

# THE ISTANBUL CONVENTION – A POWERFUL TOOL TO END GENDER-BASED VIOLENCE



A handbook for  
parliamentarians  
on the Council of Europe  
Convention on Preventing  
and Combating Violence  
against Women and  
Domestic Violence

**SAFE** FROM FEAR  
**SAFE FROM**  
**VIOLENCE**



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE



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*Prepared by  
The Secretariat of the Committee on  
Equality and Non-Discrimination  
of the Parliamentary Assembly  
of the Council of Europe in cooperation  
with Anne-Katrin Speck, expert consultant*

# Contents

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<b>ABBREVIATIONS</b>	<b>5</b>
<b>GLOSSARY OF KEY TERMS</b>	<b>7</b>
<b>COUNCIL OF EUROPE: UPHOLDING WOMEN'S RIGHTS, STRIVING TO ACHIEVE GENDER EQUALITY AND TO END VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE</b>	<b>9</b>
The Council of Europe in brief	9
The Parliamentary Assembly of the Council of Europe: combating violence against women	9
<b>1. WHY THIS HANDBOOK?</b>	<b>11</b>
<b>2. THE SCOURGE OF VIOLENCE AGAINST WOMEN</b>	<b>13</b>
<b>3. THE ISTANBUL CONVENTION: A COMPREHENSIVE LEGAL AND POLICY FRAMEWORK TO END GENDER-BASED VIOLENCE</b>	<b>15</b>
3.1. Istanbul Convention: its purpose and scope	16
3.2. Countering misinformation about the Istanbul Convention	19
<b>4. HOW IS IMPLEMENTATION OF THE ISTANBUL CONVENTION MONITORED?</b>	<b>21</b>
4.1. State reporting	21
4.2. Urgent inquiry procedure	22
4.3. General recommendations	22
4.4. Monitoring the implementation of the Istanbul Convention: what role for parliaments?	23
<b>5. THE ROLE OF PARLIAMENTARIANS IN SUPPORTING THE ISTANBUL CONVENTION</b>	<b>25</b>
5.1. Promoting ratification of the Istanbul Convention	26
5.2. Monitoring and supporting the implementation of the convention	28
5.3. Parliamentary engagement in GREVIO's monitoring	42
5.4. What structures and mechanisms are there for promoting implementation?	48
5.5. Summing up	51

<b>6. IN-HOUSE EXPERTISE AND EXTERNAL ALLIANCES</b>	<b>53</b>
6.1. In-house expertise	53
6.2. External alliances and expertise	54
<b>7. CONCLUSION</b>	<b>55</b>
<b>APPENDIX 1 – CHECKLIST FOR PARLIAMENTARIANS: HOW TO SUPPORT THE ISTANBUL CONVENTION</b>	<b>57</b>
<b>APPENDIX 2 – TEXT OF THE ISTANBUL CONVENTION ON PREVENTING AND COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE (CETS NO. 210)</b>	<b>65</b>
<b>APPENDIX 3 – ADDITIONAL READING AND RESOURCES</b>	<b>99</b>
Selected Council of Europe sources	99
Selected international instruments	104
Other useful links	104

# Abbreviations

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<b>CEDAW</b>	UN Convention on the Elimination of All Forms of Discrimination Against Women
<b>CEDAW Committee</b>	UN Committee on the Elimination of Discrimination against Women
<b>CETS</b>	Council of Europe Treaty Series
<b>Committee of the Parties</b>	Committee of the Parties to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention)
<b>FGM</b>	Female genital mutilation
<b>GREVIO</b>	Group of Experts on Action against Violence against Women and Domestic Violence
<b>HELP</b>	Human Rights Education for Legal Professionals
<b>Istanbul Convention</b>	Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence
<b>NGO</b>	Non-governmental organisation
<b>PACE</b>	Parliamentary Assembly of the Council of Europe



# Glossary of key terms

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**Violence against women:** all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

**Domestic violence:** all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim.

**Gender:** the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men. The Istanbul Convention recognises that gender stereotypes contribute to making violence against women acceptable to some people.

**Gender-based violence against women:** refers to violence directed against women because they are women or violence that disproportionately affects women.

**Gender stereotyping:** Gender stereotypes are preconceived ideas whereby males and females are arbitrarily assigned characteristics and roles that are determined and limited by their sex.



# Council of Europe: upholding women's rights, striving to achieve gender equality and to end violence against women and domestic violence

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## The Council of Europe in brief

The Council of Europe is the continent's leading human rights organisation. All the 47 member states have signed up to the [European Convention on Human Rights](#), a treaty designed to protect human rights, democracy and the rule of law. The Council of Europe has actively promoted the protection of women and girls from gender-based violence. The adoption of the [Convention on preventing and combating violence against women and domestic violence](#) (the "Istanbul Convention") has firmly established the Council of Europe as a leading organisation in promoting gender equality, upholding women's human rights and ending gender-based violence.

### Did you know?

The Istanbul Convention came into force in 2014, just over three years after its adoption – a clear sign of European states' commitment to the values and principles enshrined in the convention.

## The Parliamentary Assembly of the Council of Europe: combating violence against women

The [Parliamentary Assembly](#) brings together 648 members from the parliaments of the Council of Europe's 47 member states. It speaks on behalf of 830 million Europeans and represents the democratic conscience of the European continent.



The Assembly has consistently and forcefully condemned violence against women as one of the most serious and pervasive violations of human rights. In 2006, a group of dedicated parliamentarians set up the [Parliamentary Network “Women Free from Violence”](#)<sup>1</sup> with the aim of actively engaging parliamentarians at all levels throughout Europe and beyond to raise awareness about this serious violation of human rights, and to initiate, encourage and promote legislative and policy changes to end gender-based violence.

In 2008, the Assembly called for the adoption of legally binding European standards on violence against women<sup>2</sup> – standards that were ultimately enshrined in the Istanbul Convention. The Assembly was closely associated with negotiating and drafting the Istanbul Convention. This means that European citizens’ democratically elected representatives were able to shape the content of the most progressive human rights treaty on ending violence against women.

One major innovation of the Istanbul Convention is the involvement of national parliaments in the monitoring of implementation of the convention. Just as important, the Istanbul Convention includes a significant role for the Parliamentary Assembly of the Council of Europe, which is invited to take stock of the implementation of the convention at regular intervals.

1. Want to know who represents your parliament in the network “Women free from violence”? The list of members is available online, at <http://www.assembly.coe.int/nw/Page-EN.asp?LID=WFFV> (accessed 22 Oct 2019).
2. See PACE [Resolution 1635](#) (2008) and [Recommendation 1847](#) (2008) on Combating violence against women: towards a Council of Europe convention.

# 1. Why this handbook?

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**T**he [Council of Europe Istanbul Convention](#) is the most progressive and ambitious international human rights treaty targeting the elimination of violence against women. It has received two prestigious international prizes<sup>3</sup> and is often referred to as a “gold standard”<sup>4</sup> in the fight against gender-based violence.

Since its adoption in April 2011, the convention has had significant positive impact across Europe. It has contributed to garnering public attention to the urgent need to take action to combat violence against women and domestic violence. The convention has triggered and inspired important progressive changes to domestic laws and policies related to gender-based violence. It has highlighted the need for more shelters and services for women who are victims of violence. Furthermore, the convention has generated much-needed public debates around issues related to sexual violence, in particular rape.

Yet even the most powerful standards can only lead to long-lasting positive change if countries sign, ratify and fully implement the convention. In this regard, parliaments and parliamentarians play an instrumental role. They can lend democratic legitimacy to measures aimed at giving effect to the treaty, create robust legal and policy frameworks aimed at ending violence against women and monitor their effective implementation. Their important role in approving national budgets and providing oversight of executive action positions the legislature as a key stakeholder in the fight against gender-based violence.

3. In 2012, the [Spanish Observatory](#) against domestic and gender violence presented the Council of Europe with its most prominent Recognition Award on the eradication of gender-based violence for the drafting of the Istanbul Convention. In 2015, the convention was honoured with the prestigious Vision Award by the [World Future Council](#), the Inter-Parliamentary Union and UN Women, in recognition of its contribution to the fight against violence against women.
4. Remarks by Lakshmi Puri, former Deputy Executive Director of UN Women, on the occasion of the Council of Europe side event “Violence against women – our concern, our response” at the 57th Session of the Commission on the Status of Women; New York, 4 March 2013, available at: [www.unwomen.org/en/news/stories/2013/3/remarks-by-lakshmi-puri-at-csw57-side-event](http://www.unwomen.org/en/news/stories/2013/3/remarks-by-lakshmi-puri-at-csw57-side-event) (accessed 22 Oct 2019).

This handbook aspires to be a practical resource for parliamentarians across the political spectrum and from all political systems, regardless of whether their country has already ratified or is yet to ratify the Istanbul Convention. It aims to strengthen parliamentary knowledge about the convention and to support parliamentarians across Europe to play an active role in promoting its ratification and implementation. It also presents examples<sup>5</sup> of how parliamentarians can use their legislative, oversight and other functions to help end violence against women and domestic violence.

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5. This handbook draws on interviews with members of the Parliamentary Assembly as well as responses to a questionnaire circulated to national parliamentary delegations in March 2019 via the [European Centre for Parliamentary Research and Documentation \(ECPRD\)](http://www.ecprd.org/), available on the website of the Assembly's Committee on Equality and Non-Discrimination, at <http://www.assembly.coe.int/LifeRay/EGA/WomenFFViolence/IstanbulQuestionnaire-EN.pdf>.

## 2. The scourge of violence against women

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**V**iolence against women and domestic violence continues to be one of the most pervasive human rights violations worldwide. It affects women from all walks of life, irrespective of cultural, religious, economic, social or geographical backgrounds. Global [estimates](#) from the World Health Organization suggest that one in three women worldwide will experience gender-based violence in their lifetime.<sup>6</sup>

Europe is no exception. Every day, women across our continent are psychologically and physically abused, harassed, stalked, raped, mutilated, forced by their family to enter into marriage or sterilised against their will. A [survey](#) carried out by the European Union Agency for Fundamental Rights showed that between 45% and 55% of women and girls from the age of 15 in the European Union have been victims of sexual harassment.<sup>7</sup> National surveys also reveal that domestic, sexual and other forms of violence against women are widespread.

Gender-based violence has devastating consequences for the victims and for society as a whole. Recognising the scope and impact of this scourge is indispensable if we are to make the struggle to end violence against women and domestic violence effective.

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6. For estimates, see [www.who.int/news-room/fact-sheets/detail/violence-against-women](http://www.who.int/news-room/fact-sheets/detail/violence-against-women) (accessed 22 Oct 2019).

7. The survey results are available at <https://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-violence-against-women-survey> (accessed 22 Oct 2019).



### 3. The Istanbul Convention: a comprehensive legal and policy framework to end gender-based violence

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**T**he [Istanbul Convention](#)<sup>8</sup> is a ground-breaking, legally binding international treaty to eradicate violence against women and domestic violence. The convention provides those states that have ratified it with a comprehensive framework of policies and measures based on best practice, to prevent and combat violence against women and domestic violence. The convention was created in Europe but it has global outreach. It is drafted with the understanding that measures to address the global problems related to gender-based violence should not be limited to a particular geographic area. Any state can accede to it or use it as a blueprint for national and regional legislation and policies.

The strength of the convention lies in its comprehensiveness and its commitment to tackling the root causes of violence against women and domestic violence. This section sets out the key principles of the convention and demonstrates its potential to bring us closer to creating societies free from gender-based violence.

The Istanbul Convention ... is a manifesto, laying down a vision of society in which women are not subordinated to men and gender equality is fully achieved.<sup>9</sup>

8. As of 30 June 2019, 34 states have ratified the convention; 11 member states and the European Union have signed the convention. Not sure if your country has signed and ratified the Istanbul Convention? Consult the [chart of signatures and ratifications](http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures) at [www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures](http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures) (accessed 22 Oct 2019).
9. [The Istanbul Convention on violence against women: achievements and challenges](#); PACE Report, 8 June 2019, Doc. 14908, §12).

### 3.1. Istanbul Convention: its purpose and scope

The purpose of the convention is to end violence against women and domestic violence and to safeguard the fundamental human right for women to live a life free from violence. The scope of the convention covers all forms of violence against women, including domestic violence, which affects women disproportionately. The cornerstones of the Istanbul Convention are the prevention of violence, the protection of victims and the prosecution of the perpetrators. The convention acknowledges that the struggle against gender-based violence can only ever be effective if states implement holistic and co-ordinated policies.

#### The Istanbul Convention's 4 Ps approach

- ▶ Prevention
- ▶ Protection
- ▶ Prosecution
- ▶ Integrated Policies

#### 3.1.1. Whom does the convention protect?

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The main beneficiaries of the Istanbul Convention are women. The reason for this is simple: the convention seeks to tackle forms of violence that are experienced only by women *because* they are women (such as female genital mutilation or forced abortion) or that women are disproportionately exposed to in comparison with men (domestic violence, forced marriage, forced sterilisation, rape and other forms of sexual violence, sexual harassment or stalking).

Parties to the Istanbul Convention are encouraged to extend its application to everyone at risk of or affected by domestic violence, including male, child and elderly victims. This is in recognition of the fact that men also experience some forms of violence covered by the Istanbul Convention, albeit less frequently and often in less severe forms.

#### 3.1.2. What does the convention require states to do?

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Human rights are often framed in terms of behaviour that states must refrain from: state officials must not torture or discriminate against individuals, nor restrict their right to freedom of expression without justification. Similarly, state authorities and others acting on behalf of the state must refrain from acts of violence against women. But states have positive obligations, too. This dimension of their international obligations is particularly important in the

context of violence against women and domestic violence, which is more often perpetrated by private individuals than by state agents. Accordingly, the Istanbul Convention includes and integrates the “due diligence” standard, defined as the states’ obligation to “prevent, investigate, punish and provide reparation for acts of violence perpetrated by non-state actors” (Article 5).

Furthermore, it is crucial to recognise that violence against women and domestic violence do not occur in a vacuum. They thrive in societies where harmful attitudes, prejudices, gender stereotypes and gender-biased customs or traditions condone or encourage behaviour that puts women down and treats them as inferior. This is the breeding ground for violence against women, including domestic violence. The Istanbul Convention therefore requires states to adopt a series of measures to be implemented with a view to prevent violence, protect victims and prosecute perpetrators through co-ordinated measures and policies.

## Prevention

The convention contains the general obligation to prevent violence against women and detailed preventive measures which aim to:

- ▶ promote changes in attitudes and behaviour that condone violence against women;
- ▶ raise awareness to enable the public to recognise gender-based violence in all its forms, wherever it occurs, and to speak out against it;
- ▶ include teaching material on equality issues in the curricula at all levels of education, in order to teach children mutual respect in relationships;
- ▶ train all relevant professionals working with victims in the prevention and detection of violence;
- ▶ develop treatment programmes for perpetrators of domestic violence and sex offenders, aimed at teaching them to respect women and adopt non-violent behaviour.

## Protection

Effectively protecting women from gender-based violence requires the adoption of a series of measures aimed at supporting those at risk of violence. For this purpose, the convention provides that states shall:

- ▶ place the needs and safety of victims at the heart of all measures;
- ▶ ensure that survivors know where and how to get help, and set up specialised support services that provide them with medical assistance as well as psychological and legal counselling;

- ▶ provide shelters and 24/7 telephone helplines;
- ▶ establish emergency barring orders to remove perpetrators from the family home, as well as restraint or protection orders;
- ▶ protect and support children who witness violence within their families.

## Prosecution

A strong criminal law framework is needed to bring justice to victims, hold perpetrators accountable and end impunity: under the Istanbul Convention, states parties are expected to criminalise (or penalise through other measures) the various forms of violence, including:

- ▶ psychological violence;
- ▶ stalking;
- ▶ sexual violence, including rape;
- ▶ sexual harassment;
- ▶ forced marriage;
- ▶ female genital mutilation;
- ▶ forced abortion and forced sterilisation.

States parties are also required to:

- ▶ ensure that all these forms of violence are appropriately punished;
- ▶ ensure that culture, religion, tradition or other personal reasons are not accepted as a defence for criminal behaviour, neither in law nor in practice;
- ▶ ensure that victims and their children have access to special protection measures during investigation and judicial proceedings;
- ▶ ensure that law-enforcement agencies respond immediately to calls for assistance, manage dangerous situations adequately and swiftly investigate all allegations of violence against women.

## Integrated policies

Violence against women and domestic violence cannot effectively be tackled by uncoordinated, haphazard responses. Eradicating the root causes and symptoms of gender-based and domestic violence requires concerted efforts by a variety of actors, including the police, judiciary, social services, child protection agencies, health care professionals, women's non-governmental organisations and other relevant partners. The Istanbul Convention recognises this need, and calls for a holistic response to violence through integrated, comprehensive and co-ordinated policies that put the needs of victims at the centre.

Five years after its entry into force, the Assembly believes that the Istanbul Convention has already had a tangible and positive impact. It has contributed to raising victims' awareness and to raising awareness in society in general ... Discussions on the possible ratification ... have led to debates on violence against women, its extent and impact on victims and on the urgency of combating it to save lives.<sup>10</sup>

## **3.2. Countering misinformation about the Istanbul Convention**

All actions required by the Istanbul Convention are geared towards the aim of ending violence against women, an objective that we should all be able to agree on. Yet the past few years have seen, across and beyond Europe, a backlash against women's human rights. Perhaps unsurprisingly, this backlash has left its mark on the Istanbul Convention, slowing down the progress of its wide ratification and implementation. Such developments require both the attention of and action by parliamentarians. They constitute an attack on the progressive normative framework established by European nations which collectively negotiated, drafted and unanimously adopted the Istanbul Convention, with important input from democratically elected parliamentarians.

### **3.2.1. What can you do to counter attacks and address misconceptions about the Istanbul Convention?**

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Know who is behind these attacks: a rather "unholy alliance" of religious, ultra-conservative groups and self-proclaimed "men's rights activists" that have been spreading false narratives about the Istanbul Convention. They take issue with rights and concepts that have long been recognised in international human rights law. Their intent is to undermine the very objective that the Istanbul Convention seeks to achieve: eradicating inequality between women and men, which is the breeding ground for gender-based violence.

Speak out against misinformation, because remaining silent while others spread falsehoods about the Istanbul Convention would mean surrendering the important gains that the convention has brought in terms of the protection of women's human rights.

