

**Handbook for parliamentarians  
Council of Europe Convention  
on preventing and combating  
violence against women and  
domestic violence  
(Istanbul Convention)**

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## **About the Council of Europe**

The Council of Europe has 47 member states, covering virtually the entire continent of Europe. It seeks to develop common democratic and legal principles based on the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) and other reference texts on the protection of individuals, including women and girls. Since the 1990s, the Council of Europe has actively promoted the protection of women and girls from gender-based violence, namely by adopting Recommendation (2002)5 on the protection of women against violence and by running a Europe-wide campaign on violence against women, including domestic violence, in 2006-2008.

[www.coe.int/conventionviolence](http://www.coe.int/conventionviolence)  
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## **About the Parliamentary Assembly and the Parliamentary Network “Women Free from Violence”**

The parliamentarians who make up the Parliamentary Assembly come from the national parliaments of the Organisation's 47 member states. They meet four times a year to discuss topical issues and ask European governments to take initiatives and report back. These parliamentarians speak on behalf of the 800 million Europeans who elected them.

The Parliamentary Network “Women Free from Violence” was first set up in the context of the Campaign to combat violence against women (2006-2008). Over this period, some 40 national parliaments conducted more than 200 activities throughout Europe to condemn violence against women, raise awareness among parliamentarians and the general public, amend the laws to prevent this evil, better protect victims and effectively prosecute the perpetrators. With its Resolution 1635 (2008) on Combating violence against women: towards a Council of Europe Convention, the Assembly decided that the end of the campaign should not mark the end of the Network. On the contrary, this innovative and powerful tool would be instrumental in enhancing information-sharing amongst parliamentarians and co-ordinating joint actions.

The Network is currently composed of members of the parliamentary delegations of member and observer states to the Parliamentary Assembly, as well as of the delegations of Partners for Democracy. It is chaired by the General Rapporteur on violence against women, who acts as Political Co-ordinator of the Network. Since the adoption of the Istanbul Convention by the Committee of Ministers, the Network has set itself the primary objective of contributing to its promotion, so that it can enter into force without delay.

[www.assembly.coe.int/stopviolence/  
womenfreefromviolence@coe.int](http://www.assembly.coe.int/stopviolence/womenfreefromviolence@coe.int)

## **Preface by the President of the Parliamentary Assembly**

### **Act now to combat violence against women!**

*Today, millions of women worldwide are still suffering physical and psychological violence and being deprived of the most important of all rights, the right to live free from violence. Violence against women and domestic violence are neither acceptable nor tolerable. And yet one in five women in Europe is a past, present or potential victim of violence. It is no longer enough to condemn such conduct: we must act. Our political responsibility commands us to put an end to these violations of fundamental rights.*

*After years of commitment, with the setting up of a network of parliamentarians and a large-scale campaign from 2006 to 2008, the Council of Europe has now given concrete shape to its action by adopting its Convention on preventing and combating violence against women and domestic violence, which was opened for signature in Istanbul on 11 May 2011.*

*The Istanbul Convention is a comprehensive international instrument providing for protection, prevention, prosecution and policy-making in the area of combating violence against women and domestic violence. The Convention can and will help improve the status of women and respect for human rights, provided it is ratified by a sufficient number of countries. The ratification and subsequent implementation of the Convention will clearly express our acknowledgement of the victims' need for justice and our solidarity with them. Our instrument for protecting victims will enter into force following ten ratifications.*

*I would hereby call on all parliamentarians from Council of Europe member states and beyond to step up their efforts to promote the signature, ratification and implementation of the Istanbul Convention. We must ensure that this Convention does not go unheeded but instead functions as a useful, living instrument epitomising the victory over violence.*

*I invite you to use this handbook as a practical means of securing a clearer understanding of the Convention. It can be used to guide activities to promote the Convention, proving the keys to understanding this unique instrument. I would also ask you to follow the work of the Parliamentary Network "Women Free from Violence", which holds regular meetings in Strasbourg. Since 2006, the members of this Network have been the standard-bearers for combating violence against women, conducting awareness-raising actions in their respective parliaments and among the general public. They are now concentrating their work on promoting the Istanbul Convention.*

*The Parliamentary Assembly of the Council of Europe now has an official spokesperson on violence against women in the person of Mr Mendes Bota, appointed as General Rapporteur on violence against women. I would encourage you to call on his expert services regarding this issue, and I would assure him of my full support.*

*We must all unite against violence, demonstrate our strength and give real political impetus to the efforts to bring the Convention into force. Let us make 2013 a paramount year in combating violence against women and domestic violence. Act now. Ratify the Convention.*

**Jean-Claude Mignon**  
President of the Parliamentary Assembly  
of the Council of Europe

## **Appeal by the General Rapporteur on violence against women**

### ***Freedom from violence is the first human right***

*Violence against women, including domestic violence, is one of the most serious forms of human rights violations in Europe. It is one of the most widespread crimes. And yet, social pressure is so strong that many victims accept it as an unavoidable fact of life and refrain from reporting it. Others, who find the courage to ask for the authorities' help, are sometimes sent back without being taken seriously. Others cannot find protection and justice, due to weaknesses and loopholes in their countries' legal and policy framework.*

