32 REV)

6. Before entering into the second reading of the draft convention, the delegation from the United Kingdom informed the Committee that due to a recent change in government it was reviewing the negotiation mandate and was therefore not in a position to give an indication of an established UK position on the proposed text at this meeting.

7. Starting with the text of the preamble, the Committee decided to add references to the *Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse* (CETS no. 201), several recommendations of the Parliamentary Assembly of the Council of Europe, the 54th Session of the United Nations Commission on the Status of Women in 2010 (Beijing + 15), United Nations Security Council Resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009) as well as the Action Plan and Resolution adopted at the 7th Council of Europe Conference of Ministers responsible for Equality between Women and Men (Baku, 24-25 May 2010).

8. The Committee then proceeded with a debate on the scope of the convention (Article 1 bis). Prior to the meeting, those delegations which were also members of the European Union had discussed a draft proposal for an article on the scope of the convention, which was presented by the Spanish EU presidency and which served as a basis for discussion. This proposal was mainly based on the idea of placing the focus of the convention on violence against women, including domestic violence. The application of specific chapters of the convention, however, would be extended to other forms of domestic violence, where appropriate. As delegations were unable to agree on the proposed wording, the Co-Chairs, together with the Secretariat and the scientific experts, proposed an alternative. This alternative was based on the proposal submitted by the Spanish EU presidency, thereby placing the focus of the convention on violence against women but allowing for its application to other victims of domestic violence, where applicable. Furthermore, it contained an obligation on Parties to the convention to pay particular attention to women victims of gender-based violence when implementing those chapters of the convention which were currently phrased in a gender-neutral manner. Following a debate on the proposed alternative, it became evident that not all delegations were in a position to accept this wording. On the last day of the meeting, the Belgian delegation, in its capacity as presidency of the EU as of 1 July 2010, presented yet another proposal for Article 1 bis on the scope of the convention. This article had received the support of all delegations which are also members of the EU. All CAHVIO delegations present on the last day of the meeting unanimously agreed to accept this proposal as a basis for discussion at the next meeting of the Committee. The proposal reads as follows:

“Article 1 bis – Scope of the Convention

1. This Convention shall apply to all forms of violence against women, including domestic violence, which affects women disproportionately.

2. Parties are encouraged to apply this Convention to all victims of domestic violence. Parties shall pay particular attention to women victims of gender-based violence in implementing the provisions of this Convention.

3. The Convention shall apply in times of peace or in situations of armed conflicts.”

9. In its subsequent discussion on the remainder of Chapter I, the Committee agreed on wording for all articles of the chapter. Some delegations expressed a reservation with regard to specific paragraphs or terminology, which will be reflected in footnotes included in the revised draft convention. The Russian Federation expressed its reservation to including in Article 3 (4) a reference to “gender identity” and “sexual orientation” as a ground for discrimination.

10. The Committee then proceeded with the examination of Chapters II, III and IV on “Integrated policies”, “Prevention” as well as “Protection and support”. With a view to shortening the draft and making it more concise, the Committee agreed to move many points of detail to the Explanatory Memorandum. A few provisions and some issues related to terminology did not meet with consensus of all delegations and will be revisited during the next meeting. During and after the discussion on Article 11 and Article 16, individual delegations submitted alternative proposals prepared during the meeting which were introduced into the revised version of the draft and which remain to be discussed. With various amendments, all other articles have met with agreement from all delegations, except of those which have expressed a reservation to be stated in a footnote to the article in question.

11. As for the provisions contained in Chapter V on substantive law, the remaining meeting time allowed the Committee to discuss Articles 20-26 only. In relation to the criminal law provisions, CAHVIO agreed to harmonise the language used by consistently using the phrase “Parties shall take the necessary legislative or other measures to ensure that the following intentional conduct is criminalised”. A proposal submitted by the delegation from the Netherlands on Article 24 “Psychological violence” gathered support from all delegations and was included in the revised draft.

ITEM 6 OF THE AGENDA: PLANNING OF THE FUTURE WORK OF THE COMMITTEE

12. The Committee completed the second reading of articles 1-26, including the preamble. With the exception of some points which remain to be re-examined, the delegations to CAHVIO reached agreement on the text of these articles. In the event of a specific reservation to any of the agreed articles, CAHVIO delegations were asked to inform the Secretariat which will make a reference to the reservation in a footnote to the respective article. Furthermore, on the basis of the agreement reached during this meeting, the Secretariat prepared a revised version of articles 1-26, including the preamble, which was made available to all delegations.

13. As the Committee is approaching the end of its work, a first draft of the Explanatory Memorandum in relation to articles 1-26 will be made available to the Committee for its next meeting. The remaining parts will follow soon thereafter.

ITEM 7 OF THE AGENDA: OTHER BUSINESS

14. Following the exchange of views with the Co-Chairs of CAHVIO, the Committee of Ministers underlined, at its 1089th meeting on 30 June 2010, the importance of the draft instrument under elaboration, welcomed the work already undertaken by the Ad hoc

Committee and encouraged the CAHVIO to finalise its work by 31 December 2010, if necessary through an additional meeting.

ITEM 8 OF THE AGENDA: DATE OF NEXT MEETING OF THE COMMITTEE

15. In response to the encouragement by the Committee of Ministers to finalise its work by 31 December 2010, the Ad Hoc Committee on Preventing and Combating Violence against Women and Domestic Violence (CAHVIO) decided to hold an additional meeting on 27– 30 September 2010 (5 pm).

APPENDIX I: AGENDA

1. Opening of the meeting
2. Adoption of the agenda
3. Information by the co-Chairpersons
4. Information by the Secretariat
5. Examination of the document “Draft Convention on preventing and combating violence against women and domestic violence” (CAHVIO (2009)32 rev)
6. Planning of the future work of the Committee
7. Other business
8. Date of next meeting of the Committee

APPENDIX II: LIST OF PARTICIPANTS

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Co-Chair/ Co-présidente

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CYPRUS / CHYPRE

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* * * * *

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Ms Johanna NELLES	<i>Co-Secretary to the Ad Hoc Committee to Combat Violence against Women and Domestic Violence (CAHVIO) / Co-Secrétaire du Comité ad hoc pour combattre la violence à l'égard des femmes et la violence domestique</i> Gender Equality Division / Division pour l'égalité entre les hommes et les femmes
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