Stress the facts: your public support for the convention is crucial to ensure its maximum impact. Use social and traditional media, interviews and other

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10. ["The Istanbul Convention on violence against women: achievements and challenges"](#), PACE Report, 8 June 2019, Doc. 14908, §8.

means to emphasise the aims of the Istanbul Convention: protecting women from gender-based violence. Highlight the convention's key benefits and achievements.

### **Need more information?**

The Council of Europe has produced guidance in the form of a handy [Question-and-Answer brochure](#) aimed at exposing and rectifying misconceptions about the Istanbul Convention. All parliamentarians are invited to use this brochure, available in 20 languages, when engaging in discussions or debate on the real aims of the Istanbul Convention.<sup>11</sup>

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11. The Question-and-Answer brochure is available at <https://rm.coe.int/prems-122418-gbr-2574-brochure-questions-istanbul-conventionweb-16x16/16808f0b80> (accessed 22 Oct 2019).

## 4. How is implementation of the Istanbul Convention monitored?

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**T**he convention sets up a monitoring mechanism to assess how well its provisions are put into practice. This mechanism consists of two distinct, but interacting pillars: the [Group of Experts on Action against Violence against Women and Domestic Violence](#) (GREVIO), an independent expert body, and the [Committee of the Parties](#), a political body composed of official representatives of the states that are party to the convention. Their findings and recommendations help ensure states' compliance with the convention and guarantee its long-term effectiveness.

### 4.1. State reporting

At the core of the [supervisory mechanism](#) established under the Istanbul Convention is a [country-by-country evaluation procedure](#) carried out by GREVIO on the basis of state reports and additional information gathering.<sup>12</sup> Figure 1 shows the workflow of GREVIO's ongoing first (baseline) evaluation. State parties are expected to use GREVIO's [questionnaire](#)<sup>13</sup> to report on legislative and other measures giving effect to all the provisions of the Istanbul Convention. Based on the information obtained from the state and through shadow reports by non-governmental organisations (NGOs) or national human rights institutions, GREVIO makes a comprehensive assessment of the status of implementation of the convention. As illustrated by the flowchart in Figure 1, the monitoring process is based on dialogue between the supervisory body and a wide range of domestic interlocutors.

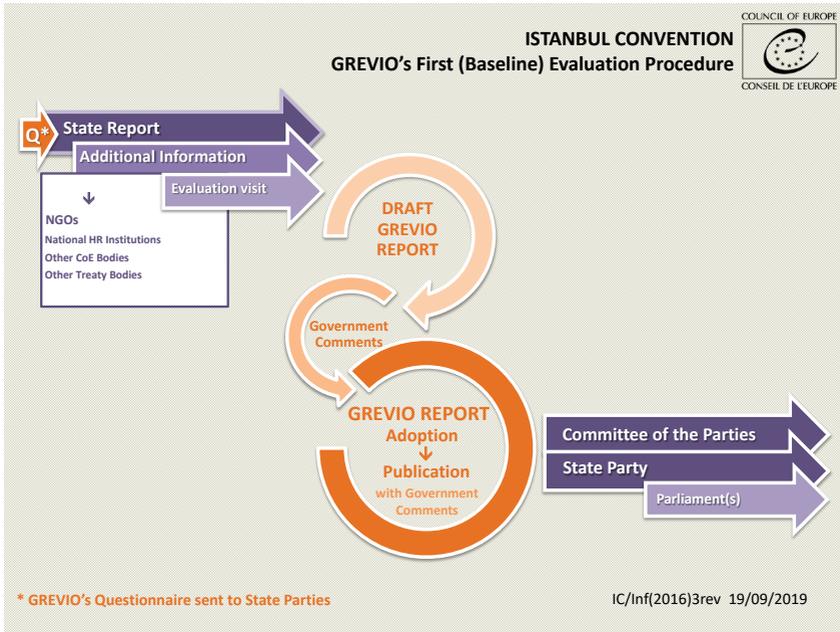
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12. More information on GREVIO's monitoring and its first (baseline) evaluation round is available at: [www.coe.int/en/web/istanbul-convention/about-monitoring1](http://www.coe.int/en/web/istanbul-convention/about-monitoring1) and [www.coe.int/en/web/istanbul-convention/steps-in-the-first-baseline-evaluation-procedure](http://www.coe.int/en/web/istanbul-convention/steps-in-the-first-baseline-evaluation-procedure) (both accessed 23 Oct 2019).

13. The GREVIO questionnaire (accessed 23 Oct 2019) is available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016805c95b0>.

## Figure 1 – Workflow of GREVIO’s first (baseline) evaluation procedure.

© Istanbul Convention [website](https://www.coe.int/t/e/treaties/Convention+against+discrimination+against+women+and+girls/Convention+against+discrimination+against+women+and+girls+text+in+other+languages+and+commentary+and+explanatory+report+and+concluding+remarks+and+concluding+remarks+of+the+Secretary+General+of+the+Council+of+Europe+on+the+Istanbul+Convention+and+its+implementation+in+the+Republic+of+Turkey+and+in+the+Republic+of+Serbia+and+in+the+Republic+of+Belarus+and+in+the+Republic+of+Moldova+and+in+the+Republic+of+Ukraine+and+in+the+Republic+of+Georgia+and+in+the+Republic+of+Armenia+and+in+the+Republic+of+Azerbaijan+and+in+the+Republic+of+Kazakhstan+and+in+the+Republic+of+Kyrgyzstan+and+in+the+Republic+of+Uzbekistan+and+in+the+Republic+of+Tajikistan+and+in+the+Republic+of+Turkmenistan+and+in+the+Republic+of+Belarus+and+in+the+Republic+of+Moldova+and+in+the+Republic+of+Ukraine+and+in+the+Republic+of+Georgia+and+in+the+Republic+of+Armenia+and+in+the+Republic+of+Azerbaijan+and+in+the+Republic+of+Kazakhstan+and+in+the+Republic+of+Kyrgyzstan+and+in+the+Republic+of+Uzbekistan+and+in+the+Republic+of+Tajikistan+and+in+the+Republic+of+Turkmenistan).



### 4.2. Urgent inquiry procedure

The Istanbul Convention also provides for a special [urgent inquiry procedure](#)<sup>14</sup> which allows for urgent action to be taken “to prevent a serious, massive or persistent pattern of any of the acts of violence covered by the convention.”<sup>15</sup> Where GREVIO concludes that a situation requires immediate attention, it may trigger the inquiry procedure and request the urgent submission of a special report by the state concerned.

### 4.3. General recommendations

Finally, GREVIO may adopt recommendations that are not specific to any country, but that deal with issues of concern to all state parties. This procedure

14. More information is available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680462547> (accessed 23 Oct 2019).

15. Paragraph 358 of the [explanatory report](#) to the Istanbul Convention, available at: <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210> (accessed 23 Oct 2019).

offers a way for GREVIO to produce guidance on the effective implementation of the provisions in the convention, by clarifying key themes and concepts.

#### **4.4. Monitoring the implementation of the Istanbul Convention: what role for parliaments?**

The Istanbul Convention is a landmark instrument in terms of its content. But it is also innovative in explicitly envisaging in Article 70 a role for parliaments in monitoring its implementation.

##### **Article 70**

1. National parliaments shall be invited to participate in the monitoring of the measures taken for the implementation of this Convention.
2. Parties shall submit the reports of GREVIO to their national parliaments.
3. The Parliamentary Assembly of the Council of Europe shall be invited to regularly take stock of the implementation of this Convention.

The Istanbul Convention is the only international human rights instrument to expressly recognise the importance of involving national parliaments in assessing the implementation of the treaty. Governments are required to invite national parliaments to participate in the monitoring. They must also submit the reports of GREVIO to parliament for consultation. Furthermore, the Istanbul Convention requires the Parliamentary Assembly to regularly monitor how the state parties implement the treaty. This ensures that the issue of violence against women is regularly placed on the political agenda of the Council of Europe.



## 5. The role of parliamentarians in supporting the Istanbul Convention

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**V**iolence against women is a violation of human rights. Failure on the side of political leaders to take a clear stance on this matter feeds into efforts to relegate such violence to the private sphere and contributes to further perpetuating and even condoning acts of violence against women and domestic violence. Eradicating gender-based violence should therefore be a concern and a priority for everyone: the executive, legislature and judiciary, civil society organisations, human rights bodies, women's rights groups and other NGOs, professional organisations and trade unions, the media and private sector, academic bodies and community-based groups, regional and international organisations and the wider public.

As law makers and policy makers, parliamentarians often carry out the important task of ratifying international and regional human rights instruments and ensuring that national legislation is in line with the standards those instruments establish. They have the responsibility to hold governments accountable for implementing the standards they have subscribed to. They pass enabling legislation and adopt the necessary budgets to turn words into action. All of these functions mean that parliamentarians are uniquely well placed to become key supporters and promoters of international treaties, including the Istanbul Convention. Moreover, as elected representatives, they create a vital link between political decision makers and their constituencies, which can be used to promote a better understanding of the aims and benefits of the Istanbul Convention.

### Did you know?

The Assembly report on the Istanbul Convention calls for forceful action to end violence against women, and a pushback against the backlash directed at the human rights of women.

### Want to learn more?

Read the [report](#)<sup>16</sup> and check out the Assembly's [Resolution 2289 \(2019\)](#) and visit the [website](#) of the PACE Committee on Equality and Non-Discrimination.<sup>17</sup>

## 5.1. Promoting ratification of the Istanbul Convention

At 30 June 2019, almost three out of four Council of Europe member states had ratified the Istanbul Convention. But securing parliamentary approval for ratification has not always been “smooth sailing”. At times, ratification has been impeded by a protracted process of mapping a country’s current state of compliance with convention standards and slow progress in bringing domestic legislation into conformity with its requirements. In other instances, progress has been delayed by misinformation and ill-conceived concerns. Parliamentarians have a responsibility to address incompatibility of domestic law and practice with the convention, and to work towards dispelling harmful myths.

It is worth noting that contemporary populist and reactionary movements have not stopped at the doorstep of parliament. At times, parliamentarians themselves can become obstructive forces, opposing the ratification of the Istanbul Convention in pursuit of short-term political gains. Overcoming these obstacles, just like ending violence against women and domestic violence, requires strong political commitment and political leadership and parliamentarians should lead by example in this regard.

### 5.1.1. Making informed decisions with participation of a broad spectrum of relevant stakeholders

- ▶ Before ratification of the convention in the Riigikogu, the Parliament of Estonia, the [Legal Affairs Committee](#) of that parliament discussed, at a

16. <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?fileid=27718&lang=2> (accessed 23 Oct 2019).

17. PACE Resolution 2289 is available at <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=28017&lang=en> (accessed 23 Oct 2019).

public meeting in May 2016, what legislative amendments might be necessary to bring Estonian legislation into conformity with Istanbul Convention standards. Participants in the meeting included the Minister of Justice, the Minister of Social Protection, representatives of the Ministry of the Interior, the Ministry of Justice, the police and the prosecutor's office, and judges. Also present were the Chairwoman of the Estonian Women's Shelters Union, the head of a Women's Centre, a member of the Board of the Estonian Union for Child Welfare and a psychotherapist.

### **5.1.2. What can you do to promote ratification in your own country?**

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- ▶ Remind the executive and fellow parliamentarians that they all have the obligation, duty and responsibility to uphold human rights, end violence against women and end domestic violence.
- ▶ The battle to end gender-based violence is far from won. Point to accurate statistics to illustrate the magnitude of this scourge.
- ▶ During hearings or awareness-raising activities, give a voice to survivors, who can explain the devastating effect of state authorities failing to act on violence against women.
- ▶ Stress the importance of co-operation across the member states of the Council of Europe: ratification of the convention will contribute to harmonising legislation and policies and strengthen efforts across all the member states to eradicate violence against women and end domestic violence.
- ▶ Ask the executive to carry out a mapping of existing legislation, policies, judicial and administrative practice with Istanbul Convention requirements to identify any areas of incompatibility.
- ▶ Know what (parliamentary) action will be required to comply with the convention.
- ▶ Make ratification an inclusive process, where legitimate concerns about the ramifications of acceding to the convention can be addressed, and the voices of those who deliberately spread false narratives can be countered.
- ▶ Denounce the criticism for what it is: a backlash against women's rights. When public figures make ill-considered or even deliberately transgressive comments, this can amount to (or be seen as) condoning

violence against women – a crime that cannot be justified under any circumstances.

- ▶ Learn from others' successes: as more and more countries ratify the Istanbul Convention and undergo GREVIO's monitoring, learn about the positive impact the convention has had in strengthening legal and policy frameworks across Europe to prevent and combat gender-based violence.

### **Need more information?**

The Parliamentary Assembly's own assessments show the progress made in combating violence against women and domestic violence thanks to the Istanbul Convention. You can find the relevant reports on the website of the Parliamentary Network "Women Free from Violence" and in Appendix 3 to this handbook. You may also wish to consult GREVIO's reports and resources, and refer to the statements by the Assembly's General Rapporteur on Violence against Women, available in the website of the Assembly's Committee on Equality and Non-Discrimination.

### **5.1.3. Working towards the withdrawal of any reservations**

Parliamentarians' responsibilities do not end with promoting ratification of the Istanbul Convention. National parliaments are also frequently involved in decisions on reservations and their withdrawal. Reservations allow states to qualify the obligations they assume when acceding to an international treaty, but reservations can be withdrawn at any time. Because they are exceptions to the uniform implementation of the standards set forth in the Istanbul Convention, reservations should always be temporary. Parliamentarians should therefore be proactive and regularly re-assess whether there is still a need to maintain any reservations. Working towards the lifting of reservations will make the guarantees enshrined in the Istanbul Convention fully effective.

### **Did you know?**

The Istanbul Convention has limited scope for reservations. Pursuant to Article 78, reservations are permissible only in respect of an exhaustive list of a few provisions contained in paragraph 2. States should give reasons why they seek a reservation. All reservations are periodically reviewed.

## 5.1.4 Promoting universal ratification of the Istanbul Convention

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Advocacy for ratification has a global dimension. Parliamentarians play an important role working towards universal ratification of the convention. This should be a common goal, since all women must be protected from violence, regardless of where they live.

### What can you do to push for universal ratification?

- ▶ Highlight the global outreach of the convention and its potential to serve as a blueprint for action at both national and international level.
- ▶ Raise awareness of the convention and highlight its successes in multilateral fora and bilateral relations.
- ▶ Document and share the success of the convention: engage in peer-to-peer exchange with parliamentarians from states that have yet to ratify the Istanbul Convention, and point out how the convention has helped bolster action against gender-based violence in your country.

### France: promoting universalisation of the convention

On the occasion of the 19th International Day for the Elimination of Violence against Women, [France reaffirmed its commitment and determination to ensure that the international community combats and eliminates all forms of violence carried out against women](#). In 2019, the gender equality which the French President announced as the great cause of the five-year term was a priority for France's action during its presidencies of the G7 and the Council of Europe's Committee of Ministers. In co-ordination with its European and international partners, France launched a campaign aimed at securing the universal adoption of the Council of Europe's Istanbul Convention on preventing and combating violence against women and domestic violence.

## 5.2. Monitoring and supporting the implementation of the convention

When a state ratifies the Istanbul Convention, it has the legal obligation to fully implement it. This entails altering domestic laws and policies to bring them into conformity with the standards enshrined in the convention.

Parliamentarians can use a variety of tools to support the full and swift implementation of the Istanbul Convention, by making effective use of their legislative, policy-setting, oversight and budgetary powers to strengthen the domestic framework for preventing and combating violence against women and domestic violence.

“National parliaments shall be invited to participate in the monitoring of the measures taken for the implementation of this Convention.” (Istanbul Convention, Article 70.1)

### 5.2.1. Legislative action and policy making to bring convention standards home

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#### The responsibility of parliamentarians

Parliamentarians are policy and law makers. They create the domestic policy frameworks to effectively protect women from violence, and their action in this regard can take various forms. Parliamentarians have a shared responsibility with the executive to “bring home” the norms set forth in international treaties, including the Istanbul Convention.

For example, not all states have fully aligned their laws to the standards enshrined in the Istanbul Convention with regard to rape – in some countries, the statutory definition of rape is not based on the lack of freely given consent but on coercion and use of force. In other countries, there is an urgent need to end impunity and eliminate lenient sentences based on claims that the perpetrator have acted out of respect for his culture, tradition, religion or custom, or to restore his “honour”. It is important to recall that, rather than allowing judges to reduce sentences, the convention actually demands harsher punishment if the crime is committed by a family member or by two or more people acting together. Elsewhere, states have yet to introduce criminal law provisions outlawing female genital mutilation or stalking. These are but a few areas for action where the legislature can make a difference.

#### **Austria: the convention is the standard for policy proposals on violence against women and domestic violence**

In Austria, it is common practice for parliamentarians to refer to the Istanbul Convention in motions regarding gender-based and domestic violence. For instance, a [motion](#) was tabled in the Justice Committee of the National

Council in April 2019 on the development of a long-term strategy addressing all forms of violence against women. The motion invited the National Assembly to endorse GREVIO's suggestion that the government develop a long-term plan or strategy that attaches the necessary importance to all forms of violence defined in the Istanbul Convention and that provides for continuous long-term financing of sustainable and comprehensive measures.<sup>18</sup>

## Legislating to give effect to the Istanbul Convention

- ▶ Insist on (regular) executive mapping of areas of incompatibility of domestic law with the standards set out in the Istanbul Convention.
- ▶ Swiftly deal with new or revised laws introduced by the executive to strengthen the criminal law framework regarding gender-based violence.
- ▶ Introduce new pieces of legislation, when and as appropriate.
- ▶ Monitor the implementation of legislation.

### Sweden: only yes means yes

The year 2018 marked a significant step in Sweden's fight against sexual violence. The country's Parliament passed a law that recognises that sex without consent is rape. This means that sex must be consensual – if it is not, then it is illegal. Based on the new law, victims of rape no longer have to prove that the perpetrator used violence or threats, or exploited the victim's vulnerable situation.

## Initiating policies to combat violence against women

- ▶ Adopt parliamentary action plans and strategies specific to preventing and combating violence against women, and include gender-based violence in other parliamentary plans and strategies.
- ▶ Ensure a gender perspective is applied when designing policies and evaluating their impact.
- ▶ Take additional measures to empower women – economically, politically and socially. The aim of promoting gender equality must be reflected in education programmes, funding, service provision and criminal justice.

