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

LATVIA

OPINION

**ON THE DRAFT LAW ON THE WITHDRAWAL FROM THE COUNCIL
OF EUROPE CONVENTION ON PREVENTING AND COMBATING
VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE
(ISTANBUL CONVENTION)**

**Adopted by the Venice Commission
at its 145th Plenary Session
(Venice, 12-13 December 2025)**

On the basis of comments by

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I. Introduction

1. By letter of 24 October 2025, Ms Inese Lībiņa-Egnere, Minister of Justice of Latvia, requested an opinion of the Venice Commission on the draft law No. 1058/Lp14 “On the Withdrawal from the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence” – hereinafter, the “draft law” ([CDL-REF\(2025\)049](#)).

2. Ms Veronika Bílková, Mr Eirik Holmøyvik and Mr Martin Kuijer acted as rapporteurs for this opinion.

3. For the preparation of this opinion, a country visit/on-line meetings were deemed unnecessary. On 10 November 2025, written questions were sent to the Ministry of Justice and the Saeima (the Parliament) of Latvia with a view to obtaining the necessary information and clarifications for the preparation of the draft opinion. The Ministry of Justice provided answers on 19 November 2025, and the Saeima – on 10 December 2025. The Commission is grateful to the Ministry and the Saeima for their input.

4. This opinion was prepared in reliance on the English translation of the draft law. The translation may not accurately reflect the original version on all points.

5. This opinion was drafted on the basis of comments by the rapporteurs and the written answers to the questions provided by the Ministry of Justice and the Saeima of Latvia. The draft opinion was examined at the meeting of the Sub-Commission on International Law on 11 December 2025. Following an exchange of views with Ms Inese Lībiņa-Egnere, Minister of Justice of Latvia, it was adopted by the Venice Commission at its 145th Plenary Session (Venice, 12-13 December 2025).

II. Background

6. The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210) (hereinafter, the Istanbul Convention) was adopted on 11 May 2011 and entered into force on 1 August 2014. By December 2025, the Convention had been ratified by 39 member States of the Council of Europe.¹ The European Union (EU) signed the Istanbul Convention on 13 June 2017 and completed accession on 28 June 2023; the Convention then entered into force for the EU on 1 October 2023. Türkiye withdrew from the Istanbul Convention in 2021. Six countries² have signed but not ratified the Istanbul Convention. The ratification process was suspended in Bulgaria³ and Slovakia.⁴

7. The Venice Commission would like to recall that it provided a detailed analysis of the constitutional implications of the ratification of the Istanbul Convention in the 2019 Opinion for Armenia, which is also relevant for this opinion and has been referred to in para. 43 below. Most

¹ 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.

² Armenia, Bulgaria, the Czech Republic, Hungary, Lithuania, and Slovakia.

³ Bulgaria did not ratify the Istanbul Convention since the Constitutional Court found, in judgment No.13 of 27 July 2018, that it was incompatible with the Bulgarian Constitution, because of the apparently distinct meaning it assigned to the terms “gender” and “sex”, whereas the Constitution was based on the idea that humans could only be male or female. The Convention distinguished between “sex” and “gender”, and thus paved the way for the introduction of the notions of “gender” and “gender identity” in the Bulgarian legal system. It was not possible to surmount the problem by making a reservation since the Istanbul Convention did not permit reservations in relation to the provisions at issue (for further details, see ECtHR, [Y and Others v. Bulgaria](#), §§ 71-73).

⁴ On 29 March 2019, the Slovak Parliament voted by a large majority against ratifying the Istanbul Convention, requesting that the Government discontinue the ratification process. See [Uznesenie Národnej rady Slovenskej republiky k procesu ratifikácie Dohovoru Rady Európy o predchádzaní násilliu na ženách a domácomu násilliu a o boji proti nemu Slovenskou republikou \(tlač 1409\)](#).

importantly, the Venice Commission wishes to underline in the context of the analysis that to achieve the aim to “create a Europe free from violence against women and domestic violence” set out in its Preamble, the Istanbul Convention builds on other international legal instruments,⁵ but it is specifically focused on violence against women and domestic violence, which are not explicitly addressed by the older instruments. The Istanbul Convention is the first European instrument to deal with violence against women and domestic violence in a comprehensive manner. It introduces new provisions requiring a specific institutional setup (including national co-ordinating bodies, data collection and research, NGO involvement and multi-institutional co-operation) and foresees concrete prevention measures (from education, training of professionals to participation of the private sector and the media); protection measures (from general to specialised services, services for child witnesses, information to victims) and – under substantive law – civil, administrative and criminal law measures, as well as procedural safeguards for victims.⁶ The Istanbul Convention established a new international body (GREVIO) to monitor the implementation of such measures. “The Istanbul Convention therefore presents a specific added value as compared to the previously ratified international treaties in this area”.⁷

8. Based on the explanatory note of the draft law, the answers received from the Ministry of Justice and the Saeima of Latvia, as well as other publicly available sources, including the letter from the President of Latvia to the Saeima dated 5 November 2025, Latvia's path through ratification, implementation and denunciation of the Istanbul Convention can be summarised as follows.

9. Latvia signed the Istanbul Convention on 18 May 2016. In its judgment⁸ of 4 June 2021 on the constitutional complaint introduced by 21 MPs, the Constitutional Court of Latvia found that all obligations imposed on the Member States by the Istanbul Convention apply solely within the scope of the Convention in accordance with its object and purpose. The Constitutional Court also held that Article 4(3) of the Istanbul Convention is compatible with Article 91⁹ of the Latvian Constitution. The Saeima ratified the Istanbul Convention on 30 November 2023.

