Council of the European Union

Brussels, 24 February 2026
(OR. en)

6643/26

Interinstitutional File:
2026/0064 (NLE)

ANTIDISCRIM 15
COCON 12
COHOM 37
COPEN 58
DROIPEN 35
EDUC 57
FREMP 66
JAI 237
MIGR 55
SOC 98
STATIS 10

COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	23 February 2026
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2026) 104 final
Subject:	Proposal for a COUNCIL DECISION on the position to be taken on behalf of the European Union in the Committee of the Parties of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, on the participation of non-governmental organisations as observers in meetings of the Committee, with regard to matters related to institutions and public administration of the Union

Delegations will find attached document COM(2026) 104 final.

Encl.: COM(2026) 104 final

EUROPEAN
COMMISSION

Brussels, 23.2.2026
COM(2026) 104 final

2026/0064 (NLE)

Proposal for a

COUNCIL DECISION

on the position to be taken on behalf of the European Union in the Committee of the Parties of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, on the participation of non-governmental organisations as observers in meetings of the Committee, with regard to matters related to institutions and public administration of the Union

EXPLANATORY MEMORANDUM

1. SUBJECT MATTER OF THE PROPOSAL

This proposal concerns the decision establishing the position to be taken on the Union's behalf in the Committee of the Parties[1] ('CoP') of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence ('the Istanbul Convention' or 'the Convention'), in connection with the envisaged adoption of the draft Decision on participation of non-governmental organisations (NGOs) as observers in meetings of the Committee of the Parties of the Istanbul Convention (IC-CP(2026)1 prov). The Rules of Procedure of the CoP allow for the Committee to authorise representatives of civil society, in particular NGOs active in combating violence against women and domestic violence, to send representatives as observers to its meetings on an *ad hoc* basis (Rule 2(3)(c)). The draft decision establishes a process for applying these rules in practice by defining a procedure for the admission of NGOs to its meetings and specifying the criteria for assessing applications for admission.

2. CONTEXT OF THE PROPOSAL

2.1. The Istanbul Convention

The Istanbul Convention lays down a comprehensive and harmonised set of rules to prevent and combat violence against women and domestic violence in Europe and beyond. The Convention entered into force on 1 August 2014. The EU signed the Convention in June 2017 and completed the accession procedure with the deposit of two instruments of approval on 28 June 2023, triggering the entry into force of the Convention for the EU on 1 October 2023. The EU has acceded to the Convention as regards matters falling within its exclusive competence, namely with regard to matters related to institutions and public administration of the Union[2] and with regard to matters related to judicial cooperation in criminal matters, asylum and non-refoulement[3]. All EU Member States have signed the Convention and 22 have ratified it[4].

2.2. The Committee of the Parties

The CoP[5] is composed of the representatives of the Parties to the Convention. Parties must endeavour to nominate, as their representatives, experts of the highest possible rank in the field of preventing and combating violence against women and domestic violence[6]. The tasks entrusted to the CoP are listed in Rule 1 of its Rules of Procedure. On 1 October 2023 the EU

---

1 Committee of the Parties - Istanbul Convention Action against violence against women and domestic violence

2 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, ELI: http://data.europa.eu/eli/dec/2023/1075/oj.

3 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, ELI: http://data.europa.eu/eli/dec/2023/1076/oj).

4 Status of ratifications on 28 January 2026: AT (2013); BE (2016); CY (2017); DE (2017); DK (2014); IE (2019); EL (2018); ES (2014); EE (2017) FI (2015); FR (2014); HR (2018); IT (2013); LU (2018); MT (2014); NL (2015); PL (2015); PT (2013); RO (2016); SI (2015); SV (2014), LV (2023).

5 Committee of the Parties - Istanbul Convention Action against violence against women and domestic violence (coe.int)

6 Rule 2.1.b of the Rules of Procedures of the Committee of the Parties. Document IC-CP(2015)2, adopted on 4 May 2015.

became a Party to the Convention, and, as such, a member of the CoP (Article 67(1) of the Convention).