18. See [www.parlament.gv.at/PAKT/VHG/XXVI/A/A\\_00543/index.shtml](http://www.parlament.gv.at/PAKT/VHG/XXVI/A/A_00543/index.shtml) (accessed 23 Oct 2019).

- ▶ Ensure that policy frameworks are tailored to effectively meet the needs of particularly vulnerable and marginalised women facing multiple forms of discrimination, such as women with disabilities and women belonging to ethnic, national, linguistic, religious or sexual minorities.
- ▶ Strengthen women’s rights organisations, including at the grassroots level.
- ▶ Engage in effective multi-agency co-operation with the executive, law enforcement agencies, social and medical services, child protection agencies, prosecutors, judges, national human rights institutions, the media and civil society to ensure better protection and assistance to victims, prevention of violence and effective investigation, prosecution and sentencing of perpetrators.

### Looking for more information?

Check the UN Global Database on Violence against Women, an online platform containing extensive and up-to-date information on measures undertaken by governments worldwide to address all forms of violence against women. The database is a useful tool for law makers to find inspiration and good practice.<sup>19</sup>

### 5.2.2. Oversight

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Parliaments in Europe, including in states party to the Istanbul Convention, do not have specific mechanisms or procedures in place to ensure systematic oversight of executive action on implementation of the Istanbul Convention. Yet, even in the absence of dedicated oversight mechanisms, the rules of procedure of all parliaments include general mechanisms to hold government accountable. These can be used to push for full implementation of the convention and effective follow-up of GREVIO’s monitoring. The tools at parliamentarians’ disposal include

- ▶ written or oral questions by individual parliamentarians to cabinet ministers;
- ▶ scrutiny of executive reports to parliament on the implementation of specific policies; and
- ▶ thematic inquiries.

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19. The UN Global Database on Violence against Women is available at <http://evaw-global-database.unwomen.org/en> (accessed 23 Oct 2019).

Most of these instruments of parliamentary control have, in one form or another, been used in parliaments across Europe to exercise oversight over government action aimed at giving effect to the rights and guarantees enshrined in the Istanbul Convention.

### **Portugal: policy making to give effect to the convention**

The National Assembly of Portugal has submitted three draft resolutions designed to ensure full compliance with the provisions of the Istanbul Convention related to media, availability of shelters and training of professionals.

- ▶ **Draft resolution no. 2033/XIII/4.<sup>a</sup>** recommends that the government should establish a code of conduct aimed at ensuring, *inter alia*, adequate news coverage of domestic violence cases.
- ▶ **Draft resolution no. 1998/XIII/4.<sup>a</sup>** takes stock of the number of shelters by geographic location, in order to identify any locations where the needs of victims of domestic violence are not adequately met.
- ▶ **Draft resolution no. 1976/XIII/4.<sup>a</sup>** urges the Ministry of Health, the Ministry of Justice and the Ministry of Home Affairs to ensure, *inter alia*, proper training of professionals (health professionals, judges, prosecutors and police) to improve victim risk assessment.

### **Written and oral questions**

Written and oral questions to a member of the government, who is legally required to respond to any such query, are an essential tool of parliamentary control, and one that has been widely used in relation to the Istanbul Convention. Questions related to implementation of the convention have included requests for information about the allocation of budgets to ensure that the convention be given due effect. Specific topics covered by the Istanbul Convention, such as forced marriage, female genital mutilation and rape, but also the provision of services and training of professionals, have likewise been the subject of parliamentary questions.

### **Benefits of parliamentary questions**

Questions can be (and have been) used to:

- ▶ keep the pressure up on the government to ratify the convention;
- ▶ request data, information and clarification on the prevalence of gender-based violence as well as reforms adopted or envisaged and their (expected) impact which can help:

- identify legislative lacunae and room for other initiatives by the legislature to step up the fight against violence against women and domestic violence;
- shape the direction and scope of ongoing or planned reform;
- substantiate political debate and put it on solid evidentiary footing.

All of the above helps parliamentarians scrutinise the work of the executive on matters falling within the scope of the Istanbul Convention and hold it to account for its record in giving effect to the treaty.

### **Ireland: pushing for ratification**

Ireland ratified the Istanbul Convention on International Women’s Day 2019, following a final legislative action, the passage of the Criminal Law (Extraterritorial Jurisdiction) Bill 2018. Early in 2019, three parliamentarians put questions to the Minister for Justice and Equality about any outstanding issues on the ratification of the Istanbul Convention and the expected date of ratification, thus keeping up the pressure on the government until days before the instrument of ratification was finally deposited with the Secretary General of the Council of Europe.<sup>20</sup>

### **France and Portugal: exercising control over government policies**

In France, a member of the House of Representatives used parliamentary question time to express disappointment that no budget had been allocated to guarantee the payment of rent for apartments intended for the reception of victims of domestic violence, and **enquired** how the government would ensure the practical functioning of its strategy to combat domestic violence.<sup>21</sup>

In the National Assembly of Portugal, parliamentarians have requested information from the government on a number of issues such as:

- ▶ training activities on domestic violence for judges, staff of the Public Prosecutors’ Office and members of the security forces;
- ▶ the implementation of a programme for domestic violence offenders in prison (available [here](#));

20. Questions in the Oireachtas in January, February and March put pressure on the government. They are available at: [www.oireachtas.ie/en/debates/question/2019-01-15/408/](http://www.oireachtas.ie/en/debates/question/2019-01-15/408/), [www.oireachtas.ie/en/debates/question/2019-02-06/94/](http://www.oireachtas.ie/en/debates/question/2019-02-06/94/) and [www.oireachtas.ie/en/debates/question/2019-03-05/213/#pq-answers-213\\_230](http://www.oireachtas.ie/en/debates/question/2019-03-05/213/#pq-answers-213_230) (all accessed 23 Oct 2019).

21. See <http://questions.assemblee-nationale.fr/q14/14-38772QE.htm> (accessed 23 Oct 2019), in French only.

- ▶ the development and establishment of reception facilities for victims (available [here](#)); and
- ▶ activities carried out in schools on violence against women and violence within relationships, including dissemination of educational material and training activities for teachers (available [here](#)).<sup>22</sup>

Parliamentary questions have also been used to obtain information about implementation of the Istanbul Convention in Croatia, Finland, Poland, Serbia and other countries.

### **Denmark: following up specific GREVIO recommendations**

Danish MPs have reportedly asked around 200 questions about issues relating to violence against women between 2016 and 2019, 11 of which dealt explicitly with the Istanbul Convention. Some questions focused on follow-up given by the government to [GREVIO's evaluation report on Denmark](#), including one question put to the Minister for Children and Social Affairs who was asked to explain the government's position on GREVIO's criticism that Denmark was not providing adequate protection to women and children who had experienced domestic violence at the hands of a spouse or father, during custody decision-taking procedures.

## **Inquiries**

Another important way for parliament to exercise its control functions is the launching of a thematic inquiry. By using their right of inquiry, parliamentarians can investigate pressing human rights issues that raise concern, among other things, about a country's compliance with its obligations under the Istanbul Convention (or other international human rights treaties).

### **United Kingdom: parliamentary inquiry on ratification**

Parliamentarians in the UK have used the procedures of written questions and answers and written statements to seek information on the state of ratification of the Istanbul Convention by the UK in both chambers: the [House of Commons](#) and the [House of Lords](#).<sup>23</sup>

22. The questions hyperlinked here (accessed 23 Oct 2019) are available in Portuguese only at [www.parlamento.pt/ActividadeParlamentar/Paginas/DetailhePerguntaRequerimento.aspx?BID=108338](http://www.parlamento.pt/ActividadeParlamentar/Paginas/DetailhePerguntaRequerimento.aspx?BID=108338), [www.parlamento.pt/ActividadeParlamentar/Paginas/DetailhePerguntaRequerimento.aspx?BID=107673](http://www.parlamento.pt/ActividadeParlamentar/Paginas/DetailhePerguntaRequerimento.aspx?BID=107673) and [www.parlamento.pt/ActividadeParlamentar/Paginas/DetailhePerguntaRequerimento.aspx?BID=90884](http://www.parlamento.pt/ActividadeParlamentar/Paginas/DetailhePerguntaRequerimento.aspx?BID=90884).

23. See [www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2018-10-30/HCWS1048/](http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2018-10-30/HCWS1048/) and [www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Lords/2018-10-30/HLWS1018/](http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Lords/2018-10-30/HLWS1018/) (both accessed 23 Oct 2019).

### **Italy: parliamentary committee of inquiry on femicide**

The Joint Committee of [Inquiry on femicide](#) and all forms of gender-based violence was established by a decision of the Italian Senate in January 2017 following Italy's ratification of the Istanbul Convention. The Senate tasked the committee with assessing the prevalence of cases of violence against women resulting in their death, analysing the links between such killings, any factors of structural discrimination and the institutional response to all forms of violence that precede such a fatal outcome. The stated aim of this inquiry was threefold:

- ▶ identification of the legislative and other changes necessary to remove the obstacles to an adequate prevention of the phenomenon;
- ▶ efficient protection of women; and
- ▶ prompt compensation for the prejudicial effects incurred.

The committee adopted its first [report](#) in March 2018. It provides a comprehensive review of such measures in Italy and offers a good example of how a national parliament can put into effect the provision of Article 70 of the Istanbul Convention regarding the role of national parliaments in monitoring measures taken by a state party to implement the convention.<sup>24</sup>

### **The benefits of inquiries**

A holistic parliamentary inquiry can help gather much-needed information and data, by collection of oral and written evidence, hearing witnesses and undertaking visits, for example to women's shelters.

The findings of an inquiry help identify shortcomings in the state's compliance with minimum human rights standards and thus assist in formulating new laws and policies.

By fostering an evidence-based understanding of the challenges and possible solutions, inquiries can form the basis of public information campaigns.

If presented in such a way as to be accessible to larger segments of society, the evidence thus collected can contribute to highlighting the benefits of the Istanbul Convention, and can counter prevailing misconceptions.

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24. For the inquiry on femicide, see <http://senato.it/leg18/4943?dossier=2310> (accessed 23 Oct 2019).

## Regular government reporting

In many instances, parliamentarians rely on executive data and information to fulfil their oversight function. This is because the government co-ordinates national policies, reports to and directly interacts with GREVIO, and represents the state in the Committee of the Parties. The executive will thus possess information that ought to be brought to parliament's attention if checks and balances are to operate effectively. Parliamentarians should therefore require the government to facilitate parliamentary involvement in monitoring the implementation of the Istanbul Convention.

### What can you do?

- ▶ Request the executive to regularly report about the state's compliance with its commitments under international human rights treaties generally, and the Istanbul Convention specifically.
- ▶ Raise questions about the implementation of the Istanbul Convention during debates on (annual) human rights reports presented to parliament by the executive.

### Albania: the executive reporting to parliament about implementation of the convention

In Albania, a dedicated sub-committee on gender equality and the prevention of violence against women regularly requests information from the relevant ministries on, for example, implementation of the National Strategy on Gender Equality and the accompanying action plan. It also requests information on the process of reporting to the UN Committee on the Elimination of Discrimination against Women (CEDAW Committee) and the follow-up to the latter's recommendations in respect of Albania.

## 5.2.3. Budgetary action: ensuring adequate funding for services and support for civil society

Resolutely fighting gender-based violence requires appropriate financial resources. By acceding to the Istanbul Convention, states assume a legally binding obligation to create and improve a wide range of support and protection services for victims and witnesses of domestic violence and other forms of violence against women. They must also ensure that all relevant actors work in a co-ordinated way. This obligation needs to translate into budgetary allocations to the relevant ministries or other entities. When setting national policy priorities, parliamentarians have a responsibility to adopt a budget

that includes sufficient funding aimed at preventing gender-based violence and supporting victims.

### **Austria: gender-sensitive budgeting to promote the aims of the convention**

The Federal Constitution of Austria enshrines the objective of *de facto* equality between women and men in budgetary planning, and gender budgeting is implemented in a systematic manner. Each federal ministry must formulate a number of objectives in designing its budgets, one of which must be related to gender equality. In this way, each ministry is obliged to consider how its activities relate to gender equality, and to design objectives and indicators to promote gender equality in budgeting.<sup>25</sup> The Istanbul Convention is embedded in these objectives, under the heading “improving comprehensive gender equality, including economic equality for women, further development of non-discrimination and the containment of violence”. Measures to achieve this objective are mentioned in the budget document to ensure low-threshold access to women’s and girls’ counselling facilities, advice and care for women affected by violence and co-ordinating programmes for violence against women.

“Parliament approves the state budget annually but can initiate minor additions to it. One such addition was initiated by a member of the Finnish PACE delegation, and it resulted in extra funds [being made available] for safe houses.” (reply from the Eduskunta to the [European Centre for Parliamentary Research and Documentation](#) questionnaire, May 2019)

GREVIO’s evaluations have shown the failure of governments to match their expressed commitment to fighting gender-based violence with the necessary funding. In some countries, cuts for police funding have resulted in cutbacks of specialist units for domestic violence or sex offences. In other countries, public funding for shelters and services required by women and children to get out of abusive relationships remains wholly inadequate. Wider cuts of state funding for women’s rights organisations and other human rights NGOs have put a strain on their capacity to support victims. This not only has devastating consequences for the victims – funding shortages literally cost lives – but it is also shortsighted. Research has shown that gender-based violence has a lasting negative impact on our economies (in terms of

25. For more information, see United Nations Rule of Law, [Austria: Gender budgeting](#), available at: [www.un.org/ruleoflaw/blog/portfolio-items/austria-gender-budgeting/](http://www.un.org/ruleoflaw/blog/portfolio-items/austria-gender-budgeting/) (accessed 23 October 2019).

health costs, lost working days and other very tangible costs), and thus on our societies as a whole.<sup>26</sup>

#### **What can you do?**

- ▶ Make sure that budgetary concerns are not allowed to take precedence over effectively fighting violence against women and domestic violence.
- ▶ Adopt budgets that include appropriate resources for programmes, services and policies that address the needs of victims of violence against women and domestic violence.
- ▶ Ensure that national budgets reflect the fact that domestic violence disproportionately affects women.
- ▶ Properly fund women's rights organisations and grassroots movements.
- ▶ Appoint members to finance committees who have an awareness of matters relating to gender equality and an understanding of how the latter is a precondition for eradicating violence against women.

### **5.2.4. Raising awareness and building alliances to tackle gender-based violence**

Creating societies free from gender-based violence is not a task for politicians and law makers alone. But, as political figures and opinion leaders, parliamentarians should be at the forefront of raising awareness about the consequences of violence against women, by breaking the silence and stigma that surround the issue, and by challenging stereotypes. They should lead the way towards sustainable solutions. The Istanbul Convention itself constitutes a powerful awareness-raising and advocacy tool.

#### **Women's parliamentary networks: a driving force behind reforms**

In many parliaments across Council of Europe member states, there have been commendable efforts to tackle violence against women and domestic violence head on. Very often, it is women parliamentarians who are the main agents for change: they propose new legislation, initiate awareness-raising campaigns, call for debates, work closely with civil society and trigger other efforts to address this problem. In several parliaments, female delegates from across the entire political spectrum have come together around themes on which they can all agree: promoting gender equality and women's health, and fighting violence against women. In France, for

26. See, for instance, Council of Europe, Equality Division, [Overview of Studies on the Costs of Violence against Women and Domestic Violence](#), October 2014 (accessed 23 October 2019).

example, there is a Delegation for the Rights of Women in both the [Senate](#) and the [National Assembly](#).<sup>27</sup>

### **Austria: parliamentarians urging implementation of the convention**

In February 2014, three months after Austria's ratification of the convention, female members of the Social Democratic group in the National Council of Austria used one of their regular "women's breakfasts" to urge the swift implementation of the convention. They collected signatures from parliamentarians committing to promoting transposition of the standards set out in the Istanbul Convention into national laws and policies. Their action contributed to raising the visibility of the Istanbul Convention and provided support to the [regional advocacy campaign](#) by some 30 NGOs and NGO networks, "I sign".<sup>28</sup>

### **Boosting parliamentary knowledge**

It is crucial that parliamentarians themselves have a good grasp both of gender-based violence, as an endemic phenomenon plaguing our societies, and of the obligations that the Istanbul Convention imposes on the legislature. They should seek and further disseminate reliable information (qualitative and quantitative) on violence against women and domestic violence, not least since data collection and analysis are prerequisites for shaping evidence-based policies capable of responding to the challenges identified.

### **Raising awareness, promoting and supporting a co-ordinated approach**

Thanks to the platform they have as elected representatives, parliamentarians are also well placed to raise awareness of the causes and consequences of gender-based violence, and also awareness of how the Istanbul Convention seeks to address them, among those who have to deliver on the convention's promises. These include:

- ▶ police and other first responders to violence;

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27. See [www.senat.fr/commission/femmes/](http://www.senat.fr/commission/femmes/) (Senate) and [www2.assemblee-nationale.fr/15/les-delegations-comite-et-office-parlementaire/delegation-aux-droits-des-femmes/block/41832](http://www2.assemblee-nationale.fr/15/les-delegations-comite-et-office-parlementaire/delegation-aux-droits-des-femmes/block/41832) (National Assembly) (both accessed 23 Oct 2019).

28. Learn more about the numerous advocacy actions carried out in mostly Balkan states in the framework of this campaign on the "I sign" website (at [www.potpisujem.org/eng/about\\_the\\_campaign.html](http://www.potpisujem.org/eng/about_the_campaign.html)), Facebook page (at [www.facebook.com/ISignCampaign](http://www.facebook.com/ISignCampaign)), Twitter handle (at <https://twitter.com/ISignCampaign>) and in the final report (at [www.potpisujem.org/doc/84ec66436b12343cf69d1ec1671a123a.pdf](http://www.potpisujem.org/doc/84ec66436b12343cf69d1ec1671a123a.pdf)) (all accessed 23 Oct 2019).

- ▶ health professionals, counsellors, social workers and others providing care and support to survivors and witnesses;
- ▶ law enforcement, judges, prosecutors and other judicial actors who enforce criminal law provisions; and
- ▶ teachers and public education officials responsible for devising teaching materials on gender equality, non-violent conflict resolution in interpersonal relationships, and gender-based violence.

## Informing and engaging with the public

To raise awareness about violence against women and domestic violence, the many forms that such violence takes and the impact on women, families and the society at large, to break the silence, taboos and stigma surrounding such violence, to tackle gender stereotypes and the inequality at the root of them, it is important to reach out to and engage with all members of the society.