*I am proud that the Council of Europe has once again been faithful to its role and mandate as the leading European human rights watchdog by lifting the shroud that, all too often, surrounds violence against women. I am pleased that the Council of Europe has followed up the request repeatedly and consistently made by its Parliamentary Assembly that there should be, in Europe, a legally-binding instrument setting the highest possible standards on preventing, protecting against and prosecuting the most severe and widespread forms of gender-based violence.*

*After two years of intensive negotiations, the Convention on preventing and combating violence against women and domestic violence has seen the light. It is now open for signature and ratification. I believe that our main duty as parliamentarians who share a commitment for human rights is to do our utmost for this Convention to enter into force as soon as possible.*

*There are many reasons why we should support the Convention: because it is the first instrument of this kind, specifically dealing with violence against women, binding, and potentially open to any country in the world; because it is comprehensive, as it includes measures in the area of prevention of violence, protection of its victims, prosecution of the perpetrators and integrated policies; because it asks states to criminalise the main forms of violence against women and to ensure adequate and effective sanctions against them; because it is equipped with a strong and independent monitoring mechanism, in which national parliamentarians will take active part.*

*But above all, I believe that we should support this Convention because freedom from violence is the first human right. Violence against women deprives victims of their dignity. It deprives them of the confidence to claim their equality. No woman will ever be able to enjoy human rights as long as she is a victim of violence.*

*We have to break this vicious circle.*

*This Convention is necessary, and long overdue.*

*Not to support this Convention would be a concession to violence.*

*Not to support this Convention would be a crime.*

*Not to support this Convention would be yet another crime against women.*

**Mendes Bota**

*General Rapporteur on violence against women  
Political Coordinator of the Parliamentary Network  
"Women Free from Violence"*

# **The role of parliamentarians in supporting the Convention on preventing and combating violence against women and domestic violence**

Parliamentarians have a crucial role to play in supporting the Convention on preventing and combating violence against women and domestic violence.

As legislators and policy makers, they can move forward the process leading to the signature and the ratification of the Convention. In addition, they will be directly involved in its ratification. Amongst the activities that they can and should undertake are:

- questioning their governments as regards their support for the Convention;
- asking information to their governments as regard the stage reached in the process of signature and ratification;
- organising debates on the Convention at national level, especially within their parliaments;
- ensuring that all relevant background documents are available at their parliament's documentation centre;
- taking and supporting initiatives to raise knowledge of the Convention amongst non-governmental organisations and civil society;
- initiating a public petition in support of the Convention;
- ensuring that the Convention is translated into national languages.

Irrespective of the Istanbul Convention, parliamentarians can make a major contribution to ending violence against women, in particular by:

- initiating legislation in the area of violence against women, ensuring that it reflects the highest possible international standards;
- asking for systematic data collection on violence against women to be conducted, at national level;
- ensuring that service-providers for victims of violence are allocated sufficient resources.

Finally, as opinion-makers, parliamentarians are in a privileged position to contribute to the evolution of mentalities. To this end, they should:

- take strong public stands to condemn and reject violence against women, including in the media;
- lobby for their political parties to include the eradication of violence against women in their political programmes;
- include a reference to the need to eradicate violence against women in every public speech;
- organise awareness-raising activities on violence against women, also involving other high profile opinion-makers, such as journalists, writers, people from show-business.

# The Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210, “Istanbul Convention”)

## Why a Convention

### Facts and figures

Significant numbers of women and girls across Council of Europe countries experience violence every day. Women and girls often experience serious forms of violence such as domestic violence, sexual violence, rape, forced marriage and genital mutilation. Violence can also be psychological and consist of verbal abuse, criticism, isolation, threats, harassment and stalking. The fact that it is not physical does not make it less harmful or severe. Perpetrators and victims come from all walks of life. It is not only survivors who suffer; children who witness violence are also traumatised.

Violence against women affects women of all ages and backgrounds, though some are particularly vulnerable. Violence is deeply rooted in the inequality between women and men in society and perpetuated by a culture of intolerance and denial. It is both caused by and is a consequence of the unequal power relations between women and men in society. Discrimination and attitudes towards women that result from the imbalance of power make it difficult for women to leave violent situations. The violence they experience is not always taken seriously by their community or the authorities, making them more vulnerable to further violence and even murder.

Unfortunately, violence against women is often considered a private issue and many women are reluctant to report it or are discouraged from doing so by their family or community. Underreporting is compounded by failures in investigation, prosecution and sanction. Many cases do not reach court or, when they do, perpetrators receive minimal punishment. Lack of sensitivity towards victims during the investigation and the judicial process often result in re-victimisation. This discourages women from reporting violence, also given that, in the absence of adequate protection, reporting increases the risk of being subjected to further violence.

Domestic violence is a deeply traumatising act of violence. The overwhelming majority of victims are women and girls. Research has shown a link between physical abuse against children and domestic violence against women; however there is little reliable research on other forms of domestic violence such as elder abuse or against men. While some men may experience domestic violence, the frequency and severity of violence is far less than for women, and men may experience violence in response to violence they initiated. In the majority of cases men are the perpetrators.