Pursuant to Article 67(3) of the Convention, the CoP adopted its Rules of Procedure[7] at its first meeting on 4 May 2015. Rule 2(3)(c) of the Rules of Procedure establishes, that "the Committee may authorise representatives of civil society, in particular non-governmental organisations active in combating violence against women and domestic violence, to send representatives as observers to its meetings on an *ad hoc* basis".

2.3. The envisaged decision on participation of NGOs as observers in meetings of the CoP

Following an NGO's request to participate as an observer at a CoP meeting, a preliminary discussion regarding the Committee's approach to such requests was held at the 18th meeting of the CoP on 5 and 6 June 2025, on the basis of document IC-CP(2025)12. Based on these discussions, the CoP Secretariat shared document IC-CP(2025)31 in October 2025, outlining a possible procedure for admitting NGOs to its meetings and proposing a list of criteria for assessing applications, to serve as a basis for discussions at the next CoP meeting. Initial discussions and written comments from delegations, led to an agreement at the Council Working Party on Fundamental Rights, Citizens' Rights and Free Movement of Persons (FREMP) on 26 November 2025, on a number of points to be taken forward by the Commission on behalf of the EU during the discussions at the next CoP meeting. These included suggestions on the criteria to be used when admitting NGOs as observers, the necessity for a clear and simple authorisation procedure (including a written procedure as outlined in IC-CP(2025)12, p. 6) and that the participation of observers should be on an *ad hoc* basis and limited to the thematic discussions of the CoP, thus clearly separated from the discussions on and adoption of recommendations and conclusions addressed to the Parties concerning their implementation of the Convention. COREPER subsequently endorsed this approach on 28 November 2025 (WK 15858/25).

During the 19th meeting of the CoP on 11 December 2025, the Commission expressed the agreed line to take. It was decided at the meeting that the CoP Secretariat should incorporate these points into a draft decision to be adopted by written procedure.

On 27 January 2026, the CoP Secretariat shared the draft Decision on participation of NGOs as observers in meetings of the Committee of the Parties of the Istanbul Convention (IC-CP(2026)1 prov) ('the envisaged act'). The Secretariat invited the Parties to approve the proposal through a written procedure. It was further communicated that, unless objections were submitted in writing to the Secretariat by 26 March 2026, the envisaged act would be deemed adopted.

3. POSITION TO BE TAKEN ON THE UNION'S BEHALF

The Rules of Procedure of the CoP allow for the Committee to authorise representatives of civil society, in particular NGOs active in combating violence against women and domestic violence, to send representatives as observers to its meetings on an *ad hoc* basis (Rule 2(3)(c)). The envisaged act establishes a process for applying these rules in practice by defining a procedure for the admission of NGOs to its meetings, together with the criteria for assessing applications for admission.

Firstly, as regards the procedure for the admission of NGOs to CoP meetings, it is proposed that the decision to admit a specific NGO to participate as an *ad hoc* observer shall be decided

[7] Document IC-CP(2015)2, adopted on 4 May 2015, Rules of Procedure.

upon by all members of the CoP. To this end, upon receipt of a request from an NGO and prior to the relevant meeting, the CoP Secretariat shall organise a silent, written procedure, requesting approval from all CoP members. If no objection is raised during this procedure, the Secretariat shall notify the NGO that their participation as an *ad hoc* observer has been granted. If an objection is raised, the decision for admission should be taken at the relevant CoP meeting, in line with the Rules of Procedure. Potential objections should be well-reasoned, linked to the admission criteria and raised within a certain time limit. If possible, the relevant NGO will then be notified about the decision for admission immediately, and, in case of a positive decision, be invited to participate at the relevant agenda item at that CoP meeting.

Secondly, as regards participation, it is proposed that admission to participate be limited to the Committee's thematic debates and take place in person. The scope of the approval shall be outlined in the decision granting the *ad hoc* observer status and the term "*ad hoc*" (as used in Rule 2(3)(c) of the Committee's Rules of Procedure) may mean that admission may be granted to cover more than one meeting if the thematic debate admission was granted for is spread over several meetings.