As elected representatives of the people with a direct link to their constituencies, parliamentarians can galvanise public support for the implementation of the Istanbul Convention and wider measures to eliminate gender-based violence. A key way to achieve this aim is by forming alliances – across party lines and beyond the confines of state authorities. Parliamentarians can bring together like-minded representatives from the authorities, national human rights institutions or ombudsmen’s offices, the justice sector, law-enforcement agencies, the executive, NGOs and other civil society organisations, the media and academia to make implementation of the Istanbul Convention an inclusive and holistic endeavour.

“Members of national parliaments ... should be more prominent, vocal and visible in the media to promote and explain the Istanbul Convention and explain to the general public its real aim, achievements and added value.”  
 (“The Istanbul Convention on violence against women: achievements and challenges”)<sup>29</sup>

By partnering with civil society and international experts, as well as seeking expertise from their peers from other countries, parliamentarians can raise awareness among the public about why it is important to tackle gender inequality and violence against women. At the same time, they can build knowledge based on expert advice to inform them in their policy-making and decision-taking processes.

29. PACE Report, 8 June 2019, Doc. 14908, §73. <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?FileID=27718&lang=EN>.

There are few limits to the means that parliamentarians can employ to help all members of society recognise violence against women in all of its forms, speak out against it and support its victims where possible and appropriate. Possibilities range from creating online campaigns, drawing the attention of the media to the topic, joining protests, organising conferences and many more.

### **Involving civil society actors**

Women's rights groups and other civil society actors should be included at every stage of parliamentary work concerning the Istanbul Convention, from initial policy design to implementation and monitoring, including follow-up to GREVIO's findings. Civil society actors should be encouraged to:

- ▶ submit shadow reports to GREVIO;
- ▶ provide their views and submit evidence to parliamentary committees;
- ▶ participate in and take the floor at relevant parliamentary committees, working groups and plenary meetings;
- ▶ run (formal and informal) outreach events to gather evidence and spread information.

There is evidence and growing recognition of the fact that women cannot win the battle against gender-based violence alone. Ending violence against women is a shared responsibility of every member of our society. Importantly, men and boys can be critical promoters of change.<sup>30</sup> A comprehensive response to gender-based violence must therefore not only empower women, but also actively engage men with a view to bringing about the attitudinal change in our collective understanding of gender equality that is needed to eradicate the social norms that cause and perpetuate violence. Since violence against women is predominantly perpetrated by men, men's engagement in eliminating gender stereotypes, influencing other men, modelling positive behaviour and taking an active part in designing and implementing programmes aimed at preventing and eliminating gender-based violence against women is crucial. Male parliamentarians should set an example in this regard.

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30. World Health Organization (2007), Engaging men and boys in changing gender-based inequity in health: evidence from programme interventions, available at: [www.who.int/gender/documents/Engaging\\_men\\_boys.pdf](http://www.who.int/gender/documents/Engaging_men_boys.pdf) (accessed 24 Oct 2019).

“Women’s rights create a better, fairer society for all... [F]reedom for women does not come at the expense of men, but to their benefit too.”<sup>31</sup>

## 5.3. Parliamentary engagement in GREVIO’s monitoring

Any vetting of legislation or policies to ensure compatibility with the requirements emanating from the Istanbul Convention and any scrutiny of executive action should not be a one-off activity but an ongoing task. As GREVIO continues to publish baseline evaluation reports, there is increasing evidence of parliamentary involvement in the monitoring process and of good practice which parliamentarians can learn from and replicate in their own parliaments.

### 5.3.1. During state reporting, country visits and state dialogue

GREVIO’s monitoring comprises several elements (see section 4 and Fig. 1), and almost every stage of the process provides an opportunity for parliamentarians’ proactive involvement. The initial step in the monitoring process is the drafting and submission of the state report. There is no reason to consider this task as one for the executive only. In fact, properly responding to GREVIO’s [questionnaire](#) will almost invariably require obtaining information and data from different state authorities. Parliamentary committees can proactively offer to provide input into the drafting of the state report. This is an underexplored form of engagement. It can help flag up legislative lacunae and other shortcomings identified by parliament.

#### What can you do?

- ▶ Ask the government to inform parliament of any requests for information from GREVIO.
- ▶ Offer input into the state report prior to its submission to GREVIO.
- ▶ Engage with members of GREVIO, by inviting them to exchanges of views, conferences or other activities organised in your parliament.

31. Statement by Council of Europe Secretary General Thorbjørn Jagland at the conference on *Women’s rights at the crossroads: strengthening international co-operation to close the gap between legal frameworks and their implementation*, Strasbourg, 24 May 2019, <https://www.coe.int/en/web/genderequality/strasbourg-conference-may-2019>.

### **Finland: involving parliament in state reporting**

The Finnish Parliament was provided with the opportunity to express its views on the implementation of the Istanbul Convention. The government sent a request to parliament for an opinion on its baseline [state report](#). The request was addressed to the Constitutional Law Committee, to the Finnish delegation to the Parliamentary Assembly and to the Human Rights Group. The government's draft state report was also shared with parliament for comments. In its contribution to the state report, the parliament highlighted, *inter alia*, the role of the [Network of Women Parliamentarians](#) in submitting a motion for amending the statutory definition of rape to be based on lack of consent, as required by the Istanbul Convention.

Other possible forms of engagement are face-to-face exchanges and consultations between GREVIO members and interested national parliamentarians. Such meetings have taken place during several of GREVIO's country visits.

### **France: meeting GREVIO's delegation during the state visit**

The French Government submitted to GREVIO its report on the implementation of the convention in April 2018. GREVIO experts carried out a monitoring visit to France in October 2018. During the visit, the GREVIO delegation met with the chairs of the Women's Rights Delegations of the National Assembly and of the Senate.

This direct form of engagement has several benefits. It presents an opportunity for parliamentarians to:

- ▶ learn more about GREVIO's monitoring;
- ▶ seek advice and get feedback from an independent expert on ongoing or envisaged parliamentary action in the field of fighting violence against women;
- ▶ hear about how other states have tackled similar challenges to those present in your country; and
- ▶ supplement or counterbalance any incomplete or inaccurate account from the executive regarding the state of play in the implementation of the Istanbul Convention.

### 5.3.2. Taking action to follow up GREVIO's reports and conclusions

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#### What can you do?

Appropriate parliamentary follow-up to a GREVIO report should comprise, at a minimum, the following steps:

- ▶ Request that the government swiftly translate GREVIO's report and transmit it to parliament;
- ▶ Hold oral debates in the presence of ministers and civil society representatives;
- ▶ Agree on follow-up action, including a timeline;
- ▶ Raise awareness of GREVIO's report among relevant stakeholders and the general public.

GREVIO's reports highlight positive initiatives to prevent and combat all forms of violence against women and domestic violence at national level. Crucially, they also identify shortcomings and offer concrete proposals to make progress to end gender-based violence. Their findings, alongside the recommendations by the Committee of the Parties, should be followed up by appropriate legislative and policy reforms. They also offer evidence, with political and expert advice, which can be used during debates on the allocation of funding for strategies and action plans to end violence against women and domestic violence. This is why it is important that all parliamentarians, irrespective of whether they are members of the committee(s) specifically tasked with gender equality and women's rights issues, take note of GREVIO's assessment. This will help them to take action at parliamentary level, in particular the following.

#### Require swift translation of GREVIO's reports

The Istanbul Convention requires that GREVIO reports are shared with parliament. Generally speaking, governments comply with this requirement. That being said, sometimes translations of reports are not immediately available for the legislature. Delays hamper the capacity of parliamentarians to get involved immediately upon publication of the report to ensure that GREVIO's conclusions are made known and proper follow-up to the reports is ensured. Parliamentarians can and should be proactive in demanding that the executive provide, without delay, translations of GREVIO's report into all official languages. Parliamentarians should also demand that GREVIO's reports be translated into minority languages.

“[The] authorities in many countries that we have reviewed find our reports ... very useful for the purposes [of better implementing] the convention. [T]hey find our recommendations concrete, and they are happy to have them to guide them on their way to better implement the convention. What more can we want? [I]t’s working in the way it’s supposed to be working.” (Feride Acar, former President of GREVIO, video interview, Strasbourg, May 2019)

### **Sweden: raising parliament’s awareness of GREVIO reports**

GREVIO’s evaluation report on Sweden was published in Swedish on the website of the [Swedish Government](#), including a link to the website of the [Council of Europe](#) and [the full text of the report in English](#). A complete summary of GREVIO’s 41 findings was also translated into Swedish and published on the government’s website. While the full text version of GREVIO’s evaluation report was being translated, with a view to being transmitted to relevant actors, information on executive follow-up of GREVIO’s evaluation was sent to the secretariat of the Committee on Justice together with the written reports in English.

### **Initiate oral debates on GREVIO’s report**

An important step towards identifying any need for parliamentary action, to give effect to GREVIO’s findings, is to hold an oral debate following the publication of GREVIO’s report. Such debates can take place in committees or in the plenary. They should be held in the presence of cabinet ministers, and open to civil society representatives and the media, in order to ensure transparency and inclusive dialogue about the intended follow-up to the expert group’s findings. It is advisable for parliaments to invite those NGOs that submitted shadow reports to GREVIO to allow them to present their views on the GREVIO’s report.

### **Turkey: debating GREVIO’s report in parliament**

In Turkey, GREVIO’s report was the subject of a debate in parliament. One month after the publication of the [evaluation report](#), the [Committee on Equal Opportunities for Women and Men](#) considered the report and decided to establish a Sub-Committee on Effective Implementation and Monitoring of the Istanbul Convention. The latter held an [exchange](#) with then GREVIO President, Feride Acar, on the evolution of international standards on violence against women, the provisions of the Istanbul Convention and follow-up to GREVIO’s reports.

## Commit to follow-up

Debates alone, while important, will rarely lead to meaningful action. The relevant committee(s) should therefore adopt texts, for example a resolution, possibly alongside a set of recommendations to the executive. This can take various forms, for instance:

- ▶ a parliamentary action plan for eradicating violence against women and domestic violence which takes into account GREVIO's findings and establishes a timeline for implementation;
- ▶ proposals for revising other national action plans to reflect the priority areas identified by GREVIO experts; and
- ▶ ensuring that the government does report regularly on progress made towards implementation of GREVIO's findings.

### Albania: debating GREVIO's report in parliament

A mere 10 days after the publication of GREVIO's first (baseline) [evaluation report on Albania](#), the Albanian Parliament adopted a [resolution](#) on "Condemning violence against women and girls and increasing the effectiveness of legal mechanisms for its prevention". Pursuant to this resolution, the parliament established a permanent Sub-committee on Gender Equality and the Prevention of Violence against Women, which elaborated a detailed action plan aimed at ensuring the implementation of the GREVIO report and the CEDAW Committee's findings. The sub-committee's action plan is being implemented in partnership and co-ordination with the Women's Parliamentary Alliance and other parliamentary sub-committees.<sup>32</sup>

### Austria: debating GREVIO's report in parliament

GREVIO issued its [monitoring report](#) in respect of Austria in 2017. The report was [translated into German](#) and was duly presented to parliament, alongside the [translation](#) of the [recommendations](#) adopted by the Committee of the Parties. The Human Rights Committee of the National Council held a [debate](#) about the report in December 2018, with the participation of a member of GREVIO and an expert from an Austrian NGO. During the debate, the Women's Minister pledged to commit more funding for violence prevention

32. See also M. Llubani, [Mapping of Policies and Legislation on Violence against Women and the Istanbul Convention in Albania](#), a publication by the European Women's Lobby (undated), available at [www.womenlobby.org/IMG/pdf/ewl-albania\\_report\\_web.pdf](http://www.womenlobby.org/IMG/pdf/ewl-albania_report_web.pdf) (accessed 24 Oct 2019).

and intervention centres. Subsequently, the report was [discussed](#) and acknowledged in plenary, and the National Council unanimously passed a [resolution](#).

### **Portugal: legislative action in response to GREVIO's report**

The National Assembly of Portugal has been proactive in following up GREVIO's [1st evaluation report](#) and the [Recommendations by the Committee of the Parties](#). A study group – the [Grupo de Trabalho - Alterações Legislativas - Crimes de Perseguição e Violência Doméstica](#) – was set up by the Committee on Constitutional Affairs, Rights and Freedoms to work on 18 legislative initiatives on gender-based and domestic violence, to be presented to the parliament for approval following the publication of GREVIO's report and of official statistics on the issue.

### **Spread the word**

Last, but not least, parliamentarians can help widely disseminate GREVIO's report among interested groups. Alongside the full report, summaries and information about parliamentary follow-up should be publicly available, both on parliament's website and through social media channels. Press conferences can help galvanise public interest in GREVIO's findings and in parliamentary action to ensure their implementation and increase the efficiency of efforts to tackle and end gender-based violence.

### **Introducing GREVIO's reports in other fora**

Some parliamentarians wear different hats: they can be members of regional or international parliamentary assemblies, serve as board members of NGOs, be affiliated with trade unions or professional bodies or be active supporters of other civil society organisations and associations that promote gender equality and work to end violence against women. This accumulation of functions can facilitate making GREVIO's reports known to wider audiences. In Austria, for example, a member of the Human Rights and Equal Opportunities Committee of the National Council who is also a member of the Austrian delegation to PACE analysed the implications of GREVIO's baseline evaluation report on Austria for a women's rights organisation in which she is engaged.

## 5.4. What structures and mechanisms are there for promoting implementation?

A landmark novelty of the Istanbul Convention is that it includes a role for the Parliamentary Assembly of the Council of Europe as well as for national parliaments in monitoring its implementation (see §4.4 above). A few parliaments have entrusted dedicated sub-committees with this task. The parliament of Albania, for example, has a Sub-committee on Gender Equality and the Prevention of Violence against Women. In Turkey, a Sub-Committee on Effective Implementation and Monitoring of the Istanbul Convention was established following the publication of GREVIO's baseline evaluation report.

However, comprehensive parliamentary monitoring of the implementation of the Istanbul Convention and follow-up to GREVIO's findings do not necessarily require parliaments to set up new structures or introduce dedicated mechanisms. We have seen in section 5.3 that, even in the absence of a specific internal follow-up procedure, parliamentarians have a plethora of instruments at their disposal to scrutinise and contribute to the implementation of the convention. Moreover, the aims of preventing and combating violence against women and domestic violence and eliminating gender inequality as the breeding ground for violence cut across many themes, including health, social and economic affairs, and legal and constitutional matters. While primary responsibility for these issues is frequently incorporated (explicitly or implicitly) in the remit of committees concerned with gender equality issues on the one hand, and human rights or legal affairs on the other, it is only logical, therefore, that other committees take them up as they arise under their respective mandates. Such a crosscutting approach is fairly common in Europe.

If there is no blueprint, how can parliamentary work on preventing and combating gender-based violence and implementing the Istanbul Convention be organised?

## How to organise parliamentary work on the Istanbul Convention?

- ▶ Reach across the aisle. Ending violence against women is not a partisan fight, but one that should involve working across party lines. Cross-party alliances, be they parliamentary women's groups or national delegations to the Parliamentary Assembly, demonstrate political leadership on important issues.
- ▶ Ensure that parliament is represented in dedicated structures established at the level of the executive. At the most basic level, it is important that executive co-ordinating bodies establish a contact point within parliament, in order to ensure that the legislature is kept abreast of progress and challenges in implementing the Istanbul Convention.
- ▶ Involve others in the cause. Work with allies in the executive, the judiciary, among specialised services, in law-enforcement agencies, and across the media and civil society.
- ▶ Connect with like-minded parliamentarians from other states. Use international fora to exchange ideas and increase impact. Relevant supranational parliamentary assemblies are listed under "other useful links" in Appendix 3 below.
- ▶ Get support from parliamentary staff, including research services that can provide relevant statistics and information. The Council of Europe, thanks to its in-house expertise at parliamentary and inter-governmental level, can also provide support (see section 6 below).
- ▶ Be persistent. Gender-based violence and gender inequality are, regrettably, deeply ingrained in our societies. Parliamentarians must be relentless in pushing for change.

### France: the Senate's work outside committees

The Delegation for Women's Rights in the French Senate has a general mission to inform the Senate on the impact of government policies on women's rights and on equal opportunities between women and men. It can prepare information reports and issue recommendations, which can be legislative proposals or initiatives aimed at drawing the attention of public authorities to desirable improvements in public policy. It can also work on monitoring the implementation of laws in its field of competence. Each year it asks its members to reflect on several themes related to gender equality and women's rights. In 2018, the theme of its work was violence



against women, focusing on sexual and domestic violence and female genital mutilation. That same year, two reports were issued which made explicit reference to the Istanbul Convention: “[Preventing and combating violence against women: a societal challenge](#)” and “[Female genital mutilation: an ever-present threat, mobilisation to be reinforced](#)”.

## 5.5. Summing up

Parliamentarians are key to ensuring that the vision enshrined in the Istanbul Convention – ending violence against women and domestic violence – becomes a reality. To achieve this, parliamentarians should:

- ▶ model positive attitudes and behaviour, be outspoken champions of full equality between women and men, and unequivocally denounce all forms of gender-based violence;
- ▶ use their legislative, oversight and budgetary functions to ensure implementation of the Istanbul Convention and follow-up to GREVIO’s findings and Committee of Parties recommendations;
- ▶ raise awareness of the convention within and beyond parliament; and
- ▶ build alliances with representatives of other state authorities, civil society, academic, media and grassroots organisations.



## 6. In-house expertise and external alliances

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### 6.1. In-house expertise

Parliamentarians who actively engage in the promotion of the rights and guarantees enshrined in the Istanbul Convention can rely on in-house and external expertise. First, progress with monitoring the implementation of the convention, GREVIO reports and [Committee of Parties](#) recommendations are all contributing towards the expansion of sources of information, knowledge, expertise and good practice. Second, the convention is increasingly coming within the focus of academic studies and research. Third, both GREVIO and the intergovernmental sector – through the [Gender Equality Commission](#), other institutional bodies and structures in the Council of Europe and co-operation activities – continue to develop useful information and tools such as studies, research, handbooks, factsheets and online resources (such as [HELP courses](#)). Parliamentarians can tap into this knowledge when they advocate the ratification and implementation of the convention.

