



Strasbourg, 10 November 2025

CDL-REF(2025)049

Engl. only

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
OF THE COUNCIL OF EUROPE
(VENICE COMMISSION)

LATVIA

**DRAFT LAW “ON WITHDRAWAL FROM THE COUNCIL OF EUROPE
CONVENTION ON PREVENTING AND COMBATING VIOLENCE
AGAINST WOMEN AND DOMESTIC VIOLENCE” AND
EXPLANATORY NOTE**

Courtesy translation

Riga, 24 September 2025, No. 1058/Lp14

To the Presidium of the Saeima

Concerning the Draft Law “On Withdrawal from the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence”

Members of the Saeima request that amendments be made to the agenda of the Saeima sitting of 25 September 2025 and, in accordance with point 4 of the first paragraph of Article 79 of the Rules of Procedure of the Saeima, that the draft law “On Withdrawal from the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence” be included for consideration.

Enclosure: Draft law, one page.

Members of the 14th Saeima: [signatures]

Draft Law

On Withdrawal from the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence

Article 1. Pursuant to Article 80 of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, adopted on 11 May 2011 (hereinafter – the Convention), the Convention shall be denounced and Latvia shall withdraw from it.

Article 2. In accordance with the first paragraph of Article 80 of the Convention, the Ministry of Foreign Affairs shall submit to the Secretary General of the Council of Europe a notification of the denunciation of the Convention.

Article 3. The denunciation of the Convention shall enter into force within the time and under the procedure specified in the second paragraph of Article 80 of the Convention, and the Ministry of Foreign Affairs shall announce this in the official gazette *Latvijas Vēstnesis*.

Article 4. Upon denunciation of the Convention, the law “On the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence” (*Latvijas Vēstnesis*, 2023, No. 241) shall cease to be in force.

Explanatory Note to the Draft Law “On Withdrawal from the Council of Europe Convention on preventing and combating violence against women and domestic violence”

1. Why is the law necessary?

1.1. Description of the legal regulation included in the draft law

The right of a state to withdraw from an international treaty is provided by Article 54(a) of the Vienna Convention on the Law of Treaties, which stipulates that the termination of a treaty or the withdrawal of a party may take place **“in conformity with the provisions of the treaty”**. Thus, the Saeima may, at any time, withdraw from an international treaty by adopting a corresponding law. The state has the discretion to make such a decision based on considerations it deems important.

The draft law stipulates that the Republic of Latvia will withdraw from the Council of Europe Convention on preventing and combating violence against women and domestic violence (hereinafter – the Istanbul Convention) by denouncing it in accordance with the procedure laid down in Article 80 of that Convention. Consequently, upon the denunciation of the Istanbul Convention, the law “On the Council of Europe Convention on preventing and combating violence against women and domestic violence” will cease to be in force.

Pursuant to the procedure set out in Article 80 of the Istanbul Convention, the Ministry of Foreign Affairs will have the duty to submit to the Secretary General of the Council of Europe a notification of the denunciation of the Istanbul Convention. The Ministry of Foreign Affairs will announce, in the official gazette *Latvijas Vēstnesis*, the date on which the denunciation of the Istanbul Convention takes effect.

1.2. Information about the Istanbul Convention

The Istanbul Convention was opened for signature on 11 May 2011 and entered into force on 1 August 2014. Latvia signed the Istanbul Convention on 18 May 2016 and ratified it on 10 January 2024 (see the law “On the Council of Europe Convention on preventing and combating violence against women and domestic violence,” *Latvijas Vēstnesis*, No. 241, 13.12.2023). In Latvia, the Istanbul Convention entered into force on 1 May 2024.

As of 9 October 2025, six countries have signed but not ratified the Istanbul Convention, five of which are member states of the European Union: Armenia, Bulgaria, the Czech Republic, Hungary, Lithuania, and Slovakia. Bulgaria will not ratify the Convention, as in its 27 June 2018 judgment the Constitutional Court of Bulgaria found Article 3(c) and Article 4(3) of the Istanbul Convention to be inconsistent with the Bulgarian Constitution (see Judgment No. 13 of the Constitutional Court of Bulgaria of 27 June 2018 in Case No. 3 – available at: <https://www.constcourt.bg/bg/act-6340>).

Meanwhile, 39 countries have ratified the Istanbul Convention: Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Croatia, Cyprus, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Iceland, Ireland, Italy, Latvia, Liechtenstein, Luxembourg, Malta, Monaco, Montenegro, the Netherlands, North Macedonia, Norway, Poland, Portugal, Moldova, Romania, San Marino, Serbia, Slovenia, Spain, Sweden, Switzerland, Ukraine, and the United Kingdom. The Istanbul Convention has also been ratified by the European Union, but only within the limits of the EU's competence.