The financial cost of violence against women is high, with an estimate of 34 billion euros per country across Council of Europe member states annually, as much as 555 euros per capita.<sup>1</sup>

### The process leading to the Convention

Since the 1990s, the Council of Europe has intensified its activities to combat all forms of violence against women. This engagement culminated in 2002 with the adoption of Recommendation Rec (2002)5 of the Committee of Ministers to member states on the protection of women against violence.<sup>2</sup>

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<sup>1</sup> [www.coe.int/t/dg2/equality/DOMESTICVIOLENCECAMPAIGN/FAQ\\_en.asp#P59\\_4532](http://www.coe.int/t/dg2/equality/DOMESTICVIOLENCECAMPAIGN/FAQ_en.asp#P59_4532)

<sup>2</sup> <https://wcd.coe.int/ViewDoc.jsp?id=280915>



In 2005, the Action Plan adopted at the end of the Third Summit of Heads of State and Government of the Council of Europe member states set up a Europe-wide campaign on violence against women, including domestic violence.<sup>3</sup> Subsequently, a Task Force was set up to support the campaign, evaluate progress by member states and recommend future action. From 2006 and 2008, the Council of Europe campaign saw for the first time in Europe governments, parliaments and local and regional authorities campaigning together.

The Task Force's evaluation of national measures taken by member states revealed that much more remained to be done: despite progress, it was clear that existing legislation was often not enforced, services for victims were scarce and underfunded and there was a huge disparity in protection between member states. In its 2008 Final Activity Report, the Task Force recommended the adoption of a Council of Europe comprehensive, legally-binding, human rights instrument to prevent and combat all forms of violence against women.<sup>4</sup>

In response to these findings and recommendations, in December 2008 the Committee of Ministers set up a multi disciplinary Ad Hoc Committee on preventing and combating violence against women and domestic violence (CAHVIO) and instructed it to prepare one or more legally binding instruments in the area of violence against women and domestic violence, with a focus on measures to protect and support the victims of such violence and prosecute the perpetrators.

At its first meeting, CAHVIO decided that one single Convention combining action to prevent and combat all forms of violence against women and domestic violence against all family members would be appropriate. The Convention was drafted by CAHVIO during nine meetings which brought together government representatives and other stakeholders.

The Parliamentary Assembly actively participated in the negotiations through the Chairperson of the then Committee on Equal Opportunities for Women and Men. The draft text was finalised in December 2010 and adopted by the Committee of Ministers on 7 April 2011. The Convention was opened for signature at the ministerial conference in Istanbul on 11 May 2011. It will enter into force following 10 ratifications by at least 8 member states of the Council of Europe.

### **The added value of the Convention**

The Istanbul Convention is a groundbreaking instrument. It is the first international legally-binding instrument potentially open to any country in the world to provide for a comprehensive set of measures to prevent and combat violence against women and domestic violence. It recognises violence against women as both a violation of human rights and a form of discrimination. It also establishes a clear link between achieving equality between women and men and eradicating violence against women. It provides for criminalisation of specific offences such as stalking, forced marriage, female genital mutilation, forced abortion and forced sterilisation.

The Convention also addresses the approach required to tackle violence against women and domestic violence effectively calling for all the relevant agencies, services and non-governmental organisations (NGOs) involved to work together in a coordinated way. It establishes a strong and independent monitoring mechanism and affords a specific role for parliamentarians in monitoring the implementation of the Convention at the national level. In addition, the Parliamentary Assembly is invited to regularly take stock of the implementation of such an instrument.

### **Objectives of the Handbook**

Parliamentarians can play a key role nationally in raising awareness on violence against women and domestic violence amongst the general public. At the same time, they can have a direct

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<sup>3</sup> [www.coe.int/t/dcr/summit/20050517\\_plan\\_action\\_en.asp](http://www.coe.int/t/dcr/summit/20050517_plan_action_en.asp)

<sup>4</sup> [www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/Final\\_Activity\\_Report.pdf](http://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/Final_Activity_Report.pdf)

impact on the legislative framework, by proposing and adopting specific laws on violence against women and monitoring their effective implementation.

This Handbook is a tool to promote greater awareness and understanding among parliamentarians of the Istanbul Convention and assist them in promoting it. It explains the main provisions of the Convention while providing examples of how these can be introduced into national legislation and policy.

The Handbook provides examples of national legislation and measures Council of Europe member states have introduced to address violence against women and domestic violence. They illustrate the types of laws and measures that could be adopted. The examples are not a comprehensive list of all the legislation enacted or measures taken by member states.

## **What is covered by the Convention**

### **Chapter I of the Convention**

#### **Purposes**

The Convention provides Parties with a comprehensive framework, policies and measures based on best practice to prevent and combat violence against women and domestic violence. Its main purposes are to:

- protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence;
- contribute to the elimination of all forms of discrimination against women, promote equality between women and men and empower women;
- protect and assist all victims of violence against women and domestic violence;
- promote international cooperation against these forms of violence;
- provide support and assistance to organisations and law enforcement agencies to cooperate in order to adopt an integrated approach to eliminating violence against women and domestic violence.

#### **Scope**

The Convention applies to all forms of violence against women, including domestic violence.

Furthermore, the Parties to the Convention are encouraged to extend its application to male, child and elderly victims of domestic violence.

The Convention applies in times of peace and in situations of armed conflict.

#### **Definitions**

The definition of violence against women builds upon definitions set out in Committee of Ministers Recommendation (2002)5, CEDAW General Recommendation 19<sup>5</sup> and Article 1 of the United Nations Declaration on the Elimination of all forms of violence against women.<sup>6</sup>

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<sup>5</sup> [www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm](http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm)

<sup>6</sup> A/RES/48/104, 20 December 1993.