Parliamentarians can also rely on and benefit from each other's experience. The [Parliamentary Network "Women Free from Violence"](#) provides a platform to do this.<sup>33</sup> The Network benefits from the very diverse and rich experience of parliamentarians from the 47 member states but also observer states and partners for democracy. Whether it is events focusing on peer-to-peer-exchange, exchange of views with experts, service providers, law enforcement, media, academia, civil society, private sector or other stakeholders, the Network is an opportunity to build knowledge, alliances and partnerships.

#### **Finland: annual reporting by PACE delegates**

As an example of good practice, the Finnish delegation to the Council of Europe Parliamentary Assembly presents an annual report to the plenary of the Finnish national parliament. In the ensuing debates, members can and do raise questions or comment on issues related to violence against women and domestic violence.

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33. For the Parliamentary Network "Women Free from Violence", visit: [www.assembly.coe.int/nw/Page-EN.asp?LID=WFFV](http://www.assembly.coe.int/nw/Page-EN.asp?LID=WFFV) (accessed 25 Oct 2019).

### **Parliamentary leadership: the Parliamentary Assembly and members of the Parliamentary Network “Women Free from Violence”**

The important role assigned to the Assembly in the monitoring of the Istanbul Convention and the active involvement of parliamentarians in the Parliamentary Network “Women Free from Violence” together create both an opportunity and a responsibility for parliamentarians to promote the convention at national level and in regional and international fora, as well as increasing awareness of and visibility for the work of GREVIO. Parliamentarians can amplify Strasbourg’s voice at home base, spearhead reforms aimed at bringing domestic legislation and practice into conformity with the convention standards and increase awareness of the convention and GREVIO’s work within their national delegations. They can thus create a meaningful link between the national and supranational dimensions of this process, which encompasses ensuring appropriate follow-up to PACE resolutions while exposing and dispelling misconceptions and deliberately opportunistic criticism of the Istanbul Convention.

## **6.2. External alliances and expertise**

The Parliamentary Assembly has established close partnerships and co-operation with other parliamentary networks, in Europe and beyond, to promote the Istanbul Convention and tackle issues related to [sexism, violence against women and domestic violence](#). All parliamentarians can benefit from such co-operation. In addition to the [Inter-Parliamentary Union](#), which has become a key ally of the PACE, co-operation can and should be enhanced with other regional parliamentary assemblies with a mandate to address gender-based violence.<sup>34</sup>

The [UN Platform](#) aims at further enhancing co-operation between international and regional mechanisms on violence and discrimination against women and girls with a view to ensuring that national laws and policies addressing violence against women are effective in practice. GREVIO is a member of the platform, and parliamentarians can seek ways to engage with the platform and benefit from the expertise and networks of its members.

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34. A list of relevant international and regional assemblies is contained in Appendix 3.

## 7. Conclusion

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**V**iolence against women and domestic violence violate many of the rights contained in the European Convention on Human Rights and other international human rights instruments – from the right to life to the right to be protected from inhuman treatment at the hands of private individuals, to the right to respect for private and family life. Despite near-universal condemnation of these phenomena and repeated calls for action, violence against women and domestic violence remain widespread.

When the Istanbul Convention entered into force on 1 August 2014, it was rightly celebrated as a milestone on the way towards eradicating violence against women and domestic violence in our societies. To unlock the full potential of achieving this aim, the convention must be universally ratified and effectively implemented.

Members of the Parliamentary Assembly of the Council of Europe, and notably those who are members of the [Parliamentary Network “Women Free from Violence”](#), have led the way in promoting the convention. Their work is bearing fruit: nearly three quarters of the Council of Europe’s member states have ratified this landmark treaty. Yet, no effort should be spared to ensure more ratifications and the implementation in practice of the convention. There is a general consensus on the positive and tangible impact of the convention on legislative, policy and attitudinal changes. There is also a general consensus on the need for further action to ensure that states fully comply with the obligations they entered into when ratifying the convention.

All parliamentarians, through their legislative, policy-making, oversight and budgetary functions, are key stakeholders in this endeavour. Women must be able to count on their elected representatives being at the forefront of defending their right to live a life free from violence. This handbook documents positive examples of parliamentary involvement in supporting the convention and puts forward suggestions for parliamentary action and initiatives. Let us hope it will serve as a practical tool and inspiration for parliamentarians throughout and beyond Europe to translate the commitments of the Istanbul Convention into action to end violence against women and domestic violence.



## Appendix 1

# Checklist for parliamentarians: how to support the Istanbul Convention

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This checklist can be used as a self-assessment tool and as inspiration for ways of promoting the ratification and implementation of the Istanbul Convention in your own country and beyond. It should be read in conjunction with the “**What can you do?**” boxes found throughout this handbook.

### Modelling positive behaviour

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- ▶ Recognise that violence against women violates fundamental human rights, is a form of discrimination and constitutes an affront to women’s human dignity.
- ▶ Unequivocally condemn violence against women and domestic violence in all of its forms.
- ▶ Acknowledge that violence against women is both a manifestation of historically unequal power relations between women and men and a means to perpetuate those inequalities.
- ▶ Work towards overcoming inequality and discrimination, including by promoting equal participation of women in decision-making processes.
- ▶ Work towards changing the discriminatory attitudes and harmful stereotypes that cause and perpetuate gender-based violence.
- ▶ Stand up for the Istanbul Convention, countering myths and misconceptions with facts about the real aim of the convention and its positive impact in ending violence against women and domestic violence.

## **Building understanding of the Istanbul Convention and capacity to promote it in parliament**

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- ▶ If your country has not yet ratified the Istanbul Convention, request the executive to carry out a mapping of existing legislation, policies and judicial and administrative practice in comparison with Istanbul Convention requirements to identify areas of incompatibility and to better understand the ramifications of ratification. Organise peer-to-peer exchanges with the purpose of promoting ratification of the convention.
- ▶ If your country has ratified the Istanbul Convention, engage with parliamentarians from member states that have yet to ratify the convention and share your experience in aligning national laws and policies with convention standards and the positive impact of the convention on national legislation and policies to end gender-based violence.
- ▶ Raise awareness within parliament of the causes, forms, prevalence and consequences of violence against women and domestic violence, including by inviting civil society experts, GREVIO members and survivors of gender-based violence to (open) hearings.
- ▶ Mainstream gender equality and the fight against gender-based violence across parliamentary mechanisms and processes.
- ▶ Ensure that all committees treat matters relating to violence against women and domestic violence as they arise within their remit.
- ▶ Assign primary responsibility for follow-up on GREVIO's findings to a (dedicated or already existing) body or structure.
- ▶ Ensure the translation of this handbook and other information material listed in Appendix 3 into official and minority languages.

## **Creating laws and policies that bring Istanbul Convention standards home**

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- ▶ Ensure that a review is undertaken to identify the legislative reforms required to fully transpose the Istanbul Convention standards into domestic law.
- ▶ End impunity for acts of violence against women and domestic violence by enacting laws that appropriately prohibit and punish all forms of gender-based violence covered by the convention and all forms of gender-based discrimination.
- ▶ Adopt adequate regulations that ensure effective investigation and prosecution of perpetrators of violence against women and domestic

violence and establish judicial procedures that protect victims and witnesses of such violence.

- ▶ Enact gender-sensitive, human-rights-based legislation. Ensure that there is a procedure in place to assess the gender impact of proposed laws.
- ▶ Review and amend legislation that reinforces, perpetuates or otherwise incorporates gender stereotypes.
- ▶ Scrutinise draft legislation for compatibility with international human rights law, including the provisions of the Istanbul Convention.
- ▶ Facilitate public participation in the law-making process, by holding public hearings on draft laws and inviting civil society to make submissions.
- ▶ Effectively monitor the implementation of legislation and its practical effect on preventing and combating violence against women and domestic violence.
- ▶ Design comprehensive policies for all branches of government to ensure that professionals join forces to better protect and assist victims, to prevent violence and to end impunity for acts of violence against women or domestic violence.
- ▶ Adopt parliamentary action plans and strategies specific to preventing and combating violence against women, and include gender-based violence in other parliamentary plans and strategies.
- ▶ Ensure a gender perspective is applied when designing policies and evaluating their impact.
- ▶ Take additional measures to empower women – economically, politically and socially.

## **Overseeing government policies to tackle violence against women and domestic violence**

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- ▶ Use all tools at your disposal to question your government about their support for the Istanbul Convention and its obligations, and their support for its implementation, including written and oral questions, interpellations, requests for information and inquiries.
- ▶ Scrutinise the government's implementation of the findings of GREVIO and the recommendations of the Committee of the Parties.
- ▶ Require the executive to facilitate your oversight role by:
  - reporting regularly (at least annually) to parliament on its compliance with international human rights obligations, including those emanating from the Istanbul Convention;

- attending relevant committee hearings and providing up-to-date data and information on developments relating to gender-based violence;
- inviting comments from parliament on draft state reports to GREVIO;
- swiftly translating GREVIO's reports and the recommendations of the Committee of the Parties into all official and minority languages;
- closely involving parliament in the work of the co-ordinating body established in accordance with Article 70 of the Istanbul Convention.

## **Financing the fight against gender-based violence**

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- ▶ Ensure that national budgets allocate adequate resources to programmes and policies that address violence against women in all its forms, including domestic violence.
- ▶ Undertake, with the support of parliamentary staff, a gender-impact assessment of proposed budgets. Build the capacity of parliamentary staff to assess proposed and actual budget expenditure against the objective of achieving *de facto* gender equality.
- ▶ Oversee expenditure to ensure public funds spent on preventing and combating violence against women and domestic violence have the intended effect.
- ▶ Promote a supportive and enabling environment for women's rights groups, other civil society actors and relevant professionals working to prevent and combat violence against women and domestic violence.

## **Monitoring the implementation of the Istanbul Convention**

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- ▶ Familiarise yourself with the work of GREVIO, the body responsible for monitoring the Istanbul Convention.
- ▶ Actively participate in and contribute to the evaluation visits of GREVIO, notably by meeting with the GREVIO delegation during its country visit and providing input to the state report.
- ▶ Analyse GREVIO's report, understand what obligations flow from GREVIO's conclusions and adopt measures to transpose them into laws and policies.
- ▶ Encourage and contribute to the development of a national database tracking the follow-up to recommendations emanating from GREVIO and the Committee of the Parties.
- ▶ Undertake field visits to oversee the implementation of the Istanbul Convention, including by meeting with relevant professionals, law-enforcement bodies, judicial actors and civil society actors on the ground.

## Engaging with the public and building alliances to end violence against women and domestic violence

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- ▶ Consider spearheading a national campaign on the causes, forms and consequences of violence against women and domestic violence and the benefits of the Istanbul Convention.
- ▶ Use the occasion of International Women's Day (8 March), the International Day for the Elimination of Violence against Women (25 November) and the 16 Days of Activism Against Gender-Based Violence (25 November to 10 December) to organise conferences, seminars, workshops, protests and campaigns to raise awareness of gender-based violence and of the Istanbul Convention.
- ▶ Participate in events and activities organised by women's rights groups and other civil society organisations.
- ▶ Raise awareness of how the Istanbul Convention can contribute to ending violence against women and domestic violence, and give prominence to GREVIO's findings among key professionals and the public.
- ▶ Counter gender-based discrimination, stereotyping and misconceptions about the Istanbul Convention in the media and the public dialogue.
- ▶ Establish and maintain close working relationships with your national co-ordinating body, for example by establishing biannual meetings.
- ▶ Organise across party lines and engage *all* parliamentarians in the fight against violence against women and domestic violence.
- ▶ Identify organisations that are working on gender equality and on preventing and combating gender-based violence in your country and explore ways to collaborate.
- ▶ Reach out to and partner with independent civil society organisations, especially (grassroots) women's rights groups and notably those organisations that submitted shadow reports to GREVIO, to learn first-hand about the situation on the ground.
- ▶ Invite civil society experts to contribute to the work of parliament, for example by participating in hearings, submitting evidence to thematic inquiries and providing evidence about the impact of legislation and policies on the fight against gender-based violence.
- ▶ Promote an environment that is conducive to active civil society involvement to prevent and combat violence against women and domestic violence.
- ▶ Establish and maintain regular dialogue and effective working relationships with other national stakeholders, including regional parliaments,

local authorities, gender-equality bodies and mechanisms, national human rights institutions or ombudsmen, the judiciary, media, academics, professionals (legal professionals, social workers, staff of child protection agencies, health professionals), police and teachers to ensure better protection and assistance to victims, prevention of violence and effective investigation, prosecution and sentencing of perpetrators.

## **Documenting and sharing your successes**

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- ▶ Document your achievements in preventing and combating gender-based violence and communicate them effectively. Point out how the convention has helped bolster protections against gender-based violence in your country. Use press conferences, public statements and other tools to highlight your activities and successes.
- ▶ Maintain an up-to-date website that presents information on parliamentary activities in relation to the fight against violence against women and domestic violence, and information on where victims of gender-based violence can find support.
- ▶ Effectively use mass media and social media to disseminate accurate information about violence against women and domestic violence, the Istanbul Convention and parliament's activities in this field.

## **Learning and getting support from others**

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- ▶ Establish and maintain close contact with parliamentarians from other states, especially those that are members of the Istanbul Convention, in order to facilitate peer-to-peer learning.
- ▶ Share best practice, lessons learned and other information about preventing and combating gender-based violence with parliamentarians in other Council of Europe member states and beyond, and promote the ratification and implementation of the Istanbul Convention elsewhere.
- ▶ Benefit from the special knowledge and expertise of your parliament's member of the Parliamentary Network "Women free From Violence".
- ▶ Establish a procedure whereby the national delegation of your parliament to the Parliamentary Assembly of the Council of Europe will inform all parliamentarians about their activities and ensure appropriate follow-up to Assembly resolutions pertaining to gender-based violence and gender equality.
- ▶ Identify and learn from good practice outside Europe, notably by following the work of other international parliamentary assemblies (see

Appendix 3) in the field of countering violence against women and domestic violence.

- ▶ Seek expertise and support from the Council of Europe, notably the Parliamentary Assembly, the Gender Equality Commission and GREVIO, for your activities to promote the ratification of the Istanbul Convention and its implementation in practice.



## Appendix 2

# Text of the Istanbul Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210)

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*Council of Europe Convention on  
Preventing and Combating Violence against  
Women and Domestic Violence  
Istanbul, 11.V.2011*

### **Preamble**

The member States of the Council of Europe and the other signatories hereto, Recalling the convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, 1950) and its Protocols, the European Social Charter (ETS No. 35, 1961, revised in 1996, ETS No. 163), the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197, 2005) and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201, 2007);

Recalling the following recommendations of the Committee of Ministers to member States of the Council of Europe: Recommendation Rec(2002)5 on the protection of women against violence, Recommendation CM/Rec(2007)17 on gender equality standards and mechanisms, Recommendation CM/Rec(2010)10 on the role of women and men in conflict prevention and resolution and in peace building, and other relevant recommendations;

Taking account of the growing body of case law of the European Court of Human Rights which sets important standards in the field of violence against women;

Having regard to the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979) and its Optional Protocol (1999) as well as

General Recommendation No. 19 of the CEDAW Committee on violence against women, the United Nations Convention on the Rights of the Child (1989) and its Optional Protocols (2000) and the United Nations Convention on the Rights of Persons with Disabilities (2006);

Having regard to the Rome Statute of the International Criminal Court (2002);

Recalling the basic principles of international humanitarian law, and especially the Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War (1949) and the Additional Protocols I and II (1977) thereto;

Condemning all forms of violence against women and domestic violence;

Recognising that the realisation of *de jure* and *de facto* equality between women and men is a key element in the prevention of violence against women;

Recognising that violence against women is a manifestation of historically unequal power relations between women and men, which have led to domination over, and discrimination against, women by men and to the prevention of the full advancement of women;

Recognising the structural nature of violence against women as gender-based violence, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men;

Recognising, with grave concern, that women and girls are often exposed to serious forms of violence such as domestic violence, sexual harassment, rape, forced marriage, crimes committed in the name of so-called "honour" and genital mutilation, which constitute a serious violation of the human rights of women and girls and a major obstacle to the achievement of equality between women and men;

Recognising the ongoing human rights violations during armed conflicts that affect the civilian population, especially women in the form of widespread or systematic rape and sexual violence and the potential for increased gender-based violence both during and after conflicts;

Recognising that women and girls are exposed to a higher risk of gender-based violence than men;

Recognising that domestic violence affects women disproportionately, and that men may also be victims of domestic violence;

Recognising that children are victims of domestic violence, including as witnesses of violence in the family;

Aspiring to create a Europe free from violence against women and domestic violence,

Have agreed as follows:

## **Chapter I – Purposes, definitions, equality and non-discrimination, general obligations**

### ***Article 1 – Purposes of the convention***

1. The purposes of this Convention are to:
  - a protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence;
  - b contribute to the elimination of all forms of discrimination against women and promote substantive equality between women and men, including by empowering women;
  - c design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence;
  - d promote international co-operation with a view to eliminating violence against women and domestic violence;
  - e provide support and assistance to organisations and law enforcement agencies to effectively co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence.
2. In order to ensure effective implementation of its provisions by the Parties, this Convention establishes a specific monitoring mechanism.

### ***Article 2 – Scope of the convention***

1. This Convention shall apply to all forms of violence against women, including domestic violence, which affects women disproportionately.
2. Parties are encouraged to apply this Convention to all victims of domestic violence. Parties shall pay particular attention to women victims of gender-based violence in implementing the provisions of this Convention.
3. This Convention shall apply in times of peace and in situations of armed conflict.

### ***Article 3 – Definitions***

For the purpose of this Convention:

- a “violence against women” is understood as a violation of human rights and a form of discrimination against women and shall mean

all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life;

- b “domestic violence” shall mean all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim;
- c “gender” shall mean the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men;
- d “gender-based violence against women” shall mean violence that is directed against a woman because she is a woman or that affects women disproportionately;
- e “victim” shall mean any natural person who is subject to the conduct specified in points a and b;
- f “women” includes girls under the age of 18.