10. Latvia made a declaration contained in the instrument of ratification deposited on 10 January 2024, according to which, Latvia “will apply the Convention in accordance with the values, principles and norms within the limits determined by the Constitution ..., in particular with regard to the protection of human rights, equality of women and men, and the protection and support of marriage, the family, the rights of parents and rights of the child. ... the term “gender” included in the Convention shall not be considered to be relating to an obligation to introduce any other understanding of sex (women and men) in the legal and educational system of the Republic of Latvia and shall not impose an obligation to interpret the norms and values established in the Constitution ...”. Seven States (Austria, Finland, Germany, the Netherlands, Norway, Sweden, Switzerland) formally objected to Latvia's declaration, noting that, in their view, it effectively constitutes a reservation not allowed under Article 78 of the

⁵ such as the European Convention on Human Rights (hereinafter, “ECHR”) as well as the case law of the European Court of Human Rights (hereinafter, “ECtHR”). Furthermore, it refers to and constitutes a development of standards enshrined in the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter, “CEDAW”).⁵ Finally, the Istanbul Convention contains principles of the International Covenant on Civil and Political Rights (hereinafter, the “ICCPR”), the International Covenant on Economic, Social and Cultural Rights (hereinafter, the “ICESCR”) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter, the “UNCAT”).

⁶ See Legal Opinion on Istanbul Convention – scope of obligations: <https://www.coe.int/en/web/dlapil/-/legal-opinion-on-istanbul-convention>.

⁷ Venice Commission, [CDL-AD\(2019\)018](#), Armenia - Opinion on the constitutional implications of the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), paras 12-45 and 100.

⁸ See Case [No. 2020-39-02](#).

⁹ “91. All human beings in Latvia shall be equal before the law and the courts. Human rights shall be realised without discrimination of any kind”.

Istanbul Convention. Consequently, the objecting States qualified Latvia's declaration as not valid. They, however, clarified that their objections did not prevent the Istanbul Convention from entering into force between Latvia and the State concerned.¹⁰

11. The Istanbul Convention entered into force in Latvia on 1 May 2024. Overall, the process from the signature of the Istanbul Convention to its entry into force for Latvia spanned nearly eight years.

12. During the 18 months from the entry into force of the Istanbul Convention on 1 May 2024 to the adoption, on 30 October 2025, of the Law on withdrawal from it, Latvia introduced significant legislative, administrative, and policy measures. According to information provided by the Ministry of Justice, such measures include amendments to the Criminal Law, criminalising cruel or violent treatment of close relatives, current and former spouses and persons the perpetrator is or has been in a permanent intimate relationship with, as well as increasing criminal sanctions for certain related crimes, the Law on Administrative Penalties for Offences in the Field of Administration, Public Order, and Use of the Official Language, Civil Procedure Law, and Criminal Procedure Law. In addition, numerous administrative and policy measures were adopted to implement the Istanbul Convention, including in education on all levels, judicial training, awareness campaigns, child crime and human trafficking prevention plans, and various support mechanisms for victims.

13. On 24 September 2025, 14 Members of the Saeima initiated the draft law No. 1058/Lp14 "On the Withdrawal from the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence" prepared by the members of the Saeima faction of the opposition party "Latvia First".

14. The examination of the draft law started the next day, on 25 September 2025. During the debates, some political groups argued that the Istanbul Convention introduces "ideological" concepts incompatible with traditional values ("gender ideology"). Others maintained that withdrawal would lower the level of protection of fundamental rights and would contradict Latvia's constitutional and international obligations.

15. On 7 October 2025, the Cabinet of Ministers examined, upon its own initiative, progress in implementing the Istanbul Convention (see para. 12 above) and noted increased state involvement, expanded support services, improved legal protections, and growing public awareness. The Cabinet concluded that Latvia's accession to the Istanbul Convention had strengthened the country's ability to combat violence against women and domestic violence and that since the ratification of the Istanbul Convention, national institutions have shifted from reacting to violence against women and domestic violence to actively preventing them.¹¹ Therefore, the Cabinet of Ministers decided to support Latvia's continued participation in the Istanbul Convention and to oppose withdrawal. The Saeima was informed accordingly.

16. On 16 October 2025, the Saeima adopted its declaration on the prevention and elimination of violence against women and domestic violence.¹² Referring to international treaties, including the Istanbul Convention, as well as the ECtHR case law and declaring, amongst others, its aim at "striving to create a Latvia where there is no place for violence against women, children and domestic violence", the declaration instructed the Cabinet of Ministers to develop and submit, by 1 March 2026, a comprehensive law on the prevention and elimination of violence against women, children and domestic violence, as well as violence in general.

¹⁰ See [Reservations and Declarations](#) for the Istanbul Convention.

¹¹ GREVIO/Inf(2025)2, Baseline Report submitted by Latvia on 25 March 2025.