- **Violence against women** is defined as a violation of human rights and a form of discrimination against women and includes 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** refers to the same types of violence as above but that takes place within the family, domestic unit or between current or former married or unmarried partners regardless of whether the perpetrator currently or has ever lived with the victim. This covers victims and perpetrators of both sexes and includes child and elder abuse as well as intimate partner violence.
- **gender** is the roles that society give men and women as well as the behaviours, activities and attributes that are considered appropriate for women and men;
- **gender-based violence against women** is violence that is targeted at women because they are women (such as forced abortion, female genital mutilation) or that women experience much more than men (such as sexual violence, rape, stalking, sexual harassment, domestic violence, forced marriage and forced sterilisation);
- **victim** refers to both victims of violence against women and domestic violence;
- **women** include girls under the age of 18.

### **Freedom from violence, equality and non-discrimination**

The Convention promotes and protects the right for everyone to live free from violence and prohibits all forms of discrimination against women, which is a different treatment without objective and reasonable justification. Equality between women and men both in law and practice is central to ending violence against women. Parties are required to:

- include the principle of equality between women and men in their Constitution or law;
- prohibit discrimination including through the recourse to sanctions;
- abolish laws and practices that discriminate against women.

The list of grounds for discrimination included in the Convention (Article 4) draws on Article 14 of the European Convention of Human Rights and its Protocol No. 12. The list is open-ended and includes gender, sexual orientation, gender identity, age, state of health, disability, marital status and migrant or refugee or other status which are all directly relevant to the Convention. Noting that special measures may be necessary to prevent and protect women from violence, these are not considered discrimination under the terms of the Convention.

### **Integrated policies and data collection Chapter II of the Convention**

#### **Comprehensive and co-ordinated policies**

Violence against women and domestic violence are complex phenomena that require wide-ranging measures taken by many different actors and agencies. Experience has shown that successful outcomes are directly linked with actors such as the police, judiciary, social services,

health, women's NGOs, child protection agencies and other relevant partners working closely together, in coordination. This is why the Convention calls for:

- a comprehensive set of legislative and policy measures coordinated across all sectors;
- the rights of the victim to be at the centre of all measures;
- involving all relevant actors, including government agencies, NGOs and national, regional and local parliaments in recognition of the important role of parliamentarians and the different law making powers in Parties with a federal system.

Such cooperation cannot be left to chance. It requires protocols and training to ensure common understanding and approach. National Action Plans that give each agency a particular role to fulfil and include NGOs are an example of how cooperation and coordination can be achieved.

*In the United Kingdom, Multi-Agency Risk Assessment Conferences (MARACs) have been introduced to allow all relevant local agencies to meet regularly and share information about high risk domestic abuse victims (those at risk of murder or serious harm). By bringing all agencies together at a MARAC, a risk focused, coordinated safety plan can be drawn up to support the victim. Over 250 MARACs are operating across England, Wales and Northern Ireland managing over 53,000 cases a year (for more information: [www.caada.org.uk](http://www.caada.org.uk)). In Austria and Germany, intervention centres for domestic and sexual violence have been set up to coordinate the response of all relevant agencies (shelters, law enforcement, prosecution service, judiciary, witness protection, child protection) to an individual case of domestic or sexual violence (for more information on the intervention centre in Vienna see [www.interventionsstelle-wien.at](http://www.interventionsstelle-wien.at) or the Intervention Centre in Berlin [www.big-berlin.info](http://www.big-berlin.info))*

## Non-governmental organisations and civil society

NGOs and civil society play a key role in preventing and combating violence. NGOs run the majority of services for victims of violence and raise awareness activities for change but they are held back by insufficient and insecure funding. The Convention seeks to ensure greater political and financial support for their work. Parties are required to recognise, encourage and support NGOs enabling them to conduct their work in the best possible way, to set up co-operation between statutory agencies and NGOs and to ensure adequate funding.

## Data collection and research

Data collection is essential to understanding the nature and prevalence of violence against women and domestic violence and designing evidence based policies to address it and assess how well they work. The Convention requires Parties to collect statistical data nationally, for example administrative data compiled by services, NGOs and the justice sector. Reporting must include specific details of the victim and perpetrator such as sex, age, and type of violence, the relationship of the perpetrator to the victim and where the offence took place. Parties are also required to support research into the causes and effects of violence and are encouraged to carry out population surveys to establish the extent and frequency of the phenomenon. This information must be made available to the public and the group of experts monitoring the Convention.

*In Spain, the 2003 Organic Act on Gender Violence provides for a State Observatory on Violence against Women to collect data and provide advice on gender violence matters (Article 30). This is a collegiate body, attached to the Ministry of Employment*

*and Social Affairs, which provides advice and analysis on gender violence matters, handles institutional collaboration, the preparation of reports and studies, and proposals for action in the sphere. It involves in its functioning the autonomous communities, local authorities, social actors, consumer and user associations, and women's organisations with a nationwide reach, as well as the most representative employers' and trade union organisations.*

## **Prevention**

### **Chapter III of the Convention**

Attitudes, prejudices, gender stereotypes and gender-biased customs or traditions influence patterns of behaviour that contribute to perpetuating violence. To prevent all forms of violence against women and domestic violence, the Convention requires Parties to adopt a series of measures to be implemented at the national level that:

- promote changes in attitudes and behaviour;
- take account of the needs of vulnerable people placing their human rights at the centre;
- encourage everyone, especially men and boys, to prevent violence;
- ensure culture, custom or religion are not used as a justification for violence;
- promote programmes and activities that empower women.