Thirdly, as regards the criteria for assessing applications for admission, the following criteria are proposed: a) the timely submission of a duly reasoned request from the organisation seeking ad hoc admission (at least four weeks prior to the meeting), b) the organisation's adherence to the values of the Council of Europe, c) the organisation's activity in the field of violence against women and domestic violence, and the relevance of its work to the monitoring activity carried out by the CoP; and d) the organisation's registration in, or conduct of activities within, Council of Europe Member States or countries that have been or have expressed an interest in becoming a party to the Istanbul Convention.

It is proposed that the position of the EU should be to not object to the adoption of the draft decision on participation of NGOs as observers in CoP meetings, as outlined in document IC-CP(2026)1 prov. The draft decision reflects the points raised by the Union at the CoP meeting on 11 December 2025, including, in particular, that the participation of NGOs should be limited to the thematic debates. The suggested procedure appears reasonable, efficient and sufficiently clear, and the proposed criteria appropriate and designed to ensure that relevant NGOs are accepted.

4. LEGAL BASIS

4.1. Procedural legal basis

4.1.1. Principles

Article 218(9) of the Treaty on the Functioning of the European Union (TFEU) provides for decisions establishing '*the positions to be adopted on the Union's behalf in a body set up by an agreement, when that body is called upon to adopt acts having legal effects, with the exception of acts supplementing or amending the institutional framework of the agreement*.'

The concept of '*acts having legal effects*' includes acts that have legal effects by virtue of the rules of international law governing the body in question. It also includes instruments that do not have a binding effect under international law, but that are '*capable of decisively influencing the content of the legislation adopted by the EU legislature*'[8].

[8] Judgment of the Court of Justice of 7 October 2014, Germany v Council, C-399/12, ECLI:EU:C:2014:2258, paragraphs 61 to 64.

4.1.2. Application to the present case

The Committee of the Parties is a body set up by the Istanbul Convention. The act which the Committee of the Parties is called upon to adopt constitutes an act having legal effects. The envisaged act will be binding under international law. The envisaged act does not supplement or amend the institutional framework of the Convention. Therefore, the procedural legal basis for the proposed decision is Article 218(9) TFEU.

4.2. Substantive legal basis

4.2.1. Principles

The substantive legal basis for a decision under Article 218(9) TFEU depends primarily on the objective and content of the envisaged act in respect of which a position is taken on the Union's behalf. If the envisaged act pursues two aims or has two components and if one of those aims or components is identifiable as the main one, whereas the other is merely incidental, the decision under Article 218(9) TFEU must be founded on a single substantive legal basis, namely that required by the main or predominant aim or component.

With regard to an envisaged act that simultaneously pursues a number of objectives, or that has several components, which are inseparably linked without one being incidental to the other, the substantive legal basis of a decision under Article 218(9) TFEU will have to include, exceptionally, the various corresponding legal bases.

4.2.2. Application to the present case

The main objective of the envisaged act is to provide guidance on how to apply Rule 2(3)(c) of the Rules of Procedure of the Committee in practice, by setting out a procedure for authorising NGOs to participate as observers to its meetings and the criteria to be used to assess such applications. As regards the substantive legal basis, the EU has acceded to the Istanbul Convention as regards matters falling within its exclusive competence, namely matters related to institutions and public administration of the Union[9] and matters related to judicial cooperation in criminal matters, asylum and non-refoulement[10]. The EU accession to the Istanbul Convention was split into two separate Council Decisions to take into account the special position of Denmark and Ireland with respect to Title V of the TFEU. Consequently, the decision establishing the position to be taken on the Union's behalf in the CoP in relation to the envisaged act is to be split into two parallel decisions. The legal basis for the present decision concerns matters related to institutions and public administration of the Union. Therefore, the substantive legal basis for the proposed decision is Article 336 TFEU.