¹² <https://www.saeima.lv/en/news/saeima-news/35132-the-saeima-adopts-a-declaration-on-the-prevention-and-elimination-of-domestic-violence-and-violence-against-women>

17. On 30 October 2025, the Saeima adopted, in its second and final reading, the urgent draft law on Latvia's withdrawal from the Istanbul Convention and transmitted the Law to the President of Latvia for promulgation.¹³ On 31 October 2025, a citizen initiative – calling on the President of Latvia not to sign the Law – began collecting electronic signatures, reaching 60,000 signatures by 3 November 2025.¹⁴

18. By its reasoned request of 3 November 2025, according to Article 71¹⁵ of the Constitution, the President of Latvia vetoed the Law and returned it to the Saeima for reconsideration in the second reading.¹⁶ The President noted that the withdrawal from the Istanbul Convention lacked factual justification, disregarded the Cabinet of Ministers' position, and failed to meet the principle of good legislation¹⁷ including stability, legal certainty and respect for legitimate expectations, recognised by the Saeima, the Constitutional Court, and Latvian legal doctrine. The President also pointed out that no convincing arguments had been provided to show that Latvia could not fulfil its obligations, contrary to the clear benefits of implementing the Istanbul Convention. The President also expressed concern that the denunciation of an international human rights treaty within the same Saeima term (the Saeima is elected for a four-year term, the current Saeima, whose term is 2022-2026, ratified the Istanbul Convention in 2023) created legal uncertainty, risked leaving a protection gap before the adoption of the new national framework, and sent contradictory signals both domestically and to international partners. Moreover, the withdrawal would set a negative precedent in the EU, possibly affecting Latvia's obligations under EU law. Finally, the President emphasised that the necessary preparatory work, such as a thorough assessment of implementation difficulties or seeking clarifications from the Council of Europe's competent bodies, had not been carried out.

19. On 5 November 2025, the Saeima voted to postpone the reconsideration of the Law and set 1 November 2026 as the deadline for submitting proposals in this regard.¹⁸ Therefore, the Law will be reconsidered by the new Saeima, to be elected in October 2026.

III. Scope of the opinion

20. In her request, the Minister of Justice of Latvia formulated five specific questions, noting that these questions are without prejudice to the scope of the Venice Commission's analysis:

1. Considering the European Court of Human Rights judgment in *A.E. v. Bulgaria*, where the Court observed that "the refusal of the Bulgarian authorities to ratify the Istanbul Convention can still be seen as indicative of the level of their commitment to fighting effectively domestic violence", Latvia's possible denunciation would go even further since it would cease to be a signatory altogether. In that context, would such a withdrawal, as an isolated act within a coherent and interdependent Council of Europe treaty system, risk setting a damaging precedent that undermines the integrity and effectiveness of its human rights protection framework, and be perceived as a retreat from the shared commitment to prevent and combat domestic violence?

¹³ <https://www.saeima.lv/en/news/saeima-news/35170-saeima-votes-in-favour-of-latvia-s-withdrawal-from-the-istanbul-convention>

¹⁴ See <https://manabalss.lv/i/3788>: As of 15 December 2025, there were 68,470 electronic signatures.

¹⁵ "71. Within ten days of the adoption of a law by the Saeima, the President, by means of a written and reasoned request to the Chairperson of the Saeima, may require that a law be reconsidered ...".

¹⁶ <https://www.president.lv/en/article/president-requests-saeima-reconsider-law-withdrawal-council-europe-convention-preventing-and-combating-violence-against-women-and-domestic-violence>

¹⁷ When developing written legal norms, the legislator must adhere to the principle of good legislation, which determines the procedural rules of the legislative procedure, and at the same time comply with the substantive or legitimacy requirements, which are determined by other general principles of law, such as the principle of human dignity, justice, equality, proportionality, and the protection of legitimate expectations.

¹⁸ <https://www.saeima.lv/en/news/saeima-news/35190-draft-law-on-latvia-s-withdrawal-from-the-istanbul-convention-returned-to-the-foreign-affairs-committee-for-reconsideration>

2. Whether such a withdrawal would be compatible with the principles of a democratic state governed by the rule of law, and with the objectives of the Council of Europe. In this context, how should the interaction between constitutional organs be assessed when divergent decisions have been taken?
3. Whether the denunciation of the Convention would negatively impact the level of application of fundamental rights protection in Latvia, considering the established monitoring mechanisms, particularly the role of GREVIO as an independent expert body ensuring compliance with the Convention.
4. To what extent could national legislation, presented as an “equivalent” framework, ensure the same degree of fundamental rights protection as continued participation in the Convention? Can reliance on national sufficiency be regarded as consistent with the Council of Europe's system of shared responsibility?
5. Whether the argument that the Convention imposes a specific ideological agenda can constitute a valid legal basis for withdrawal from the treaty, especially given that any such withdrawal could potentially impact the level of application of fundamental rights.

21. Having agreed to prepare an opinion, the Venice Commission reserved its decision on the actual scope thereof, in light of its competences and the limited time available. In this opinion, the Venice Commission addressed the specific questions formulated by the Minister of Justice primarily from the perspective of international human rights law. The opinion focuses on the most important legal aspects and consequences of the draft Law as submitted together with the explanatory note, as well as the specific questions formulated by the Minister of Justice. The absence of remarks on other aspects of the draft law or the specific questions should not be interpreted as their tacit approval.

IV. Analysis

22. The draft law provides for the denunciation of the Istanbul Convention according to its Article 80.¹⁹ According to the explanatory note, “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”, which has faced significant debate over the legal nature and interpretation of the Istanbul Convention for nearly a decade. Pointing out the objections by seven states to the declaration made by Latvia (see para. 10 above), the explanatory note concludes 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”.