Prevention measures include the following:

- **Awareness-raising:** Raising public awareness and running campaigns on violence against women and domestic violence is essential. These initiatives help inform the public and enable people to recognise the different forms of violence and speak out against it. Equally important is providing information that let victims know where they can find help and what support is available, such as publicising the national helpline number for victims of all forms of violence against women.

*In 2004, in **Turkey**, the largest-circulation newspaper **Hürriyet** launched a campaign against domestic violence. The campaign provided a unique example of involving a private media institution in efforts to change attitudes and raise awareness of domestic violence in society. It catalysed support and co-operation from local authorities, politicians, religious leaders, opinion-makers and women's NGOs.*

*From 2006 to 2008, the **Council of Europe** ran a European-wide campaign against domestic violence against women. Around 25 member states transformed it into a national campaign to raise awareness of domestic violence among the public.*

*In 2008, the Secretary-General of the **United Nations** launched the seven-year campaign "UNite to end violence against women" to mobilise political and financial support behind this objective.*

- **Education:** Attitudes and behaviours are shaped very early in life so it is important to teach children equality and mutual respect in relationships. Parties are encouraged to include teaching material on equality issues at all levels of the curricula in schools and promote these principles in informal educational settings such as community centres and sports facilities.

***Switzerland** has established a course for use in state schools to address domestic, sexual violence and youth violence. **UNICEF** has initiated a comprehensive educational programme called "Safe and Enabling Schools", including a major campaign to stop*

*violence amongst children. The purpose of the campaign is to provide a safe environment for all children in primary and secondary school. In **Croatia**, this campaign has been introduced in more than 400 schools.*

- **Training of professionals:** Training all relevant professionals in prevention and detection of violence, equality, survivor's needs, prevention of re-victimisation and promotion of inter-agency cooperation.

*In **Denmark**, domestic violence has been integrated in the curriculum of medical students, nurses, and candidates in public health science. It is also a topic in the post-graduate training in the medical specialities of Gynaecology, General Practice, and Psychiatry. In the **United Kingdom**, specific training programmes are available for judges dealing with cases of domestic violence. Attending these courses is a requirement to become a specialist domestic violence judge. In **Spain**, the setting up of specialised courts for cases of domestic violence has also provided an opportunity for providing specific training for judges and prosecutors.*

- **Preventive intervention and treatment programmes:** The Convention requires Parties to set up or support treatment programmes for perpetrators of domestic violence and sex offenders aimed at teaching them to adopt non-violent behaviour, take responsibility for their actions and examine their attitudes towards women. When setting up treatment programmes, safety and support for, and human rights of, survivors must remain the primary concern with programmes working in close cooperation involving specialist support services where possible.

*In the **United Kingdom**, the NGO Respect has developed accreditation standards for Domestic Violence Prevention Programmes and Integrated Support Services working with male perpetrators of domestic violence. The EU **Daphne project** "Work with Perpetrators of Domestic Violence in Europe" has developed standards for perpetrator programmes. In **Germany**, the NGO "Munich Information Centre for Men" (Münchner Informationszentrum für Männer e.V.) offers anger management classes, perpetrator programmes for abusive men and male sex offenders as well as counselling on custody issues for parents who seek a divorce as a result of domestic violence.*

## **Protection and support**

### **Chapter IV of the Convention**

Providing the best possible protection and support for victims is essential to prevent further violence and assist their physical, psychological and social recovery. The Convention includes a range of protection measures, such as:

- establishing emergency barring orders to remove perpetrators from the family home and restraining or protection orders;
- ensuring survivors are informed of their rights and know where and how to get help;
- providing specialised support services;
- encouraging reporting of violence by witnesses and professionals;
- protecting and supporting children who witness violence.

## Specialist support services

Central to support for women victims of violence are specialist support services. These services provide a gender sensitive approach that is tailored to meet the needs of survivors, many of whom suffer from repeated violence and are traumatised. Specific groups of women have particular needs such as young women, migrant women and women with disabilities. Support needs differ depending on the type of violence experienced and specific services are required, such as rape crises and sexual assault centres or women's shelters. Some women have complex needs which also require specialised support. Specialised services must:

- be immediate, short-term and long-term;
- spread across the country;
- be accessible to all survivors and their children (and in a language they understand);
- have skilled staff and adequate resources and funds;
- be able to empower survivors.

*The city of Brussels has set up a special service called "the Office for Police Assistance to Victims", which welcomes victims, their close relatives and witnesses of violence, while at the same time advising and assisting police officers. The staff consists of psychologists and criminologists. In Sweden, the National Centre for Battered and Raped Women provides training and practical guidance for health and medical staff in the area of sexual violence and serves as a national resource centre offering expert information on the subject.*

## Support for victims of sexual violence

Survivors of sexual violence, including rape, require immediate medical care, forensic examination and trauma support as well as long-term psychological counselling from sensitive, well-trained and specialised staff. This requires the provision of sufficient, easily accessible, rape crisis or sexual referral centres for survivors. The Council of Europe Task Force to Combat Violence against women and domestic violence recommended one centre per every 200,000 inhabitants.