#### ***Article 4 – Fundamental rights, equality and non-discrimination***

1. Parties shall take the necessary legislative and other measures to promote and protect the right for everyone, particularly women, to live free from violence in both the public and the private sphere.
2. Parties shall condemn all forms of discrimination against women and take, without delay, the necessary legislative and other measures to prevent it, in particular by:
  - embodying in their national constitutions or other appropriate legislation the principle of equality between women and men and ensuring the practical realisation of this principle;
  - prohibiting discrimination against women, including through the use of sanctions, where appropriate;
  - abolishing laws and practices which discriminate against women.
3. The implementation of the provisions of this Convention by the Parties, in particular measures to protect the rights of victims, shall be secured without discrimination on any ground such as sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation,

gender identity, age, state of health, disability, marital status, migrant or refugee status, or other status.

4. Special measures that are necessary to prevent and protect women from gender-based violence shall not be considered discrimination under the terms of this Convention.

### ***Article 5 – State obligations and due diligence***

1. Parties shall refrain from engaging in any act of violence against women and ensure that State authorities, officials, agents, institutions and other actors acting on behalf of the State act in conformity with this obligation.
2. Parties shall take the necessary legislative and other measures to exercise due diligence to prevent, investigate, punish and provide reparation for acts of violence covered by the scope of this Convention that are perpetrated by non-State actors.

### ***Article 6 – Gender-sensitive policies***

Parties shall undertake to include a gender perspective in the implementation and evaluation of the impact of the provisions of this Convention and to promote and effectively implement policies of equality between women and men and the empowerment of women.

## **Chapter II – Integrated policies and data collection**

### ***Article 7 – Comprehensive and co-ordinated policies***

1. Parties shall take the necessary legislative and other measures to adopt and implement State-wide effective, comprehensive and co-ordinated policies encompassing all relevant measures to prevent and combat all forms of violence covered by the scope of this Convention and offer a holistic response to violence against women.
2. Parties shall ensure that policies referred to in paragraph 1 place the rights of the victim at the centre of all measures and are implemented by way of effective co-operation among all relevant agencies, institutions and organisations.
3. Measures taken pursuant to this article shall involve, where appropriate, all relevant actors, such as government agencies, the national, regional and local parliaments and authorities, national human rights institutions and civil society organisations.

### ***Article 8 – Financial resources***

Parties shall allocate appropriate financial and human resources for the adequate implementation of integrated policies, measures and programmes to prevent and combat all forms of violence covered by the scope of this Convention, including those carried out by non-governmental organisations and civil society.

### ***Article 9 – Non-governmental organisations and civil society***

Parties shall recognise, encourage and support, at all levels, the work of relevant non-governmental organisations and of civil society active in combating violence against women and establish effective co-operation with these organisations.

### ***Article 10 – Co-ordinating body***

1. Parties shall designate or establish one or more official bodies responsible for the co-ordination, implementation, monitoring and evaluation of policies and measures to prevent and combat all forms of violence covered by this Convention. These bodies shall co-ordinate the collection of data as referred to in Article 11, analyse and disseminate its results.
2. Parties shall ensure that the bodies designated or established pursuant to this article receive information of a general nature on measures taken pursuant to Chapter VIII.
3. Parties shall ensure that the bodies designated or established pursuant to this article shall have the capacity to communicate directly and foster relations with their counterparts in other Parties.

### ***Article 11 – Data collection and research***

1. For the purpose of the implementation of this Convention, Parties shall undertake to:
  - a. collect disaggregated relevant statistical data at regular intervals on cases of all forms of violence covered by the scope of this Convention;
  - b. support research in the field of all forms of violence covered by the scope of this Convention in order to study its root causes and effects, incidences and conviction rates, as well as the efficacy of measures taken to implement this Convention.
2. Parties shall endeavour to conduct population-based surveys at regular intervals to assess the prevalence of and trends in all forms of violence covered by the scope of this Convention.

3. Parties shall provide the group of experts, as referred to in Article 66 of this Convention, with the information collected pursuant to this article in order to stimulate international co-operation and enable international benchmarking.
4. Parties shall ensure that the information collected pursuant to this article is available to the public.

## **Chapter III – Prevention**

### ***Article 12 – General obligations***

1. Parties shall take the necessary measures to promote changes in the social and cultural patterns of behaviour of women and men with a view to eradicating prejudices, customs, traditions and all other practices which are based on the idea of the inferiority of women or on stereotyped roles for women and men.
2. Parties shall take the necessary legislative and other measures to prevent all forms of violence covered by the scope of this Convention by any natural or legal person.
3. Any measures taken pursuant to this chapter shall take into account and address the specific needs of persons made vulnerable by particular circumstances and shall place the human rights of all victims at their centre.
4. Parties shall take the necessary measures to encourage all members of society, especially men and boys, to contribute actively to preventing all forms of violence covered by the scope of this Convention.
5. Parties shall ensure that culture, custom, religion, tradition or so-called “honour” shall not be considered as justification for any acts of violence covered by the scope of this Convention.
6. Parties shall take the necessary measures to promote programmes and activities for the empowerment of women.

### ***Article 13 – Awareness-raising***

1. Parties shall promote or conduct, on a regular basis and at all levels, awareness-raising campaigns or programmes, including in co-operation with national human rights institutions and equality bodies, civil society and non-governmental organisations, especially women’s organisations, where appropriate, to increase awareness and understanding among the general public of the different manifestations of all forms of violence

covered by the scope of this Convention, their consequences on children and the need to prevent such violence.

2. Parties shall ensure the wide dissemination among the general public of information on measures available to prevent acts of violence covered by the scope of this Convention.

### ***Article 14 – Education***

1. Parties shall take, where appropriate, the necessary steps to include teaching material on issues such as equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, gender-based violence against women and the right to personal integrity, adapted to the evolving capacity of learners, in formal curricula and at all levels of education.
2. Parties shall take the necessary steps to promote the principles referred to in paragraph 1 in informal educational facilities, as well as in sports, cultural and leisure facilities and the media.

### ***Article 15 – Training of professionals***

1. Parties shall provide or strengthen appropriate training for the relevant professionals dealing with victims or perpetrators of all acts of violence covered by the scope of this Convention, on the prevention and detection of such violence, equality between women and men, the needs and rights of victims, as well as on how to prevent secondary victimisation.
2. Parties shall encourage that the training referred to in paragraph 1 includes training on co-ordinated multi-agency co-operation to allow for a comprehensive and appropriate handling of referrals in cases of violence covered by the scope of this Convention.

### ***Article 16 – Preventive intervention and treatment programmes***

1. Parties shall take the necessary legislative or other measures to set up or support programmes aimed at teaching perpetrators of domestic violence to adopt non-violent behaviour in interpersonal relationships with a view to preventing further violence and changing violent behavioural patterns.
2. Parties shall take the necessary legislative or other measures to set up or support treatment programmes aimed at preventing perpetrators, in particular sex offenders, from re-offending.

3. In taking the measures referred to in paragraphs 1 and 2, Parties shall ensure that the safety of, support for and the human rights of victims are of primary concern and that, where appropriate, these programmes are set up and implemented in close co-ordination with specialist support services for victims.

### ***Article 17 – Participation of the private sector and the media***

1. Parties shall encourage the private sector, the information and communication technology sector and the media, with due respect for freedom of expression and their independence, to participate in the elaboration and implementation of policies and to set guidelines and self-regulatory standards to prevent violence against women and to enhance respect for their dignity.
2. Parties shall develop and promote, in co-operation with private sector actors, skills among children, parents and educators on how to deal with the information and communications environment that provides access to degrading content of a sexual or violent nature which might be harmful.

## **Chapter IV – Protection and support**

### ***Article 18 – General obligations***

1. Parties shall take the necessary legislative or other measures to protect all victims from any further acts of violence.
2. Parties shall take the necessary legislative or other measures, in accordance with internal law, to ensure that there are appropriate mechanisms to provide for effective co-operation between all relevant state agencies, including the judiciary, public prosecutors, law enforcement agencies, local and regional authorities as well as non-governmental organisations and other relevant organisations and entities, in protecting and supporting victims and witnesses of all forms of violence covered by the scope of this Convention, including by referring to general and specialist support services as detailed in Articles 20 and 22 of this Convention.
3. Parties shall ensure that measures taken pursuant to this chapter shall:
  - be based on a gendered understanding of violence against women and domestic violence and shall focus on the human rights and safety of the victim;
  - be based on an integrated approach which takes into account the relationship between victims, perpetrators, children and their wider social environment;

- aim at avoiding secondary victimisation;
  - aim at the empowerment and economic independence of women victims of violence;
  - allow, where appropriate, for a range of protection and support services to be located on the same premises;
  - address the specific needs of vulnerable persons, including child victims, and be made available to them.
4. The provision of services shall not depend on the victim's willingness to press charges or testify against any perpetrator.
  5. Parties shall take the appropriate measures to provide consular and other protection and support to their nationals and other victims entitled to such protection in accordance with their obligations under international law.

### ***Article 19 – Information***

Parties shall take the necessary legislative or other measures to ensure that victims receive adequate and timely information on available support services and legal measures in a language they understand.

### ***Article 20 – General support services***

1. Parties shall take the necessary legislative or other measures to ensure that victims have access to services facilitating their recovery from violence. These measures should include, when necessary, services such as legal and psychological counselling, financial assistance, housing, education, training and assistance in finding employment.
2. Parties shall take the necessary legislative or other measures to ensure that victims have access to health care and social services and that services are adequately resourced and professionals are trained to assist victims and refer them to the appropriate services.

### ***Article 21 – Assistance in individual/collective complaints***

Parties shall ensure that victims have information on and access to applicable regional and international individual/collective complaints mechanisms. Parties shall promote the provision of sensitive and knowledgeable assistance to victims in presenting any such complaints.

### ***Article 22 – Specialist support services***

1. Parties shall take the necessary legislative or other measures to provide or arrange for, in an adequate geographical distribution, immediate,

short- and long-term specialist support services to any victim subjected to any of the acts of violence covered by the scope of this Convention.

2. Parties shall provide or arrange for specialist women's support services to all women victims of violence and their children.

### ***Article 23 – Shelters***

Parties shall take the necessary legislative or other measures to provide for the setting-up of appropriate, easily accessible shelters in sufficient numbers to provide safe accommodation for and to reach out proactively to victims, especially women and their children.

### ***Article 24 – Telephone helplines***

Parties shall take the necessary legislative or other measures to set up state-wide round-the-clock (24/7) telephone helplines free of charge to provide advice to callers, confidentially or with due regard for their anonymity, in relation to all forms of violence covered by the scope of this Convention.

### ***Article 25 – Support for victims of sexual violence***

Parties shall take the necessary legislative or other measures to provide for the setting-up of appropriate, easily accessible rape crisis or sexual violence referral centres for victims in sufficient numbers to provide for medical and forensic examination, trauma support and counselling for victims.

### ***Article 26 – Protection and support for child witnesses***

1. Parties shall take the necessary legislative or other measures to ensure that in the provision of protection and support services to victims, due account is taken of the rights and needs of child witnesses of all forms of violence covered by the scope of this Convention.
2. Measures taken pursuant to this article shall include age-appropriate psychosocial counselling for child witnesses of all forms of violence covered by the scope of this Convention and shall give due regard to the best interests of the child.

### ***Article 27 – Reporting***

Parties shall take the necessary measures to encourage any person witness to the commission of acts of violence covered by the scope of this Convention or who has reasonable grounds to believe that such an act may be committed, or that further acts of violence are to be expected, to report this to the competent organisations or authorities.

### ***Article 28 – Reporting by professionals***

Parties shall take the necessary measures to ensure that the confidentiality rules imposed by internal law on certain professionals do not constitute an obstacle to the possibility, under appropriate conditions, of their reporting to the competent organisations or authorities if they have reasonable grounds to believe that a serious act of violence covered by the scope of this Convention, has been committed and further serious acts of violence are to be expected.

## **Chapter V – Substantive law**

### ***Article 29 – Civil lawsuits and remedies***

1. Parties shall take the necessary legislative or other measures to provide victims with adequate civil remedies against the perpetrator.
2. Parties shall take the necessary legislative or other measures to provide victims, in accordance with the general principles of international law, with adequate civil remedies against State authorities that have failed in their duty to take the necessary preventive or protective measures within the scope of their powers.

### ***Article 30 – Compensation***

1. Parties shall take the necessary legislative or other measures to ensure that victims have the right to claim compensation from perpetrators for any of the offences established in accordance with this Convention.
2. Adequate State compensation shall be awarded to those who have sustained serious bodily injury or impairment of health, to the extent that the damage is not covered by other sources such as the perpetrator, insurance or State-funded health and social provisions. This does not preclude Parties from claiming regress for compensation awarded from the perpetrator, as long as due regard is paid to the victim's safety.
3. Measures taken pursuant to paragraph 2 shall ensure the granting of compensation within a reasonable time.

### ***Article 31 – Custody, visitation rights and safety***

1. Parties shall take the necessary legislative or other measures to ensure that, in the determination of custody and visitation rights of children, incidents of violence covered by the scope of this Convention are taken into account.

2. Parties shall take the necessary legislative or other measures to ensure that the exercise of any visitation or custody rights does not jeopardise the rights and safety of the victim or children.

### ***Article 32 – Civil consequences of forced marriages***

Parties shall take the necessary legislative or other measures to ensure that marriages concluded under force may be voidable, annulled or dissolved without undue financial or administrative burden placed on the victim.

### ***Article 33 – Psychological violence***

Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of seriously impairing a person's psychological integrity through coercion or threats is criminalised.

### ***Article 34 – Stalking***

Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of repeatedly engaging in threatening conduct directed at another person, causing her or him to fear for her or his safety, is criminalised.

### ***Article 35 – Physical violence***

Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of committing acts of physical violence against another person is criminalised.

### ***Article 36 – Sexual violence, including rape***

1. Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalised:
  - a. engaging in non-consensual vaginal, anal or oral penetration of a sexual nature of the body of another person with any bodily part or object;
  - b. engaging in other non-consensual acts of a sexual nature with a person;
  - c. causing another person to engage in non-consensual acts of a sexual nature with a third person.
2. Consent must be given voluntarily as the result of the person's free will assessed in the context of the surrounding circumstances.
3. Parties shall take the necessary legislative or other measures to ensure that the provisions of paragraph 1 also apply to acts committed against former or current spouses or partners as recognised by internal law.

### ***Article 37 – Forced marriage***

1. Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of forcing an adult or a child to enter into a marriage is criminalised.
2. Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of luring an adult or a child to the territory of a Party or State other than the one she or he resides in with the purpose of forcing this adult or child to enter into a marriage is criminalised.

### ***Article 38 – Female genital mutilation***

Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalised:

- a excising, infibulating or performing any other mutilation to the whole or any part of a woman's labia majora, labia minora or clitoris;
- b coercing or procuring a woman to undergo any of the acts listed in point a;
- c inciting, coercing or procuring a girl to undergo any of the acts listed in point a.

### ***Article 39 – Forced abortion and forced sterilisation***

Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalised:

- a performing an abortion on a woman without her prior and informed consent;
- b performing surgery which has the purpose or effect of terminating a woman's capacity to naturally reproduce without her prior and informed consent or understanding of the procedure.

### ***Article 40 – Sexual harassment***

Parties shall take the necessary legislative or other measures to ensure that any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment, is subject to criminal or other legal sanction.

### ***Article 41 – Aiding or abetting and attempt***

1. Parties shall take the necessary legislative or other measures to establish as an offence, when committed intentionally, aiding or abetting the

commission of the offences established in accordance with Articles 33, 34, 35, 36, 37, 38.a and 39 of this Convention.

2. Parties shall take the necessary legislative or other measures to establish as offences, when committed intentionally, attempts to commit the offences established in accordance with Articles 35, 36, 37, 38.a and 39 of this Convention.

***Article 42 – Unacceptable justifications for crimes, including crimes committed in the name of so-called “honour”***

1. Parties shall take the necessary legislative or other measures to ensure that, in criminal proceedings initiated following the commission of any of the acts of violence covered by the scope of this Convention, culture, custom, religion, tradition or so-called “honour” shall not be regarded as justification for such acts. This covers, in particular, claims that the victim has transgressed cultural, religious, social or traditional norms or customs of appropriate behaviour.
2. Parties shall take the necessary legislative or other measures to ensure that incitement by any person of a child to commit any of the acts referred to in paragraph 1 shall not diminish the criminal liability of that person for the acts committed.

***Article 43 – Application of criminal offences***

The offences established in accordance with this Convention shall apply irrespective of the nature of the relationship between victim and perpetrator.

***Article 44 – Jurisdiction***

1. Parties shall take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance with this Convention, when the offence is committed:
  - a. in their territory; or
  - b. on board a ship flying their flag; or
  - c. on board an aircraft registered under their laws; or
  - d. by one of their nationals; or
  - e. by a person who has her or his habitual residence in their territory.
2. Parties shall endeavour to take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance with this Convention where the offence is committed against one of

their nationals or a person who has her or his habitual residence in their territory.

3. For the prosecution of the offences established in accordance with Articles 36, 37, 38 and 39 of this Convention, Parties shall take the necessary legislative or other measures to ensure that their jurisdiction is not subordinated to the condition that the acts are criminalised in the territory where they were committed.
4. For the prosecution of the offences established in accordance with Articles 36, 37, 38 and 39 of this Convention, Parties shall take the necessary legislative or other measures to ensure that their jurisdiction as regards points d and e of paragraph 1 is not subordinated to the condition that the prosecution can only be initiated following the reporting by the victim of the offence or the laying of information by the State of the place where the offence was committed.
5. Parties shall take the necessary legislative or other measures to establish jurisdiction over the offences established in accordance with this Convention, in cases where an alleged perpetrator is present on their territory and they do not extradite her or him to another Party, solely on the basis of her or his nationality.
6. When more than one Party claims jurisdiction over an alleged offence established in accordance with this Convention, the Parties involved shall, where appropriate, consult each other with a view to determining the most appropriate jurisdiction for prosecution.
7. Without prejudice to the general rules of international law, this Convention does not exclude any criminal jurisdiction exercised by a Party in accordance with its internal law.

### ***Article 45 – Sanctions and measures***

1. Parties shall take the necessary legislative or other measures to ensure that the offences established in accordance with this Convention are punishable by effective, proportionate and dissuasive sanctions, taking into account their seriousness. These sanctions shall include, where appropriate, sentences involving the deprivation of liberty which can give rise to extradition.
2. Parties may adopt other measures in relation to perpetrators, such as:
  - monitoring or supervision of convicted persons;

- withdrawal of parental rights, if the best interests of the child, which may include the safety of the victim, cannot be guaranteed in any other way.