23. The explanatory note further points out that Latvia, as an EU member State, must transpose the EU Directive 2024/1385 on combating violence against women and domestic violence²⁰ by 14 June 2027, which “covers a more effective set of protective measures than the Istanbul Convention, allowing Latvia's national legal framework to be aligned with international standards”. The explanatory note concludes on this point that the combating of violence against women and domestic violence will continue in accordance with the national legal framework and the EU Directive 2024/1385 and that the withdrawal from the Istanbul Convention will eliminate the problems of its application and interpretation, “without any negative impact on the legal protection of Latvia's inhabitants against violence and the risks of violence”.

¹⁹ “1 Any Party may, at any time, denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe. 2 Such denunciation shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of the notification by the Secretary General”.

²⁰ [Directive \(EU\) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence.](#)

24. The Venice Commission recalls that the decision to withdraw from a ratified international treaty falls within the State's sovereign powers.²¹ The general rules applicable to denunciation of treaties are enshrined in the 1969 Vienna Convention on the Law of Treaties (VCLT). According to Article 54 (a) of the VCLT, the termination of a treaty or the withdrawal of a party may take place in conformity with the provisions of the treaty. The Istanbul Convention regulates the procedure of its denunciation in its Article 80, which indicates that the Convention may be denounced at any time by any state party, through a notification addressed to the Secretary General of the Council of Europe and that such denunciation shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of the notification.

25. Referring to the above-mentioned provisions, the explanatory note indicates that the Saeima may, at any time, withdraw from an international treaty by adopting a corresponding law and that the State has the discretion to make such a decision based on considerations it deems important. In its submission, the Saeima also emphasises its sovereign right to submit and support draft laws on withdrawal from international treaties.

26. In its 2022 Report on the Domestic Procedures of Ratification and Denunciation of International Treaties, the Venice Commission distinguished two models of the denunciation treaties: the asymmetrical model, in which the Parliament has a role in the conclusion of treaties but not in their denunciation, and the symmetrical model, in which the Parliament has a role both in the conclusion and in the denunciation of treaties. Latvia follows the symmetrical model. The Commission also pointed out that human rights treaties “may have significance for the domestic legal order and affect the legal position of individuals, ... In that perspective, denunciation of treaties amounts to “negative legislation”, as it often changes the legal framework applicable not only to the public authorities but also to natural and legal persons within the country. For human rights treaties, the denunciation typically results in the decrease of substantive guarantees of protection of individuals and/or in the removal of some institutional or procedural mechanisms that monitor and enforce the implementation of and respect for such guarantees. It is therefore often said that the withdrawal from a treaty is the counterpart (or flipside, “*actus contrarius*”) of its conclusion, and that therefore, there should be a “symmetry” in parliamentary involvement”.²²

27. The Venice Commission recalls that “international human rights treaties do not always fit perfectly well within the general international law applicable to all international treaties. ... the direct beneficiaries of international human rights treaties are not the state parties but the individuals themselves. Even though human rights treaties are international treaties, they include certain special features which lead to an increased interplay between the national and the international levels”.²³ The Commission also recalls that a State's ability to withdraw from international human rights treaties may be limited by its own constitutional framework.

28. The Commission also emphasises that while withdrawal from the Istanbul Convention is legally permissible, it should be carefully justified, consistent with democratic principles and the rule of law, and mindful of the potential consequences for the protection of human rights in specific countries and for the integrity of the international human rights framework. Political, ideological, economic, social, cultural and other considerations may inform a State's decision to

²¹ In its Advisory Opinion [OC-26/20](#), the Inter-American Court of Human Rights stated that international human rights treaties are of a different juridical nature from general international public law. Thus, “while a state's sovereignty and consent are considered the cornerstones of the obligations under international law, it is widely acknowledged that in some situations the special nature of human rights treaties has a practical impact and, consequently, a different approach is required to the norms of general international law”. The Court also emphasised that “human rights treaties express universal axiological principles, withdrawal from which should not be permitted” (see paras 48 and 51).

²² Venice Commission, [CDL-AD\(2022\)001](#), Report on the Domestic Procedures of Ratification and Denunciation of International Treaties, paras 274, 277 and 280-288.

²³ Venice Commission, [CDL-AD\(2014\)036](#), Report on the implementation of international human rights treaties in domestic law and the role of courts, paras 39 and 110.

withdraw, but they do not provide independent legal justification. States may have different justifications, including ideological ones, for entering into treaties. It is not uncommon that states view human rights treaties through different ideological lenses. The Venice Commission recalls that from a legal point of view, states enter into treaties to pursue common goals, for which the scope, conditions, procedure, and measures are set out in the treaty. Regardless of the state parties' different justifications to enter into the treaty, it is the legal obligations that flow from the treaty that the state agrees to commit to vis-a-vis the other parties to the treaty and which are subject to the principle of *pacta sunt servanda*.

A. Legislative process

29. Section 14 of the Law "On International Treaties of the Republic of Latvia" provides that the decision to denounce international treaties or suspend their operation shall be taken by the Cabinet of Ministers (1). If the Saeima ratified the international treaty or adopted a law on accession to the international treaty, the Saeima shall adopt a law on denunciation of such international treaty, its suspension, or withdrawal (2). According to the Saeima, the first paragraph of Section 14 applies only to treaties entered into by the Cabinet and cannot be interpreted to mean that the Cabinet holds an obligation to take decisions on the denunciation or suspension of such international treaties that have been approved by the Saeima. The second paragraph of Section 14 confers the Saeima with the exclusive authority to denounce the international treaties which it has approved. Article 12 of the same Law provides that the Cabinet of Ministers shall be responsible for the fulfilment of the obligations provided in the international treaties. The Ministry of Justice informed the Venice Commission that the Cabinet of Ministers at least had to be consulted prior to taking a decision on denunciation.