*Since the 1980s, the United Kingdom has set up Sexual assault (referral) centres (SACs/SARCs), which strive to ensure high quality forensic responses and provide short-term counselling for recent sexual assault victims. Norway has set up service centres for victims of rape and sexual violence in every county. These are linked to inter-municipal emergency clinics. Sweden has set up a National Centre for Battered and Raped Women, which carries out medical examinations and provides treatment and support to victims.*

## Protection and support for child witnesses

Children in families where there is violence are usually aware of it and may also experience abuse themselves, which both cause significant harm. Services that support victims of violence against women and domestic violence must take into account the needs of children who have witnessed the violence and provide psycho-social counselling tailored to their needs. Any support provided must be in the best interests of the child.

*Sweden's Action Plan on violence against women refers to the United Nations Convention on the Rights of the Child to highlight the fact that children who "only" witness violence against adults close to them are also entitled to protection.*

## Reporting by professionals

The majority of incidents of violence against women go unreported. Violence often happens behind closed doors and victims suffer in silence. This is a major challenge to protecting victims, preventing further violence and prosecuting perpetrators. Professionals working with victims, such as doctors, psychologists and social workers are often aware that violence has happened and are concerned it will happen again, but professional rules of confidentiality prevent them from reporting it. The Convention provides for the possibility for rules of confidentiality to be lifted to enable professionals to choose to report serious incidents of violence when they believe it has occurred and will occur again.

*In **Spain**, the Law on Court Orders for the Protection of Victims of Domestic Violence places an obligation on public and private social service institutions and bodies that become aware of incidents of domestic violence to report them to the duty magistrate or public prosecutor, with a view to instituting proceedings for the adoption of a protection order.*

## Substantive law Chapter V of the Convention

The Convention introduces a range of civil and criminal law measures to fill existing gaps in legislation which many victims of the various forms of violence against women and domestic violence encounter when seeking justice. These gaps range from compensation schemes that are lacking and issues around custody rights to the fact that many forms of violent behaviour are not considered a crime in many member states.

## Civil lawsuits and remedies

The objective of this provision is to provide for civil law remedies that allow courts to stop a particular conduct and enable victims to apply for court orders, such as injunctions, barring orders, restraining orders or non-molestation orders. These orders are important protective measures as they prevent the perpetrator for example from approaching the victims in their home and surrounding area. In cases of domestic violence these orders can give the victim longer term protection not available under emergency protection orders.

The state is responsible for the protection of women against all forms of violence and domestic violence. It is the state's responsibility to ensure that state authorities thoroughly prevent, investigate and punish acts of violence. If the authorities have failed to adequately support and protect victims then civil law remedies must be provided to address this failure.

*In the case **Bevacqua and S. v. Bulgaria**, the applicant claimed she was regularly battered by her husband, left him and filed for divorce, taking their three-year-old son with her. However, she maintained that her husband continued to beat her. She spent four days in a shelter for abused women with her son but was allegedly warned that she could face prosecution for abducting the boy, leading to a court order for shared custody, which, she stated, her husband did not respect. Pressing charges against her husband for assault allegedly provoked further violence. Her requests for interim custody measures were not treated as priority and she finally obtained custody only when her divorce was pronounced more than a year later. The following year she was again battered by her ex-husband and her requests for a criminal prosecution were rejected on the ground that it was a "private matter" requiring a private prosecution. The **European Court of Human Rights** found a violation of Article 8 (right to respect for family life) given the Bulgarian authorities'*



*failure to adopt the measures necessary to punish and control the applicant's husband. The Court also stressed that considering the dispute to be a "private matter" was incompatible with the authorities' obligation to protect the applicant's family life.*

## Compensation

The Convention sets out the right to compensation for damages suffered as a result of any of the covered offences. It is primarily the perpetrator who is liable for damages and restitution, with the Parties having a subsidiary obligation to do so in situations where the victim has sustained serious bodily injury or impairment of health.

The subsidiary obligation for the state to compensate 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.

*In 1976, **Germany** introduced the Law on the Compensation of Victims of Violent Crime which guarantees victims of violent crime such as rape, sexual assault, physical assault and murder compensation for the consequences of the violence they experienced (medical costs, psychological counseling, inability to work, etc.).*

## Custody, visitation rights and safety

Perpetrators of violence have used access visits to their children to attack the victim again and serious violence and even murder have resulted. All legal measures to protect victims should be consistent. For example, if perpetrators are prevented from having access to the victim through the civil court, they should not be given access to the victim by the family court. Thus, the Convention ensures that significant incidents of violence are taken into account when deciding visitation and custody rights of children, in the best interest of the child.

## Forms of violence

The Convention asks the Parties to criminalise a wide range of forms of violence, including:

- **Psychological violence:** intentionally intimidating, harassing or threatening someone over a period of time causing them trauma. In intimate relationships, psychological violence can often be followed by physical and sexual violence.