### ***Article 46 – Aggravating circumstances***

Parties shall take the necessary legislative or other measures to ensure that the following circumstances, insofar as they do not already form part of the constituent elements of the offence, may, in conformity with the relevant provisions of internal law, be taken into consideration as aggravating circumstances in the determination of the sentence in relation to the offences established in accordance with this Convention:

- a. the offence was committed against a former or current spouse or partner as recognised by internal law, by a member of the family, a person cohabiting with the victim or a person having abused her or his authority;
- b. the offence, or related offences, were committed repeatedly;
- c. the offence was committed against a person made vulnerable by particular circumstances;
- d. the offence was committed against or in the presence of a child;
- e. the offence was committed by two or more people acting together;
- f. the offence was preceded or accompanied by extreme levels of violence;
- g. the offence was committed with the use or threat of a weapon;
- h. the offence resulted in severe physical or psychological harm for the victim;
- i. the perpetrator had previously been convicted of offences of a similar nature.

### ***Article 47 – Sentences passed by another Party***

Parties shall take the necessary legislative or other measures to provide for the possibility of taking into account final sentences passed by another Party in relation to the offences established in accordance with this Convention when determining the sentence.

### ***Article 48 – Prohibition of mandatory alternative dispute resolution processes or sentencing***

1. Parties shall take the necessary legislative or other measures to prohibit mandatory alternative dispute resolution processes, including mediation

and conciliation, in relation to all forms of violence covered by the scope of this Convention.

2. Parties shall take the necessary legislative or other measures to ensure that if the payment of a fine is ordered, due account shall be taken of the ability of the perpetrator to assume his or her financial obligations towards the victim.

## **Chapter VI – Investigation, prosecution, procedural law and protective measures**

### ***Article 49 – General obligations***

1. Parties shall take the necessary legislative or other measures to ensure that investigations and judicial proceedings in relation to all forms of violence covered by the scope of this Convention are carried out without undue delay while taking into consideration the rights of the victim during all stages of the criminal proceedings.
2. Parties shall take the necessary legislative or other measures, in conformity with the fundamental principles of human rights and having regard to the gendered understanding of violence, to ensure the effective investigation and prosecution of offences established in accordance with this Convention.

### ***Article 50 – Immediate response, prevention and protection***

1. Parties shall take the necessary legislative or other measures to ensure that the responsible law enforcement agencies respond to all forms of violence covered by the scope of this Convention promptly and appropriately by offering adequate and immediate protection to victims.
2. Parties shall take the necessary legislative or other measures to ensure that the responsible law enforcement agencies engage promptly and appropriately in the prevention and protection against all forms of violence covered by the scope of this Convention, including the employment of preventive operational measures and the collection of evidence.

### ***Article 51 – Risk assessment and risk management***

1. Parties shall take the necessary legislative or other measures to ensure that an assessment of the lethality risk, the seriousness of the situation and the risk of repeated violence is carried out by all relevant authorities in order to manage the risk and if necessary to provide co-ordinated safety and support.

2. Parties shall take the necessary legislative or other measures to ensure that the assessment referred to in paragraph 1 duly takes into account, at all stages of the investigation and application of protective measures, the fact that perpetrators of acts of violence covered by the scope of this Convention possess or have access to firearms.

### ***Article 52 – Emergency barring orders***

Parties shall take the necessary legislative or other measures to ensure that the competent authorities are granted the power to order, in situations of immediate danger, a perpetrator of domestic violence to vacate the residence of the victim or person at risk for a sufficient period of time and to prohibit the perpetrator from entering the residence of or contacting the victim or person at risk. Measures taken pursuant to this article shall give priority to the safety of victims or persons at risk.

### ***Article 53 – Restraining or protection orders***

1. Parties shall take the necessary legislative or other measures to ensure that appropriate restraining or protection orders are available to victims of all forms of violence covered by the scope of this Convention.
2. Parties shall take the necessary legislative or other measures to ensure that the restraining or protection orders referred to in paragraph 1 are:
  - available for immediate protection and without undue financial or administrative burdens placed on the victim;
  - issued for a specified period or until modified or discharged;
  - where necessary, issued on an *ex parte* basis which has immediate effect;
  - available irrespective of, or in addition to, other legal proceedings;
  - allowed to be introduced in subsequent legal proceedings.
3. Parties shall take the necessary legislative or other measures to ensure that breaches of restraining or protection orders issued pursuant to paragraph 1 shall be subject to effective, proportionate and dissuasive criminal or other legal sanctions.

### ***Article 54 – Investigations and evidence***

Parties shall take the necessary legislative or other measures to ensure that, in any civil or criminal proceedings, evidence relating to the sexual history and conduct of the victim shall be permitted only when it is relevant and necessary.

### ***Article 55 – Ex parte and ex officio proceedings***

1. Parties shall ensure that investigations into or prosecution of offences established in accordance with Articles 35, 36, 37, 38 and 39 of this Convention shall not be wholly dependent upon a report or complaint filed by a victim if the offence was committed in whole or in part on its territory, and that the proceedings may continue even if the victim withdraws her or his statement or complaint.
2. Parties shall take the necessary legislative or other measures to ensure, in accordance with the conditions provided for by their internal law, the possibility for governmental and non-governmental organisations and domestic violence counsellors to assist and/or support victims, at their request, during investigations and judicial proceedings concerning the offences established in accordance with this Convention.

### ***Article 56 – Measures of protection***

1. Parties shall take the necessary legislative or other measures to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations and judicial proceedings, in particular by:
  - a providing for their protection, as well as that of their families and witnesses, from intimidation, retaliation and repeat victimisation;
  - b ensuring that victims are informed, at least in cases where the victims and the family might be in danger, when the perpetrator escapes or is released temporarily or definitively;
  - c informing them, under the conditions provided for by internal law, of their rights and the services at their disposal and the follow-up given to their complaint, the charges, the general progress of the investigation or proceedings, and their role therein, as well as the outcome of their case;
  - d enabling victims, in a manner consistent with the procedural rules of internal law, to be heard, to supply evidence and have their views, needs and concerns presented, directly or through an intermediary, and considered;
  - e providing victims with appropriate support services so that their rights and interests are duly presented and taken into account;
  - f ensuring that measures may be adopted to protect the privacy and the image of the victim;
  - g ensuring that contact between victims and perpetrators within court and law enforcement agency premises is avoided where possible;

- h providing victims with independent and competent interpreters when victims are parties to proceedings or when they are supplying evidence;
  - i enabling victims to testify, according to the rules provided by their internal law, in the courtroom without being present or at least without the presence of the alleged perpetrator, notably through the use of appropriate communication technologies, where available.
2. A child victim and child witness of violence against women and domestic violence shall be afforded, where appropriate, special protection measures taking into account the best interests of the child.

### ***Article 57 – Legal aid***

Parties shall provide for the right to legal assistance and to free legal aid for victims under the conditions provided by their internal law.

### ***Article 58 – Statute of limitation***

Parties shall take the necessary legislative and other measures to ensure that the statute of limitation for initiating any legal proceedings with regard to the offences established in accordance with Articles 36, 37, 38 and 39 of this Convention, shall continue for a period of time that is sufficient and commensurate with the gravity of the offence in question, to allow for the efficient initiation of proceedings after the victim has reached the age of majority.

## **Chapter VII – Migration and asylum**

### ***Article 59 – Residence status***

1. Parties shall take the necessary legislative or other measures to ensure that victims whose residence status depends on that of the spouse or partner as recognised by internal law, in the event of the dissolution of the marriage or the relationship, are granted in the event of particularly difficult circumstances, upon application, an autonomous residence permit irrespective of the duration of the marriage or the relationship. The conditions relating to the granting and duration of the autonomous residence permit are established by internal law.
2. Parties shall take the necessary legislative or other measures to ensure that victims may obtain the suspension of expulsion proceedings initiated in relation to a residence status dependent on that of the spouse or partner as recognised by internal law to enable them to apply for an autonomous residence permit.

3. Parties shall issue a renewable residence permit to victims in one of the two following situations, or in both:
  - a where the competent authority considers that their stay is necessary owing to their personal situation;
  - b where the competent authority considers that their stay is necessary for the purpose of their co-operation with the competent authorities in investigation or criminal proceedings.
4. Parties shall take the necessary legislative or other measures to ensure that victims of forced marriage brought into another country for the purpose of the marriage and who, as a result, have lost their residence status in the country where they habitually reside, may regain this status.

### **Article 60 – Gender-based asylum claims**

1. Parties shall take the necessary legislative or other measures to ensure that gender-based violence against women may be recognised as a form of persecution within the meaning of Article 1, A (2), of the 1951 Convention relating to the Status of Refugees and as a form of serious harm giving rise to complementary/subsidiary protection.
2. Parties shall ensure that a gender-sensitive interpretation is given to each of the convention grounds and that where it is established that the persecution feared is for one or more of these grounds, applicants shall be granted refugee status according to the applicable relevant instruments.
3. Parties shall take the necessary legislative or other measures to develop gender-sensitive reception procedures and support services for asylum-seekers as well as gender guidelines and gender-sensitive asylum procedures, including refugee status determination and application for international protection.

### **Article 61 – Non-refoulement**

1. Parties shall take the necessary legislative or other measures to respect the principle of *non-refoulement* in accordance with existing obligations under international law.
2. Parties shall take the necessary legislative or other measures to ensure that victims of violence against women who are in need of protection, regardless of their status or residence, shall not be returned under any circumstances to any country where their life would be at risk or where they might be subjected to torture or inhuman or degrading treatment or punishment.

## **Chapter VIII – International co-operation**

### ***Article 62 – General principles***

1. Parties shall co-operate with each other, in accordance with the provisions of this Convention, and through the application of relevant international and regional instruments on co-operation in civil and criminal matters, arrangements agreed on the basis of uniform or reciprocal legislation and internal laws, to the widest extent possible, for the purpose of:
  - a preventing, combating and prosecuting all forms of violence covered by the scope of this Convention;
  - b protecting and providing assistance to victims;
  - c investigations or proceedings concerning the offences established in accordance with this Convention;
  - d enforcing relevant civil and criminal judgments issued by the judicial authorities of Parties, including protection orders.
2. Parties shall take the necessary legislative or other measures to ensure that victims of an offence established in accordance with this Convention and committed in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their State of residence.
3. If a Party that makes mutual legal assistance in criminal matters, extradition or enforcement of civil or criminal judgments imposed by another Party to this Convention conditional on the existence of a treaty receives a request for such legal co-operation from a Party with which it has not concluded such a treaty, it may consider this Convention to be the legal basis for mutual legal assistance in criminal matters, extradition or enforcement of civil or criminal judgments imposed by the other Party in respect of the offences established in accordance with this Convention.
4. Parties shall endeavour to integrate, where appropriate, the prevention and the fight against violence against women and domestic violence in assistance programmes for development provided for the benefit of third States, including by entering into bilateral and multilateral agreements with third States with a view to facilitating the protection of victims in accordance with Article 18, paragraph 5.

### ***Article 63 – Measures relating to persons at risk***

When a Party, on the basis of the information at its disposal, has reasonable grounds to believe that a person is at immediate risk of being subjected to

any of the acts of violence referred to in Articles 36, 37, 38 and 39 of this Convention on the territory of another Party, the Party that has the information is encouraged to transmit it without delay to the latter for the purpose of ensuring that appropriate protection measures are taken. Where applicable, this information shall include details on existing protection provisions for the benefit of the person at risk.

#### ***Article 64 – Information***

1. The requested Party shall promptly inform the requesting Party of the final result of the action taken under this chapter. The requested Party shall also promptly inform the requesting Party of any circumstances which render impossible the carrying out of the action sought or are likely to delay it significantly.
2. A Party may, within the limits of its internal law, without prior request, forward to another Party information obtained within the framework of its own investigations when it considers that the disclosure of such information might assist the receiving Party in preventing criminal offences established in accordance with this Convention or in initiating or carrying out investigations or proceedings concerning such criminal offences or that it might lead to a request for co-operation by that Party under this chapter.
3. A Party receiving any information in accordance with paragraph 2 shall submit such information to its competent authorities in order that proceedings may be taken if they are considered appropriate, or that this information may be taken into account in relevant civil and criminal proceedings.

#### ***Article 65 – Data Protection***

Personal data shall be stored and used pursuant to the obligations undertaken by the Parties under the convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108).

### **Chapter IX – Monitoring mechanism**

#### ***Article 66 – Group of experts on action against violence against women and domestic violence***

1. The Group of experts on action against violence against women and domestic violence (hereinafter referred to as “GREVIO”) shall monitor the implementation of this Convention by the Parties.

2. GREVIO shall be composed of a minimum of 10 members and a maximum of 15 members, taking into account a gender and geographical balance, as well as multidisciplinary expertise. Its members shall be elected by the Committee of the Parties from among candidates nominated by the Parties for a term of office of four years, renewable once, and chosen from among nationals of the Parties.
3. The initial election of 10 members shall be held within a period of one year following the entry into force of this Convention. The election of five additional members shall be held following the 25th ratification or accession.
4. The election of the members of GREVIO shall be based on the following principles:
  - a they shall be chosen according to a transparent procedure from among persons of high moral character, known for their recognised competence in the fields of human rights, gender equality, violence against women and domestic violence, or assistance to and protection of victims, or having demonstrated professional experience in the areas covered by this Convention;
  - b no two members of GREVIO may be nationals of the same State;
  - c they should represent the main legal systems;
  - d they should represent relevant actors and agencies in the field of violence against women and domestic violence;
  - e they shall sit in their individual capacity and shall be independent and impartial in the exercise of their functions, and shall be available to carry out their duties in an effective manner.
5. The election procedure of the members of GREVIO shall be determined by the Committee of Ministers of the Council of Europe, after consulting with and obtaining the unanimous consent of the Parties, within a period of six months following the entry into force of this Convention.
6. GREVIO shall adopt its own rules of procedure.
7. Members of GREVIO, and other members of delegations carrying out the country visits as set forth in Article 68, paragraphs 9 and 14, shall enjoy the privileges and immunities established in the appendix to this Convention.

### ***Article 67 – Committee of the Parties***

1. The Committee of the Parties shall be composed of the representatives of the Parties to the convention.

2. The Committee of the Parties shall be convened by the Secretary General of the Council of Europe. Its first meeting shall be held within a period of one year following the entry into force of this Convention in order to elect the members of GREVIO. It shall subsequently meet whenever one third of the Parties, the President of the Committee of the Parties or the Secretary General so requests.
3. The Committee of the Parties shall adopt its own rules of procedure.

### ***Article 68 – Procedure***

1. Parties shall submit to the Secretary General of the Council of Europe, based on a questionnaire prepared by GREVIO, a report on legislative and other measures giving effect to the provisions of this Convention, for consideration by GREVIO.
2. GREVIO shall consider the report submitted in accordance with paragraph 1 with the representatives of the Party concerned.
3. Subsequent evaluation procedures shall be divided into rounds, the length of which is determined by GREVIO. At the beginning of each round GREVIO shall select the specific provisions on which the evaluation procedure shall be based and send out a questionnaire.
4. GREVIO shall define the appropriate means to carry out this monitoring procedure. It may in particular adopt a questionnaire for each evaluation round, which shall serve as a basis for the evaluation procedure of the implementation by the Parties. This questionnaire shall be addressed to all Parties. Parties shall respond to this questionnaire, as well as to any other request of information from GREVIO.
5. GREVIO may receive information on the implementation of the convention from non-governmental organisations and civil society, as well as from national institutions for the protection of human rights.
6. GREVIO shall take due consideration of the existing information available from other regional and international instruments and bodies in areas falling within the scope of this Convention.
7. When adopting a questionnaire for each evaluation round, GREVIO shall take due consideration of the existing data collection and research in the Parties as referred to in Article 11 of this Convention.
8. GREVIO may receive information on the implementation of the convention from the Council of Europe Commissioner for Human Rights, the Parliamentary Assembly and relevant specialised bodies of the Council

of Europe, as well as those established under other international instruments. Complaints presented to these bodies and their outcome will be made available to GREVIO.

9. GREVIO may subsidiarily organise, in co-operation with the national authorities and with the assistance of independent national experts, country visits, if the information gained is insufficient or in cases provided for in paragraph 14. During these visits, GREVIO may be assisted by specialists in specific fields.
10. GREVIO shall prepare a draft report containing its analysis concerning the implementation of the provisions on which the evaluation is based, as well as its suggestions and proposals concerning the way in which the Party concerned may deal with the problems which have been identified. The draft report shall be transmitted for comments to the Party which undergoes the evaluation. Its comments shall be taken into account by GREVIO when adopting its report.
11. On the basis of all the information received and the comments by the Parties, GREVIO shall adopt its report and conclusions concerning the measures taken by the Party concerned to implement the provisions of this Convention. This report and the conclusions shall be sent to the Party concerned and to the Committee of the Parties. The report and conclusions of GREVIO shall be made public as from their adoption, together with eventual comments by the Party concerned.
12. Without prejudice to the procedure of paragraphs 1 to 8, the Committee of the Parties may adopt, on the basis of the report and conclusions of GREVIO, recommendations addressed to this Party (a) concerning the measures to be taken to implement the conclusions of GREVIO, if necessary setting a date for submitting information on their implementation, and (b) aiming at promoting co-operation with that Party for the proper implementation of this Convention.
13. If GREVIO receives reliable information indicating a situation where problems require immediate attention to prevent or limit the scale or number of serious violations of the convention, it may request the urgent submission of a special report concerning measures taken to prevent a serious, massive or persistent pattern of violence against women.
14. Taking into account the information submitted by the Party concerned, as well as any other reliable information available to it, GREVIO may designate one or more of its members to conduct an inquiry and to report

urgently to GREVIO. Where warranted and with the consent of the Party, the inquiry may include a visit to its territory.

15. After examining the findings of the inquiry referred to in paragraph 14, GREVIO shall transmit these findings to the Party concerned and, where appropriate, to the Committee of the Parties and the Committee of Ministers of the Council of Europe together with any comments and recommendations.

### ***Article 69 – General recommendations***

GREVIO may adopt, where appropriate, general recommendations on the implementation of this Convention.

### ***Article 70 – Parliamentary involvement in monitoring***

1. National parliaments shall be invited to participate in the monitoring of the measures taken for the implementation of this Convention.
2. Parties shall submit the reports of GREVIO to their national parliaments.
3. The Parliamentary Assembly of the Council of Europe shall be invited to regularly take stock of the implementation of this Convention.