30. The Venice Commission notes that withdrawal from a treaty is not *per se* contrary to the rule of law. The draft law should nonetheless comply with principles for good law-making. These principles apply *a fortiori* to laws that affect individual rights and that have downstream effects in the legal system. As is the case with any piece of legislation, a formal act of Parliament containing a withdrawal from existing treaty obligations needs to meet certain qualitative benchmarks. In this context, the Commission refers to principles II/A/5 ("Law-making procedures") and II/B/4 ("Stability and consistency of law") of the Rule of Law Checklist.²⁴ Recalling that the denunciation of human rights treaties may result in the decrease of substantive guarantees of protection of individuals (see para. 26 above), the Commission emphasises that the more important the treaty is for individuals (e.g., human rights treaties), the more thorough and inclusive the denunciation procedure should be.

1. Adequate justification of legislation

31. The Venice Commission emphasises that the legislator has a general duty to provide adequate justification for any legislative proposal. This is all the more important if the legislative proposal will have (significant) effects on the protection of human rights of its citizens. The comparative study conducted by the Venice Commission in 2022 on denunciation of treaties demonstrates that denunciation of treaties is never left to one branch of the government solely. Rather, it presupposes co-operation between the legislative power and the executive power.²⁵ This co-operation – in which each state power respects the prerogatives of the other – may only function properly if both powers earnestly and substantively reflect on each other's arguments.

32. Insofar as the Venice Commission has learned, no meaningful impact assessment has been made, nor are there extensive preparatory works that address the potential consequences of the withdrawal on the Latvian legal system. The explanatory note simply says that withdrawal will have "no impact" on the existing system of legal norms. This view of the proposers of the Law is

²⁴ Venice Commission, [CDL-AD\(2016\)007](#), Rule of Law Checklist.

²⁵ [CDL-AD\(2022\)001](#), *op. cit.*, para. 275.

in stark contrast to that of the Ministry of Justice, as provided in its written reply (see para. 33 below).

2. Meaningful consultation

33. According to the explanatory note, during the preparation of the draft law, “political consultations were held between politicians and voters”. The Saeima informed the Venice Commission that “extensive debates were held and experts were heard”. Although neither the Constitution nor the Rules of Procedure of the Saeima call for the holding of public consultations, a broad and comprehensive exchange of opinions was ensured in line with the highest standards of a democratic legislative process. The Saeima pointed out that the draft law was examined in full compliance with the Constitution, the Rules of Procedure of the Saeima and the Law on International Treaties, “respecting the right of MPs to submit draft laws (Article 65 of the Satversme) and the exclusive competence of the Saeima in matters of accession to and denunciation of international treaties”.

34. The draft law was considered under the urgent procedure,²⁶ which reduces the required readings from three to two and allows shorter time limits between the readings. Thus, the first reading was held on 23 October, and the second – and final – reading on 30 October 2025. According to the information provided by the Ministry of Justice, during the examination of the draft law by the Saeima’s Foreign Affairs Committee, several non-governmental organisations were present and consulted briefly. The Foreign Affairs Committee also received letters from non-governmental organisations and private persons calling on the Saeima not to adopt the Law. Government agencies and some Members of Parliament proposed, as an alternative to withdrawal, to discuss the implementation of the Istanbul Convention with the Council of Europe experts and GREVIO. Nevertheless, the Saeima did not consider it necessary.

35. The Venice Commission recalls that the quality of law depends to a large extent on the quality of the legislative process. In its checklist related to the Relationship between the Parliamentary Majority and the Opposition in a Democracy, the Venice Commission stressed that “controversial bills would normally require particularly long advance notice, and should be preceded by pre-drafts, on which some kind of (internet-) consultation takes place. The public should have a meaningful opportunity to provide input”.²⁷ When making legislative decisions with potentially wide-ranging consequences for the legal system and its protection of individual rights and its relation to EU law, a thorough legislative process and wide and substantive consultations both with government institutions and external stakeholders are important to avoid errors and lacunae.

36. Therefore, the Venice Commission considers that a legislative proposal of this kind should be the result of a slow and incremental process and should follow other procedures than those of everyday politics, let alone be adopted via expedited procedures designed for urgent matters. “Allocation of additional time for public consultations increases the ability of the opposition to influence the content of the legislative proposals by the Government or the majority. The majority should not manipulate the procedure in order to avoid such public consultations”.²⁸

²⁶ The [Rules of Procedure of the Saeima](#) provide for the adoption of “standard” draft legislation through three readings. Only two readings are required for adoption: 1) draft laws deemed urgent; 2) a draft budget law and amendments thereto, the draft medium-term budget framework and amendments thereto; 3) draft laws on the ratification of international agreements (Rule 114 of the Rules of Procedure). Article 92 of The Rules of Order of Saeima provides that draft laws which have been recognised as urgent by the decision of the Saeima upon the motion of the responsible committee or ten members of the Saeima shall only be discussed in two readings.

²⁷ Venice Commission, [CDL-AD\(2019\)015](#), Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a checklist, para 74.

²⁸ *Idem*.