*In **France**, the offence of psychological violence was introduced in the criminal code in 2010. This crime can be punished with severe sanctions, ranging from three years of detention to 75,000 euros fines.*

- **Stalking:** repeatedly threatening someone by following, engaging in unwanted communication or informing them they are being observed intentionally causing them to fear for their safety. This could include damaging property, targeting victim's family, friends or pets or spreading false information on the internet.

While psychological violence and stalking should in principle be criminalised, the Convention allows for reservation to give flexibility to Parties whose legal systems provide for non-criminal sanctions for these types of behaviour. However non-criminal sanctions must be applied and these must be sufficient to punish the perpetrator and deter them from this behaviour in the future.

*In **Italy**, stalking became a criminal offence in 2009. It can be punished with imprisonment, ranging from six months to four years. If the perpetrator is a former*

*spouse or someone who used to be in an intimate relation with the victim, the sanction can be raised to up to six years' imprisonment. The same applies if the victim is a minor.*

- **Sexual violence, including rape:** any sexual act intentionally performed on someone without their consent. This includes penetration of any part of the body with any part of the perpetrator's body or with an object. Sexual violence offences often go unpunished with victims not believed if they cannot show they tried to resist the attack. To address this gap, the Convention requires that the circumstances in which the act took place must be considered when assessing if consent was given, regardless of whether the victim put up any physical resistance. This provision also criminalises rape in marriage, between partners or between former spouses or partners.

The Declaration on the Elimination of Violence against Women, adopted by the General Assembly of the **United Nations** in 1993, explicitly mentions marital rape as a form of violence against women.

- **Sexual harassment:** 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. Again, the Convention allows Parties to opt for a non-criminal sanction for this type of behaviour, meaning a civil or administrative law sanction.
- **Forced marriage:** the act of intentionally using physical or psychological threats to force an adult or a child to marry or taking an adult or a child to another country in order to force them to enter into a marriage.

*In the United Kingdom, campaigning by the NGO Southall Black Sisters resulted in the development of police guidelines on forced marriages and improvements in the response of the UK Foreign and Commonwealth Office to cases of British nationals being forced into marriage abroad. The Criminal Code of Bulgaria makes it an offence to force another person to enter into marriage as well as to abduct a woman for the purpose of forcing her to enter into marriage.*

- **Female genital mutilation (FGM):** includes all procedures that intentionally alter or injure female genital organs for non-medical reasons. This causes irreparable permanent damage and is usually conducted without the victim's consent. Criminal sanctions are also imposed in the Convention on anyone assisting the perpetrator to perform FGM.

*In Austria, until 2001, causing bodily harm was not punishable if done with the consent of the injured Party. As a result, the practice of female genital mutilation was not punishable if the girl's parent or guardian gave legal consent. With an amendment to the criminal code, Austria ensured that consent cannot be given to 'a mutilation or wounding of the genitals that is intended to bring about a permanent impairment of sexual sensation'.*

- **Forced abortion and forced sterilisation:** include performing an abortion on a woman without her prior and informed consent; and 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.

### **Aiding or abetting and attempt**

Anyone who intentionally assists, encourages or supports someone to carry out the crimes of psychological, physical or sexual violence, stalking, forced marriage, FGM or forced abortion and forced sterilisation is also guilty of a criminal act under the Convention. This provision covers

offences under criminal, administrative and civil law. It is also an offence to intentionally attempt to commit physical or sexual violence, forced marriage, FGM, or forced abortion and forced sterilisation.

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

To address the root causes of violence against women and tackling attitudes that perpetuate violence, the Convention enshrines the principle that criminal behaviour is not acceptable under any circumstances. Culture, religion, tradition or other personal reason for criminal behaviour cannot be accepted as a defence for violence against women or domestic violence and these grounds must not be used by the judiciary as a reason when interpreting the law. Acts of violence on these grounds are often carried out by children too young to face prosecution encouraged by an adult member of the family or community. To address this gap, Parties must hold anyone who instigates such crimes liable to a criminal offence.

### **Jurisdiction**

Principles of jurisdiction similar to those in other Council of Europe Conventions apply to ensure that:

- Parties are required to punish the perpetrators of criminal offences in their territory, on board a ship flying its flag or aircraft registered under its laws or if a national or person usually living in their territory has committed the offence.
- Parties are encouraged to try and prosecute any offences committed against their nationals or persons habitually residing in their territory when they are abroad, in order to protect them.
- any national who commits offences of sexual violence, forced marriage, FGM or forced abortion and forced sterilisation is punished by Parties even when the offence is committed abroad. This is regardless of whether these offences are criminalised in the country where they took place or whether a complaint was made by the victim or investigated by the authorities in that country.
- the perpetrator living in their territory is prosecuted by the Party if he is not extradited to the country where the offence was committed or where the victim is from.

### **Sanctions and measures**

Parties are required to ensure that sanctions imposed for offences covered by the Convention reflect the seriousness of the violence. Sanctions must be “effective, proportionate and dissuasive” and can include imprisonment or withdrawal of parental rights if the best interests of the child, this may include the safety of the victim, cannot be guaranteed in any other way.

### **Aggravating circumstances**

The Convention provides for tougher sentencing in certain circumstances, for example if the offence was committed by a close family member, repeatedly, against a particularly vulnerable person, against or in the presence of a child, where the offence was committed by several people, was committed with extreme violence, with the use or threat of a weapon, causes severe harm to the victim and where the perpetrator has a previous conviction for a similar offence.