## **Chapter X – Relationship with other international instruments**

### ***Article 71 – Relationship with other international instruments***

1. This Convention shall not affect obligations arising from other international instruments to which Parties to this Convention are Parties or shall become Parties and which contain provisions on matters governed by this Convention.
2. The Parties to this Convention may conclude bilateral or multilateral agreements with one another on the matters dealt with in this Convention, for purposes of supplementing or strengthening its provisions or facilitating the application of the principles embodied in it.

## **Chapter XI – Amendments to the convention**

### ***Article 72 – Amendments***

1. Any proposal for an amendment to this Convention presented by a Party shall be communicated to the Secretary General of the Council of Europe and forwarded by her or him to the member States of the Council of

Europe, any signatory, any Party, the European Union, any State invited to sign this Convention in accordance with the provisions of Article 75, and any State invited to accede to this Convention in accordance with the provisions of Article 76.

2. The Committee of Ministers of the Council of Europe shall consider the proposed amendment and, after having consulted the Parties to this Convention that are not members of the Council of Europe, may adopt the amendment by the majority provided for in Article 20.d of the Statute of the Council of Europe.
3. The text of any amendment adopted by the Committee of Ministers in accordance with paragraph 2 shall be forwarded to the Parties for acceptance.
4. Any amendment adopted in accordance with paragraph 2 shall enter into force on the first day of the month following the expiration of a period of one month after the date on which all Parties have informed the Secretary General of their acceptance.

## **Chapter XII – Final clauses**

### ***Article 73 – Effects of this Convention***

The provisions of this Convention shall not prejudice the provisions of internal law and binding international instruments which are already in force or may come into force, under which more favourable rights are or would be accorded to persons in preventing and combating violence against women and domestic violence.

### ***Article 74 – Dispute settlement***

1. The Parties to any dispute which may arise concerning the application or interpretation of the provisions of this Convention shall first seek to resolve it by means of negotiation, conciliation, arbitration or by any other methods of peaceful settlement accepted by mutual agreement between them.
2. The Committee of Ministers of the Council of Europe may establish procedures of settlement to be available for use by the Parties in dispute if they should so agree.

### ***Article 75 – Signature and entry into force***

1. This Convention shall be open for signature by the member States of the Council of Europe, the non-member States which have participated in its elaboration and the European Union.

2. This Convention is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.
3. This Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date on which 10 signatories, including at least eight member States of the Council of Europe, have expressed their consent to be bound by the convention in accordance with the provisions of paragraph 2.
4. In respect of any State referred to in paragraph 1 or the European Union, which subsequently expresses its consent to be bound by it, the convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of its instrument of ratification, acceptance or approval.

#### ***Article 76 – Accession to the convention***

1. After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may, after consultation of the Parties to this Convention and obtaining their unanimous consent, invite any non-member State of the Council of Europe, which has not participated in the elaboration of the convention, to accede to this Convention by a decision taken by the majority provided for in Article 20.d of the Statute of the Council of Europe, and by unanimous vote of the representatives of the Parties entitled to sit on the Committee of Ministers.
2. In respect of any acceding State, the convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

#### ***Article 77 – Territorial application***

1. Any State or the European Union may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.
2. Any Party may, at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration and for whose international relations it is responsible or on whose behalf it is authorised to give undertakings. In respect of such territory, the convention shall enter into force on the first day of the month following the

expiration of a period of three months after the date of receipt of such declaration by the Secretary General.

3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General of the Council of Europe. The withdrawal 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 such notification by the Secretary General.

### ***Article 78 – Reservations***

1. No reservation may be made in respect of any provision of this Convention, with the exceptions provided for in paragraphs 2 and 3.
2. Any State or the European Union may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, declare that it reserves the right not to apply or to apply only in specific cases or conditions the provisions laid down in:
  - Article 30, paragraph 2;
  - Article 44, paragraphs 1.e, 3 and 4;
  - Article 55, paragraph 1 in respect of Article 35 regarding minor offences;
  - Article 58 in respect of Articles 37, 38 and 39;
  - Article 59.
3. Any State or the European Union may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, declare that it reserves the right to provide for non-criminal sanctions, instead of criminal sanctions, for the behaviours referred to in Articles 33 and 34.
4. Any Party may wholly or partly withdraw a reservation by means of a declaration addressed to the Secretary General of the Council of Europe. This declaration shall become effective as from its date of receipt by the Secretary General.

### ***Article 79 – Validity and review of reservations***

1. Reservations referred to in Article 78, paragraphs 2 and 3, shall be valid for a period of five years from the day of the entry into force of this

Convention in respect of the Party concerned. However, such reservations may be renewed for periods of the same duration.

2. Eighteen months before the date of expiry of the reservation, the Secretariat General of the Council of Europe shall give notice of that expiry to the Party concerned. No later than three months before the expiry, the Party shall notify the Secretary General that it is upholding, amending or withdrawing its reservation. In the absence of a notification by the Party concerned, the Secretariat General shall inform that Party that its reservation is considered to have been extended automatically for a period of six months. Failure by the Party concerned to notify its intention to uphold or modify its reservation before the expiry of that period shall cause the reservation to lapse.
3. If a Party makes a reservation in conformity with Article 78, paragraphs 2 and 3, it shall provide, before its renewal or upon request, an explanation to GREVIO, on the grounds justifying its continuance.

### ***Article 80 – Denunciation***

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.

### ***Article 81 – Notification***

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, the non-member States which have participated in its elaboration, any signatory, any Party, the European Union, and any State invited to accede to this Convention of:

- a any signature;
- b the deposit of any instrument of ratification, acceptance, approval or accession;
- c any date of entry into force of this Convention in accordance with Articles 75 and 76;
- d any amendment adopted in accordance with Article 72 and the date on which such an amendment enters into force;
- e any reservation and withdrawal of reservation made in pursuance of Article 78;

- f any denunciation made in pursuance of the provisions of Article 80;
- g any other act, notification or communication relating to this Convention.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at Istanbul, this 11th day of May 2011, in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to the non-member States which have participated in the elaboration of this Convention, to the European Union and to any State invited to accede to this Convention.



## Appendix 3

# Additional reading and resources

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### Selected Council of Europe sources

#### Key PACE texts making reference to the Istanbul Convention

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[Resolution 2289 \(2019\)](#) on the Istanbul Convention on violence against women: achievements and challenges, report by Ms Zita Gurmai, rapporteur for the Committee on Equality and Non-Discrimination, [Doc. 14908](#)

[Resolution 2233 \(2018\)](#) on forced marriage in Europe, report by Ms Béatrice Fresko-Rolfo (Monaco, ALDE), rapporteur for the Committee on Equality and Non-Discrimination, [Doc. 14574](#)

[Resolution 2177 \(2017\)](#) on putting an end to sexual violence and harassment of women in public space, report by Ms Françoise Hetto-Gaasch (Luxembourg, EPP/CD), rapporteur for the Committee on Equality and Non-Discrimination, [Doc. 14337](#)

[Resolution 2159 \(2017\)](#) on protecting refugee women and girls from gender-based violence, report by Ms Gisela Wurm (Austria, SOC), rapporteur for the Committee on Equality and Non-Discrimination, [Doc. 14284](#)

[Resolution 2135 \(2016\)](#) on female genital mutilation in Europe, report by Ms Béatrice Fresko-Rolfo (Monaco, ALDE), rapporteur for the Committee on Equality and Non-Discrimination, [Doc. 14135](#)

[Resolution 2101 \(2016\)](#) on systematic collection of data on violence against women, report by Ms Maria Edera Spadon (Italy, NR), rapporteur for the Committee on Equality and Non-Discrimination, [Doc. 13988](#)

[Resolution 2093 \(2016\)](#) on recent attacks against women: the need for honest reporting and a comprehensive response, report by Jonas Gunnarsson (Sweden, SOC), rapporteur for the Committee on Equality and Non-Discrimination, [Doc. 13961](#)

[Resolution 2084 \(2015\)](#) on promoting best practices in tackling violence against women, report by Ms Sahiba Gafarova (Azerbaijan, EC), rapporteur for the Committee on Equality and Non-Discrimination, [Doc. 13914](#)

[Resolution 1963 \(2013\)](#) and [Recommendation 2030 \(2013\)](#) and the Committee of Minister's reply to the latter ([Doc. 13504](#)) on violence against women in Europe, report by Mr José Mendes Bota (Portugal, EPP/CD), rapporteur for the Committee on Equality and Non-Discrimination, [Doc. 13349](#)

[Resolution 1962 \(2013\)](#) on stalking, report by Ms Gisela Wurm (Austria, SOC), rapporteur for the Committee on Equality and Non-Discrimination, [Doc. 13336](#)

[Resolution 1861 \(2012\)](#) on promoting the Council of Europe Convention on preventing and combating violence against women and domestic violence, report by Mr José Mendes Bota (Portugal, EPP/CD), rapporteur for the Committee on Equality and Non-Discrimination, [Doc. 12810](#)

[Opinion 280 \(2011\)](#) on the Draft Council of Europe Convention on preventing and combating violence against women and domestic violence, report by Mr José Mendes Bota (Portugal, EPP/CD), rapporteur for the Committee on Equality and Non-Discrimination, [Doc. 12530](#)

[Resolution 1691 \(2009\)](#) and [Recommendation 1887 \(2009\)](#) on rape of women, including marital rape, report by Ms Marlene Rupprecht (Germany, SOC), rapporteur for the (Former) Committee on Equal Opportunities for Women and Men, [Doc. 12013](#)

[Resolution 1654 \(2009\)](#) and [Recommendation 1861 \(2009\)](#) on feminicides, report by Ms Lydie Err (Luxembourg, SOC), rapporteur for the (Former) Committee on Equal Opportunities for Women and Men, [Doc. 11781](#)

[Resolution 1635 \(2008\)](#) and [Recommendation 1847 \(2008\)](#) "Combating violence against women: towards a Council of Europe convention", report by Mr José Mendes Bota (Portugal, EPP/CD), rapporteur for the (Former) Committee on Equal Opportunities for Women and Men, [Doc. 11702](#)

[Recommendation 1777 \(2007\)](#) on sexual assaults linked to "date-rape drugs", report by Ms Maria Damanaki (Greece, SOC), rapporteur for the (Former) Committee on Equal Opportunities for Women and Men, [Doc. 11038](#)

[Recommendation 1723 \(2005\)](#) on forced marriages and child marriages, report by Ms Rosmarie Zapfl-Helbling (Switzerland, EPP/CD), rapporteur for the (Former) Committee on Equal Opportunities for Women and Men, [Doc. 10590](#)

[Resolution 1327 \(2003\)](#) on so-called "honour crimes", report by Ms Ann Cryer (United Kingdom, SOC), rapporteur for the (Former) Committee on Equal Opportunities for Women and Men, [Doc. 9720](#)

[Recommendation 1582 \(2002\)](#) on domestic violence against women, report by Ms Olga Keltošová (Slovak Republic, SOC), rapporteur for the (Former) Committee on Equal Opportunities for Women and Men, [Doc. 9525](#)

[Resolution 1247 \(2001\)](#) on female genital mutilation, report by Ms Ruth-Gaby Vermot-Mangold (Switzerland, SOC), rapporteur for the (Former) Committee on Equal Opportunities for Women and Men, [Doc. 9076](#)

## **Key Committee of Ministers recommendations and declarations pertaining to violence against women and domestic violence (2000-2019)**

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[Recommendation CM/Rec\(2019\)1](#) of the Committee of Ministers to member States to prevent and combat sexism

[Declaration Decl\(13/09/2017\)](#) of the Committee of Ministers on the need to intensify the efforts to prevent and combat female genital mutilation and forced marriage in Europe

Council of Europe [Recommendation CM/Rec\(2002\)5](#) of the Committee of Ministers to member states on the protection of women against violence

## **Other tools and publications of the Council of Europe**

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### **Publications and factsheets relating to the Istanbul Convention**

[Questions and answers on the Istanbul Convention](#)

[General Leaflet on the Istanbul Convention](#)

[Leaflet on the monitoring mechanism](#)

[Istanbul Convention: A global tool to prevent and combat violence against women and girls](#)

[Combating violence against women: minimum standards for support services](#)

[Ensuring data collection and research on violence against women and domestic violence: Article 11 of the Istanbul Convention \(2016\)](#)

[Preventing violence against women: Article 12 of the Istanbul Convention \(2014\)](#)

[Raising awareness of violence against women: Article 13 of the Istanbul Convention \(2014\)](#)

Domestic and sexual violence perpetrator programmes: Article 16 of the Istanbul Convention (2015)

Encouraging the participation of the private sector and the media in the prevention of violence against women and domestic violence: Article 17 of the Istanbul Convention (2016)

Emergency barring orders in situations of domestic violence: Article 52 of the Istanbul Convention (2017)

HELP online course for legal professionals on Violence against Women and Domestic Violence (2017)

Implementing Article 10 of the Council of Europe Convention on preventing and combating violence against women and domestic violence – establishing national co-ordinating bodies (2016)

Improving the effectiveness of law enforcement and justice officers in combating violence against women and domestic violence (2016)

Training of Trainers Manual: Effective Multi-agency Co-operation for Preventing and Combating Domestic Violence (2015)

## **Thematic factsheets**

Factsheet on the Istanbul Convention (2018)

12 steps to comply with the Council of Europe Convention on preventing and combatting violence against women and domestic violence

Children's rights

Stalking

Protecting migrant women, refugee women, and women asylum seekers from gender-based violence

Crimes committed in the name of so-called "honour"

Female genital mutilation

An instrument to promote greater equality between women and men

## **Other publications**

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Preventing and Combating Domestic Violence against Women: A learning resource for training law enforcement and justice officers (2016)

Combating violence against women: Stocktaking study on the measures and actions taken in Council of Europe member states (2006)

Regional Tools to Fight Violence Against Women – The Belém do Pará and Istanbul Conventions (2014)

Overview of Studies on the Costs of Violence against Women and Domestic Violence (2012, updated 2014)

Analytical study of the results of the 4th round of monitoring the implementation of Recommendation Rec(2002)5 on the protection of women against violence in Council of Europe member states

Commission on the Status of Women, CSW 57 Agreed Conclusions, Elimination and Prevention of all Forms of Violence against Women and Girls (2013),

Council of Europe Gender Equality Strategy 2018-2023 (2018)

Gender Equality and Women's Rights - Council of Europe Standards (2015)

Council of Europe Gender Equality Glossary (2016) (bilingual document)

Report of the Council of Europe seminar on "Combating sexist hate speech" ( February 2016)

Background note on Sexist Hate Speech (2016)

Handbook on the implementation of Recommendation CM/Rec(2013)1 of the Committee of Ministers of the Council of Europe on gender equality and media (2015)

Gender equality and the media at national level – Compilation of good practices from member states (2014)

Media and the Image of Women – Report of the 1st Conference of the Council of Europe Network of National Focal Points on Gender Equality (2013)

Compilation of good practices from member states to reduce existing obstacles and facilitate women's access to justice (2015)

IPU-PACE joint study, Sexism, harassment and violence against women in parliaments in Europe (2018)

## **Case law of the European Court of Human Rights on violence against women and domestic violence**

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### **Thematic fact sheets of key judgments and decisions on:**

Violence against women

Domestic violence

Reproductive rights

Gender equality

## Selected international instruments

### Helplines in Europe

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A list of relevant helplines is available at [www.coe.int/en/web/istanbul-convention/help-lines](http://www.coe.int/en/web/istanbul-convention/help-lines)

### Global instruments

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United Nations [Convention on the Elimination of All Forms of Discrimination against Women](#) (CEDAW) (A/RES/34/180), and its [Optional Protocol](#), (A/RES/54/4)

General Recommendations on violence against women No.19 (1992) (Supplement No. 38 (A/47/38)) and No. 35 (2017) (CEDAW/C/GC/35) adopted by the Committee on the Elimination of Discrimination against Women (CEDAW)

United Nations General Assembly [Declaration on the Elimination of Violence against Women](#) (1993) (A/RES/48/104)

United Nations [Convention on the Rights of the Child](#) (A/RES/44/25) and its [Optional Protocols on the Rights of the Child on the involvement of children in armed conflict](#) and on the [sale of children, child prostitution and child pornography](#) (A/RES/54/263)

### Regional instruments

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Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence ([Istanbul Convention](#)) CETS No. 210 (2011) and [explanatory report](#)

Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women ([Convention of Belem do Pará](#)) (1994)

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa ([Maputo Protocol](#)) (2003)

## Other useful links

### Regional

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European Parliament: [www.europarl.europa.eu/portal/en](http://www.europarl.europa.eu/portal/en)

NATO Parliamentary Assembly: [www.nato-pa.int](http://www.nato-pa.int)

OSCE Parliamentary Assembly: [www.oscepa.org](http://www.oscepa.org)

OECD Global Parliamentary Network: [www.oecd.org/parliamentarians](http://www.oecd.org/parliamentarians)

ParlAmericas: [www.parlAmericas.org/en](http://www.parlAmericas.org/en)

Parliamentary Assembly – Union for the Mediterranean: [www.paufm.org](http://www.paufm.org)

Assemblée parlementaire de la Francophonie: [www.apf.francophonie.org](http://www.apf.francophonie.org) (in French only)

Inter-Parliamentary Assembly of Member Nations of the Commonwealth of Independent States: [www.iacis.ru/eng](http://www.iacis.ru/eng)

Mercosur Parliament: [www.parlamentomercosur.org](http://www.parlamentomercosur.org) (in Spanish or Portuguese only)

Central American Parliament: [www.parlacen.int](http://www.parlacen.int) (in Spanish only)

East African Legislative Assembly: [www.eala.org](http://www.eala.org)

## **International**

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Office of the UN High Commissioner for Human Rights – Cooperation between global and regional women’s rights mechanisms, [The Platform of independent international and regional mechanisms on violence against women and women’s rights](#)

Inter-Parliamentary Union: [www.ipu.org](http://www.ipu.org)

Parliamentary Network of the World Bank and International Monetary Fund: [www.parlnet.org](http://www.parlnet.org)





Violence against women is a violation of human rights and a form of discrimination against women. The Istanbul Convention aims to prevent violence, protect victims and prosecute perpetrators through a comprehensive set of policies and measures. It aims to contribute to the elimination of all forms of discrimination against women, promote substantive equality between women and men and promote international co-operation with a view to eliminating violence against women and domestic violence

[www.coe.int](http://www.coe.int)

The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