3. Legal certainty: stability of legislation

37. Legal certainty is a fundamental principle of law, guaranteeing citizens the foreseeability and stability of legal rules. In this regard, the Venice Commission notes that the ratification and then withdrawal from an international treaty, in the same parliamentary term and 18 months after its entry into force, gives cause for concern.²⁹

38. The Venice Commission has always been wary of the use of urgent procedures on legislative proposals introduced by individual MPs rather than the Government, as such bills are not subject to the ordinary quality control and impact assessment and may bypass consultation procedures.³⁰ For the same reasons, the Commission has on many occasions warned against the use of accelerated procedures on legislation of major importance for society.³¹

39. That being noted, the Venice Commission also refers to the procedure to be followed for the reconsideration of the draft law in 2026. According to Article 115(2) of the Rules of Procedure of the Saeima, when the law is reconsidered at second reading following the request by the President of Latvia in accordance with Article 71 of the Constitution, the procedure for third reading shall apply, and only the objections raised by the President and the proposals related to these objections shall be considered. In the specific case, upon receiving the President of Latvia's request, the Saeima has determined that motions are to be submitted by 1 November 2026.

40. Taking into account the above circumstances, the Venice Commission considers that while the formal rules of procedure were respected, the speed and manner of adopting the Law on withdrawal are not consistent with European best practices in good law-making. The Commission emphasises the importance of thorough analysis, impact assessment, and consultations with national stakeholders and the Council of Europe expert bodies (see paras 53 and 59 below) in the process of the new consideration of the Law scheduled for 2026.

B. Implications of Latvia's possible withdrawal from the Istanbul Convention

41. The explanatory note states that the withdrawal from the Istanbul Convention will not affect human rights protection at the national level, as EU Directive 2024/1385 will allow Latvia's national legal framework to be aligned with international standards. Consequently, combating of violence against women and domestic violence will continue in accordance with the national legal framework and the EU Directive 2024/1385. In this context, the Venice Commission wishes to make the following observations.

1. Implications of the possible withdrawal on the Council of Europe human rights system

42. The Venice Commission recalls that in Council of Europe member States, human rights protection is ensured by a system of layered legal commitments across different levels, supported by various monitoring mechanisms. Rights are organised through both national laws and international obligations, which are interconnected and mutually reinforcing. Monitoring mechanisms represent one of the most important features of the Council of Europe's work.³² They play a key role in interpreting conventions and treaties and may be involved in devising new

²⁹ In this regard, the Venice Commission agrees with the President of Latvia that ratification and denunciation of the same treaty during the same Saeima term sends a contradictory message to both Latvian society and Latvia's international allies about Latvia's readiness to fulfil its international obligations in good faith.

³⁰ [CDL-AD\(2019\)015](#), *op. cit.*, para. 75.

³¹ See Venice Commission, [CDL-AD\(2019\)014](#), Romania – Opinion on Emergency Ordinances GEO No. 7 and GEO No. 12 Amending the Laws of Justice, paras 9-21; [CDL-AD\(2018\)021](#), Romania - Opinion on draft amendments to the Criminal Code and the Criminal Procedure Code, para. 39.

³² [SG/Inf\(2020\)34](#) - Strategic Framework of the Council of Europe, p. 6.

norms and standards.³³ In this regard, the Commission emphasises that at the European level, GREVIO is currently the only independent panel of experts monitoring the implementation of binding international legal provisions in the area of violence against women and domestic violence.³⁴

43. The Istanbul Convention serves as the cornerstone of human rights protection in Europe. The European Court of Human Rights has recognised the significant role of the Istanbul Convention concerning the positive obligations of member states under the ECHR to combat violence against women and domestic violence.³⁵ This role is further demonstrated by the fact that the European Union became a party to the Convention in 2023 (see para. 6 above).

2. “Equivalence” of the national legal framework

44. The Venice Commission recalls that “while it is up to each individual State to assess – in the light notably of factual data – what are the best means to tackle the phenomena covered by the Istanbul Convention at the national level, the presence of a sound internal infrastructure to safeguard human rights does not detract from the desirability and value of external scrutiny. Both are complementary, not contradictory elements. The subsidiary external oversight by international instruments brings with it the following positive aspects: (a) ratification of an international instrument has a symbolic significance (the State authorities send a strong signal that they are serious about protecting fundamental rights of citizens/fighting a particular societal phenomenon), (b) the international level provides a forum to discuss alleged deficiencies on the domestic level, share good practices and national authorities’ approaches to tackling violence against women and domestic violence, and (c) the international instrument may provide additional safeguards in comparison to the national framework”.³⁶

45. The Venice Commission considers that while the existing laws and the administrative measures which have been adopted to implement the Istanbul Convention (see paras 12 and 15 above) will not cease to be applied in Latvia, as their validity is based on internal law, there is a clear risk that the coherence and consistency of these measures will suffer from withdrawal from the Convention they implement, as the Convention and its monitoring system is a unifying legal factor. In accordance with Article 10 of the Istanbul Convention, the Ministry of Welfare of Latvia is designated as the national authority responsible for co-ordinating, implementing, monitoring, and evaluating policies and measures to fulfil the Convention obligations. While the Ministry of Welfare may retain its competences, the Venice Commission agrees with the Ministry of Justice’s assessment that “without the Convention, the institutional approach to combating violence against women and domestic violence risks becoming more fragmented, with less clarity on policy leadership, cross-sectoral coordination, and, importantly, accountability”.

46. Withdrawing from the Istanbul Convention may also cause inconsistencies in the application of the laws that implement it. According to information provided by the Ministry of Justice, there have been 20 judgments in civil matters and four judgments in criminal matters that refer to the Istanbul Convention. Insofar as Latvian courts have relied on the Istanbul Convention in the interpretation of implementing laws, withdrawal may cause legal uncertainty as to the interpretation of these laws and possibly inconsistencies in jurisprudence and unequal treatment of individuals according to those laws before and after the withdrawal.