To date, Turkey is the only country that has denounced the Istanbul Convention (on 22 March 2021).

Several States Parties (Croatia, Lithuania, Poland, Ukraine, and also Latvia) attached separate declarations to the Istanbul Convention upon signing or ratifying it, in which they indicated that the Convention would be applied within the framework of their national constitutions.

All information on the signing, ratification, attached declarations and objections by countries regarding the Istanbul Convention is available on the Council of Europe's website (see *Chart of signatures and ratifications of Treaty 210* – available at: <https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treaty=210>).

1.3. Declaration of the Republic of Latvia regarding the Istanbul Convention

For almost ten years, there has been extensive debate and disagreement in Latvia about the legal nature and interpretation of the provisions of the Istanbul Convention (see, for example, the legal journal *Jurista Vārds*, 7 June 2016 issue, article titled “Vai Latvijai nepieciešama Stambulas konvencija?” – “**Does Latvia need the Istanbul Convention?**”). In 2018, the Ministry of Justice commissioned a legal analysis of the Istanbul Convention, the conclusion of which recommended not to sign the Convention. That analysis, commissioned by the Ministry, prompted criticism from legal experts (see “*On the possible impact of the Council of Europe Convention on preventing and combating violence against women and domestic violence on the Latvian legal system (summary of the legal analysis)*”, prepared by Dr. iur. B. Rudevska, *Jurista Vārds*, 07.06.2016, No. 23, p. 17; Rudevska B., “Stambulas konvencija. Atrunas, deklarācijas un Satversmes tiesas spriedums kā juridisks brāķis” – “The Istanbul Convention: Reservations, declarations, and a Constitutional Court judgment as a legal flaw”. Available at: <https://telos.lv/stambulas-konvencija-juridisks-brakis/>).

Upon ratifying the Istanbul Convention, Latvia appended a separate declaration to it (see Article 2 of the law “On the Council of Europe Convention on preventing and combating violence against women and domestic violence”). In that declaration, the Republic of Latvia expressed its view that the purpose of the Istanbul Convention is to protect women from all forms of violence, as well as to prevent, prosecute, and eliminate violence against women and domestic violence. The declaration also stated that the Republic of Latvia will apply the Istanbul Convention within the framework of the values, principles, and norms enshrined in the Constitution of the Republic of Latvia, particularly with respect to the protection of human rights, the equality of women and men, and the protection and support of marriage, family, parents' and children's rights. Furthermore, the declaration emphasized that the term “sociālais dzimums” (“social gender”) used in the Istanbul Convention is not associated with an obligation to introduce any other understanding of gender (meaning woman and man) into the legal and educational system of the Republic of Latvia, nor does it impose an obligation to interpret otherwise the norms and values set out in the Constitution of the Republic of Latvia.

Latvia's declaration is binding on Latvian state and local government institutions, because it is included in an external legislative act – the law “On the Council of Europe Convention on preventing and combating violence against women and domestic violence.” However, the current practice of implementing the Istanbul Convention does not allow one to be confident that in every case state and local government institutions carry out measures against violence and its risks in accordance with the principles contained in the declaration.

The inclusion of the declaration was the means chosen by the legislator to clearly identify the interpretation according to which Latvia intended to implement the measures provided for in the Istanbul Convention. The legislator perceived that this approach would make it possible to resolve the existing disagreements and provide clarity regarding the legal aspects of the provisions of the Convention.

Several other States Parties to the Istanbul Convention – Austria, Finland, Germany, the Netherlands, Norway, Sweden, and Switzerland – have expressed objections to Latvia's declaration. All of these objections argue that the declaration is incompatible with the provisions of the Istanbul Convention, i.e. the declaration is considered to be an impermissible reservation, thereby violating Article 78 of the Convention. In other words, the international community – namely, the other States Parties to the Istanbul Convention – does not agree with the declaration adopted by the Saeima and objects to the interpretation under which the Republic of Latvia has approved the Istanbul Convention and assumed the international obligations enshrined therein.

Considering that Article 78 of the Istanbul Convention prohibits reservations, and other countries object to the attached declaration, the Republic of Latvia has no possibility of fulfilling the obligations under the Istanbul Convention in the manner prescribed by international law **in accordance with the understanding under which the state intended to assume those obligations**. Therefore, the participation of the Republic of Latvia in the Istanbul Convention must be terminated by denouncing this Convention.

1.4. Protection against violence in Latvia's national legal framework

In circumstances where members of the international community object to the declaration as the means chosen by the legislator to resolve legal disagreements and consider it contrary to international law, the legislator has a duty to find new solutions.