4.3. Conclusion

The legal basis of the proposed decision should be Article 336, in conjunction with Article 218(9) TFEU.

---

[9] 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. 1–3.

[10] 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. 4–6

2026/0064 (NLE)

Proposal for a

COUNCIL DECISION

on the position to be taken on behalf of the European Union in the Committee of the Parties of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, on the participation of non-governmental organisations as observers in meetings of the Committee, 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 means of Council Decision (EU) 2023/1075[11] with regard to institutions and public administration of the Union, and by means of Council Decision (EU) 2023/1076[12] with regard to matters related to judicial cooperation in criminal matters, asylum and non-refoulement, insofar as such matters fall within the exclusive competence of the Union, and entered into force for the Union on 1 October 2023.

(2) The Committee of the Parties ('the Committee') is a body of the monitoring mechanism of the Convention. Pursuant to Article 67(3) of the Convention, the Committee has adopted its own rules of procedure ('the Rules of Procedure')[13]. The Rules of Procedure provide that the Committee may authorise representatives of civil society, in particular non-governmental organisations active in combating violence against women and domestic violence, to send representatives as observers at its meetings on an *ad hoc* basis (Rule 2(3)(c)). Rule 2(3)(d) further provides that observers have no right to vote or to defrayal of expenses.

(3) Following the request of a non-governmental organisation (NGO) to participate in a Committee meeting as an observer, it became apparent that the procedure and criteria for admission of NGOs as *ad hoc* observers needed to be established for the purposes of implementing the relevant Rules of Procedure. Discussions regarding the

---

11 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), Decision - 2023/1075 - EN - EUR-Lex.

12 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), Decision - 2023/1076 - EN - EUR-Lex.

13 Document IC-CP(2015)2, adopted on 4 May 2015, Rules of Procedure.

Committee's approach to such requests were held at the 18th and 19th meeting of the Committee in June 2025 and December 2025.

(4) On 27 January 2026, based on the discussions in the Committee, the Secretariat of the Committee shared a draft Decision on participation of NGOs as observers in meetings of the Committee of the Parties of the Istanbul Convention (IC-CP(2026)1 prov) ('the envisaged act'). The Secretariat invited the Parties to approve the proposal through a written procedure. It was further communicated that, unless objections were submitted in writing to the Secretariat by 26 March 2026, the envisaged act would be deemed adopted.

(5) As regards the proposed procedure, the envisaged act provides that the Committee is to decide on the admission of NGOs as *ad hoc* observers through a silent written procedure organised by the Secretariat prior to the relevant meeting, with a decision to be taken at the relevant meeting itself in case of objections. Participation is to be limited to the thematic debates of the Committee and may extend across multiple meetings. The criteria for assessing applications for admission should include timely submission of the request, the organisation's adherence to the values of the Council of Europe, its activity in the field of combating violence against women and domestic violence and its registration in, or conduct of activities within, Council of Europe member states or countries that have been or have expressed an interest in becoming a party to the Istanbul Convention.

(6) It is appropriate to establish the position to be taken on the Union's behalf, as the envisaged act will be legally binding on the Union under international law.

(7) In order to implement the Rules of Procedure allowing NGOs to participate as observers to the Committee meetings on an *ad hoc* basis, the Committee needs to decide on a procedure for admitting NGOs to its meetings and to agree on a list of criteria for assessing such applications. The suggested procedure appears reasonable, efficient and sufficiently clear, and the proposed criteria appear appropriate and designed to ensure that only relevant NGOs are accepted as observers.

(8) The Union's position should therefore be to not object to the adoption of the draft decision as outlined in document IC-CP(2026)1 prov,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the Committee of the Parties, established under Article 67 of the Convention, shall be to not object to the adoption of the draft Decision on participation of non-governmental organisations as observers in meetings of the Committee of the Parties of the Istanbul Convention [IC-CP(2026)1 prov].

Article 2

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

Done at Brussels,

For the Council
The President