³³ [Evaluation report on the Council of Europe’s monitoring mechanisms](#), May 2022, p. 23.

³⁴ See [6th General report on GREVIO’s activities](#) (January to December 2024).

³⁵ See *A. E. v. Bulgaria*, no. [53891/20](#), 23 May 2023, para. 121 (“... while the Court reiterates that its role is not to pronounce on whether a Contracting State should ratify an international treaty, that being an eminently political decision ..., the refusal of the Bulgarian authorities to ratify the Istanbul Convention ... can still be seen as indicative of the level of their commitment to fighting effectively domestic violence”. See also *Kurt v. Austria* [GC], no. [62903/15](#), 15 June 2021, where the ECtHR on multiple occasions referred to the Istanbul Convention for the interpretation of Article 2 to determine the state’s positive obligations.

³⁶ Venice Commission, [CDL-AD\(2019\)018](#), *op. cit.*, para. 101.

47. As regards the development of a new law as an equivalent to the Istanbul Convention (see para. 16 above), the Ministry of Justice indicated that Latvia does not have the possibility at this stage to map how national law may correspond to the Istanbul Convention. The Declaration of the Saeima of 16 October 2025 has no legal force and creates no binding obligations, which means that its impact depends entirely on consistent political and institutional implementation. Its scope is also narrower than that of the Istanbul Convention. According to the Ministry of Justice, while such a law would strengthen Latvia's national framework, it cannot substitute for the Istanbul Convention's binding, comprehensive, and independently monitored system based on prevention, protection, prosecution, and co-ordinated policies.

48. The Venice Commission recalls that the Council of Europe's system of protection of human rights is based on shared responsibility between national and international institutions. The principle of shared responsibility implies that member States should not rely solely on domestic mechanisms when an international monitoring structure exists and functions effectively. This dual system strengthens human rights protection by combining local knowledge, capacities and enforcement with supranational scrutiny. Without such international oversight, even robust national legislation may fail to address structural gaps or variations in implementation, leaving some victims unprotected. The Commission recalls that "sharing responsibility for the protection of human rights – to be contrasted strongly with any idea of shifting responsibility – holds out the prospect of a new, more stable equilibrium ... making for a stronger human rights regime in Europe, to the greater benefit of all those who are protected by it".³⁷

3. The Istanbul Convention and the EU Directive

49. The explanatory note points out that the EU 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. However, the explanatory note does not provide any analysis in this regard.

50. The Ministry of Justice provided a clear position in this regard. The Ministry indicated that the EU Directive differs in scope and does not replace the Istanbul Convention's comprehensive human-rights-based framework. Unlike the Convention, the Directive does not conceptualise violence against women and domestic violence as a form of discrimination, lacks broad due diligence obligations, and offers only minimum standards focused on selected offences. The Convention covers a wider range of criminalised conduct, prescribes mandatory aggravating factors, requires extensive prevention and education measures, ensures stronger protection and specialist support services, mandates robust data collection and coordinated policies, and benefits from GREVIO's dedicated monitoring mechanism. Consequently, the Ministry of Justice considers that while the Directive is complementary, it cannot match the depth, breadth, or monitoring mechanism of the Istanbul Convention.³⁸ The Ministry of Justice also informed the Venice Commission that the Cabinet of Ministers has called for the relevant institutions to prepare and submit to the Cabinet of Ministers by 1 January 2026 an assessment of the proposal contained in the Saeima's declaration of 16 October, 2025 to develop a comprehensive law, taking into account the legal framework already in force in Latvia in the field of preventing and combating violence against women and domestic violence, including Latvia's international obligations, the practice of applying regulatory acts, policy planning documents and other relevant circumstances in this area, and to make specific proposals for improving the regulatory

³⁷ See [Contribution of the ECtHR to the Brussels Conference](#), 26 January 2015, para. 3.

³⁸ In its [Judgment](#) of 16 January 2024, the CJEU pointed out that "the Istanbul Convention, which has been binding on the EU since 1 October 2023, ... lays down obligations coming within the scope of Article 78(2) TFEU, which empowers the EU legislature to adopt measures relating to a common European asylum system, such as Directive 2011/95. ... Thus, that convention, in so far as it relates to asylum and non-refoulement, is also one of the relevant treaties referred to in Article 78(1) TFEU. In those circumstances, the provisions of that directive, in particular Article 10(1)(d) thereof, must be interpreted consistently with the Istanbul Convention, even though some Member States, including the Republic of Bulgaria, have not ratified that convention" (paras 46-47).

framework necessary to prevent and combat violence against women and domestic violence effectively.

51. In light of the above circumstances, the Venice Commission points out that withdrawal must remain a last resort, after all other avenues have been exhausted. Otherwise, it could be seen as a measure of retreat from the collective commitment to prevent and address violence against women and domestic violence. National measures may indeed complement or even exceed the substantive protection of the Convention. Nevertheless, equivalence in substance does not replace the collective international supervision provided by a binding convention, which allows for systematic monitoring, reporting, and assessment of state compliance across all State parties. Such international oversight provides an additional layer of accountability and encourages the harmonisation of standards in combating violence against women and domestic violence.