Independently of the legal aspects of the Istanbul Convention, it is necessary to protect every resident of Latvia from violence and the risk of violence, especially violence against women and domestic violence. The state is obliged to establish an appropriate legal framework and remedies at the national level. Such an obligation follows not only from the principles and values enshrined in the Constitution of the Republic of Latvia, but also from the legal acts of the European Union.

On 14 May 2024, the European Parliament and the Council adopted Directive (EU) 2024/1385 on combating violence against women and domestic violence (hereinafter – Directive 2024/1385) (see OJ L 182, 24.5.2024). Latvia, as a Member State of the European Union, must transpose Directive 2024/1385 into its legal system by 14 June 2027. Moreover, Directive 2024/1385 covers a more effective set of protective measures than the Istanbul Convention, allowing Latvia's national legal framework to be aligned with international standards. Thus far, public discourse has hardly mentioned Directive 2024/1385 as an effective means of combating violence, thereby creating the impression in society that the Istanbul Convention is the only possible international instrument in the fight against violence.

Consequently, in Latvia the combating of violence will continue in accordance with the national legal framework, as well as Directive 2024/1385 and international standards, by incorporating those standards into Latvia's national regulatory enactments. In developing the

national legal framework, there are no obstacles to also enshrining the useful provisions of the Istanbul Convention.

In conclusion, withdrawing from the Istanbul Convention will eliminate the problems in the application of its provisions that are associated with the declaration added by the Republic of Latvia and with its non-recognition by several other States Parties to the Convention. In this way, it will be possible to reduce the ongoing debates about the legal nature and interpretation of the provisions of the Istanbul Convention without any negative impact on the legal protection of Latvia's inhabitants against violence and the risks of violence.

2. What could be the impact of the law on the development of society and the national economy?

Withdrawal from the Istanbul Convention does not pose a risk to the protection of fundamental rights in Latvia. Adequate standards for the protection of fundamental rights in Latvia are guaranteed by other international agreements concluded by the Republic of Latvia (in particular, the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, i.e. the European Convention on Human Rights), by the Constitution of the Republic of Latvia, as well as by the rights enshrined in other national laws.

3. What could be the impact of the law on the state budget and local government budgets?

There is no direct impact, as the draft law does not affect this area. The state's economic and social support measures related to the prevention of violence are to be carried out within the framework of the annual State Budget Law, and are also to be incorporated into other laws and the regulations issued pursuant to those laws.

Withdrawal from the Istanbul Convention will give the state broader discretion to allocate state budget funds directly to those measures and to those state and local government institutions and non-governmental organizations that genuinely need resources for the prevention and combating of violence. This is especially important in the current geopolitical and economic situation, when Latvia has a duty to manage its budgetary resources effectively.

4. What could be the impact of the law on the existing system of legal norms?

No impact. The law does not affect the national legal framework that was established in connection with the implementation of the Istanbul Convention.

5. Which international obligations of Latvia does the draft law comply with?

The draft law does not provide for undertaking any new international obligations. The draft law is in line with Article 54(a) of the Vienna Convention on the Law of Treaties, which provides for the procedure of denunciation of multilateral international treaties, and with the denunciation mechanism set out in Article 80 of the Istanbul Convention.

On 13 June 2017, the European Union signed the Istanbul Convention; on 28 June 2023, it ratified the Convention, and it entered into force in the EU on 1 October 2023. The European Union attached a declaration noting that it accedes to the Istanbul Convention only within the scope of its competences. Consequently, as an EU Member State, Latvia is bound by the Istanbul Convention only to the extent of the European Union's competences. Therefore,

Latvia's withdrawal from the Istanbul Convention does not affect the application of this international agreement within the areas of EU competence.

On 14 May 2024, the European Parliament and the Council adopted Directive (EU) 2024/1385 on combating violence against women and domestic violence. Directive 2024/1385 must be implemented (transposed) by the Member States by 14 June 2027. Directive 2024/1385 does not oblige Member States to accede to or ratify the Istanbul Convention, but instead establishes its own framework for legal protection.

6. What consultations were held in the preparation of the draft law?

The draft law has emerged as a reaction by Members of the Saeima to recent developments related to the practical implementation of the Istanbul Convention's provisions in Latvia. In the course of preparing the draft law, political consultations took place between politicians and voters. The draft law was developed by the members of the Saeima faction of the party "Latvia First" (*Latvija Pirmajā vietā*).

7. How will the implementation of the law be ensured?

The establishment of new institutions is not required. The prevention and combating of violence and the risks of violence (especially violence against women and domestic violence) will continue in accordance with the national legal framework and other international legal acts. The implementation of the law will be carried out by the Ministry of Foreign Affairs, in accordance with its competence in matters of international treaties.
