COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Strasbourg, 16 April 2010

CAHVIO (2010) 3

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

CORRIGENDUM

REPORT OF THE 4th MEETING
Strasbourg
22-24 February 2010

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ITEM 5 OF THE AGENDA: CONTINUATION OF THE EXAMINATION OF THE DOCUMENT "DRAFT CONVENTION ON PREVENTING AND COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE" (CAHVIO (2009)32 PROV)

11. As for the provisions contained in Chapter VII on migration, the majority of delegations agreed with the importance of finding sound legal solutions for residence issues of migrant women who are victims of violence against women as well as providing asylum to women fleeing gender-based violence. Notwithstanding a high level of general support for such provisions, many changes to articles 47 and 48 were proposed. These include, for example, the proposal to ensure application of article 47 not only to married women but also to common-law spouses. While others, in particular the delegation from Romania, agreed in principle with the idea of granting independent residence permits to victims of domestic violence who are married to the perpetrator and who would lose their status upon separation, they preferred to introduce an element of choice by changing the wording of article 47 (1) to "may be granted an independent residence permit". A small number of delegations questioned the need for these provisions. The delegation from the Russian Federation expressed general reservations on both articles. The delegation from Azerbaijan expressed a general reservation on Article 48.