52. Noting the position of the Ministry of Justice (para. 50 above), the Venice Commission recalls that by ratifying the Istanbul Convention, the EU committed to submit itself to the monitoring of GREVIO and to report to the Committee of the Parties on progress made in implementing GREVIO's findings and the Committee's corresponding recommendations. Such a commitment by the EU also implies that its legislation, including its Directive 2024/1385, may need to be further amended in light of GREVIO's findings. The Venice Commission also notes that in its Baseline Report on measures giving effect to the provisions of the Istanbul Convention submitted to GREVIO on 19 November 2025, the EU noted that its Directive 2024/1385 "builds on the Istanbul Convention and aims to implement the main sections of the Convention in the area of judicial co-operation in criminal matters".³⁹ As a subsequent procedural step, GREVIO will prepare its evaluation report on compliance of the EU with the Istanbul Convention.

53. Pending detailed evaluation by GREVIO and based on the above considerations, the Venice Commission is not convinced that the EU Directive "covers a more effective set of protective measures than the Istanbul Convention allowing Latvia's national legal framework to be aligned with international standards" (see para. 49 above). The Commission considers that, among other matters, it is important to clarify whether the EU Directive addresses all provisions of the Istanbul Convention or, where the provision is addressed, the scope is limited. The Commission also stresses that the assessment of a national law's compliance with the Istanbul Convention can fully be ascertained only by GREVIO. However, Latvia would not be able to benefit from such expertise in the event of withdrawal from the Istanbul Convention. The Venice Commission recalls that the EU's accession to the Istanbul Convention is limited to the areas of exclusive competence of the EU. Therefore, withdrawal from the Istanbul Convention would potentially open a gap in the legal protection between the areas inside and outside the EU's competence.

54. In light of the above considerations, the Venice Commission finds that the argument of the proposers of the draft law, which compares the EU Directive to the Istanbul Convention and simply points out, without any preliminary analysis, that the former provides more effective protection than the latter, is not a valid legal reason for withdrawing from the Istanbul Convention. The Venice Commission therefore recommends that Latvia, which at present continues to be a State party to the Istanbul Convention and thus continues to be bound by its provisions and to be subject to its monitoring procedure, make full use of GREVIO's expertise in the process of reconsideration of the Law on the withdrawal in 2026.

³⁹ [See Baseline Report by the European Union on measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence \(the 'Istanbul Convention' or the 'Convention'\)](#), 19 November 2025, p. 3.

V. Conclusion

55. The Venice Commission recalls that even though human rights treaties are international treaties, they have certain special features which lead to an increased interplay between the national and the international levels. The direct beneficiaries of international human rights treaties are not the state parties but the individuals themselves. For human rights treaties, denunciation typically results in a decrease in substantive guarantees of protection for individuals and/or in the removal of some institutional or procedural mechanisms that monitor and enforce the implementation and respect for such guarantees.

56. Withdrawal from human rights treaties, including the Istanbul Convention, must comply with the procedural requirements established both in the treaty itself and under general international law. While withdrawal from the Istanbul Convention is legally permissible, it should be carefully justified, consistent with democratic principles and the rule of law, and mindful of the potential consequences for the protection of human rights in specific countries and for the integrity of the international human rights framework. Objections to the declarations made upon ratification, while raising concerns under the Convention's provisions, do not automatically require withdrawal from the Convention. Political, ideological, economic, social, cultural and other considerations may inform a State's decision to withdraw, but they do not provide independent legal justification.

57. The legislative process should be transparent, accountable, inclusive, and democratic. Notably, the public – and in particular the groups primarily affected – should have a meaningful opportunity to provide input and, where appropriate, impact assessments should be made before adopting legislation. Recalling that the denunciation of human rights treaties may result in the decrease of substantive guarantees of protection of individuals (see para. 26 above), the Commission emphasises that the more important the treaty is for individuals (e.g., human rights treaties), the more thorough and inclusive the denunciation procedure should be.

58. In Council of Europe member States, human rights protection is ensured by a system of layered legal commitments across different levels, supported by various monitoring mechanisms, that represent one of the most important features of the Council of Europe's work. In this regard, GREVIO is currently the only independent panel of experts monitoring the implementation of binding international legal provisions in the area of violence against women and domestic violence.

59. National measures may complement or even exceed the substantive protection of the Convention. Nevertheless, equivalence in substance does not replace the collective international supervision provided by a binding convention, which allows for systematic monitoring, reporting, and assessment of state compliance across all State parties. Such international oversight provides an additional layer of accountability and encourages the harmonisation of standards in combating violence against women and domestic violence. Without such international oversight, even robust national legislation may fail to address structural gaps or variations in implementation, leaving some victims unprotected. The Commission recalls that sharing responsibility for the protection of human rights – to be contrasted strongly with any idea of shifting responsibility – holds out the prospect of a new, more stable equilibrium making for a stronger human rights regime in Europe, to the greater benefit of all those who are protected by it.

60. The argument, which compares the EU Directive to the Istanbul Convention and points out, without any preliminary analysis, that the former provides more effective protection than the latter, does not appear to be a valid legal reason for withdrawing from the Istanbul Convention. The EU Directive builds on the Istanbul Convention; the EU is subject to the Istanbul Convention's monitoring procedure and has reporting obligations. GREVIO will analyse and assess compliance of the EU with the Istanbul Convention. The Venice Commission emphasises the importance of thorough analysis, impact assessment, and consultations in the process of the

reconsideration of the Law on the withdrawal scheduled for 2026. In the same context, the Commission recommends that Latvia, which at present continues to be a State party to the Istanbul Convention and thus to be bound by its provisions and to be subject to its monitoring procedure, make full use of GREVIO's expertise.

61. The Venice Commission remains at the disposal of the Latvian authorities for further assistance in this matter.