*In **Spain**, following the adoption of the Organic Act on Gender Violence, Article 148 of the Criminal Code was amended to increase the sanction if acts of assault are directed against the (former) spouse or someone with whom the aggressor had an equivalent relationship, irrespective of cohabitation. In **Belgium**, the criminal code does not provide for a specific offence of domestic violence.*

*However, if physical violence is committed by a current or former spouse or partner, it is considered as a more serious crime, and punished with more severe sanctions.*

### **Prohibition of mandatory alternative dispute resolution processes or sentencing**

Alternative methods for resolving a dispute in cases where violence has occurred is forbidden as the process of mediation can never be equal between the victim and the perpetrator. If violence covered by the Convention has occurred it is a criminal offence and must be prosecuted as such. If the perpetrator is ordered to pay a fine Parties must ensure that this does not lead indirectly to financial hardship for the victim. Victims are often members of the same family as the perpetrator and any fine may impact on the family income or alimony payments.

## **Investigation, prosecution, procedural law and protective measures Chapter VI of the Convention**

### **Risk assessment and risk management**

Many victims are threatened with serious violence or even death by the perpetrator, particularly when they leave or when the perpetrator faces prosecution. To provide protection for the victim at all stages of the investigation an assessment of the level of danger a particular victim faces must be taken by all the relevant authorities in working together and a plan put in place to manage the risk. The assessment must also establish if the perpetrator owns, or has access to firearms. In these cases, Parties could adopt measures that allowed for the immediate confiscation of any firearms and ammunition to protect the victim.

*In the **United Kingdom**, Multi-Agency Risk Assessment Conferences for very-high-risk victims (MARACs) meet once a month to exchange information and take action to prevent harm to victims and their children. They link together various authorities and service providers, such as the police, the probation service, local authorities, health and housing authorities, shelters and support services. MARACs draw up individual plans to enhance the victims' safety. These conferences are essential to identify and fill gaps in information.*

### **Emergency barring orders**

To provide immediate protection for the victim, the Convention provides for the removal of the perpetrator of domestic violence from their home, putting physical distance between them to prevent further violence. Removing the perpetrator, even if they are the owner of the residence, prevents further trauma to the victim, who would otherwise be forced to leave their home, often with their children, for their own safety. It is up to Parties to decide which authority is given the power to issue barring orders, but the safety of the victim or person at risk must remain the priority.

### **Restraining or protection orders**

Parties must ensure that orders are available to victims of all forms of violence covered by the Convention, to restrain the perpetrator and protect any contact with the victim for a specific period of time. To ensure immediate protection these orders must be:

- affordable;
- available for immediate protection;

- obtainable regardless of whether the perpetrator faces other legal proceedings;
- allowed during subsequent legal proceedings;
- available at the request of only one Party;
- issued without prejudicing the rights of the defendant to a fair trial.

*The Protection of Violence within the Family Act in **Austria** grants the police the right to evict the perpetrator of domestic violence from the common home for a period of ten days, as a preventing measure, without the victim's consent or request (ex officio). Within 24 hours, the police should send a report to an intervention centre, which offers the victim comprehensive counselling. One of the aims of this counselling is to enable the victim to make an informed decision as to whether or not to apply to a family court for a long-term protection order, lasting up to three months. Beneficiaries of these protection orders include not only spouses and partners but also a wide range of potential victims, such as all persons living together in a family-type arrangement.*

### **Measures of protection**

To ensure judicial proceedings respect victims' rights and avoid their facing further trauma during the judicial process Parties are required to introduce a range of protection measures including:

- ensuring the victim, their families and witnesses are safe from intimidation and retaliation;
- providing information on the whereabouts of the perpetrator to victims in particular danger;
- providing information on available services, the progress of the investigation and outcome of their case;
- the opportunity to be heard and supply evidence, to testify without being in the presence of the perpetrator and to have their privacy and identity protected;
- providing victims with language support free of charge when they are Party to the proceedings or giving evidence.

### **Migration and asylum**

#### **Chapter VII of the Convention**

Migrant and refugee women are particularly vulnerable to violence. Thus, the Convention prohibits discrimination on the grounds of migrant or refugee status when it comes to implementing its provisions. It also requires that measures are taken to prevent such violence and support victims while taking into account the needs of vulnerable persons.

### **Residence status**

The majority of Council of Europe member states require spouses or partners to remain married or together for a period of time before they are granted resident status in their own right. As a result many migrant and refugee women are afraid of leaving violent situations because they risk losing their residence status. The Convention establishes the possibility of independent residency status for migrant women who are victims of violence and enables migrant victims forced into marriage in another country to regain their residence status.

The Convention allows Parties to reserve the right not to apply the provisions regarding residency status or only to apply them in specific cases or conditions.

### **Gender-based asylum claims**

Women seeking asylum have specific protection concerns and worries that are different to those of men. Women may be unable or unwilling to disclose violence they have experienced, such as rape, during a refugee determination process that does not respect cultural sensitivities. They are often exposed to sexual harassment and sexual exploitation and are unable to protect themselves. To address the particular issues linked to women asylum-seekers, the Convention establishes the obligation to:

- recognise gender-based violence against women as a form of persecution within the meaning of the 1951 Refugee Convention;
- ensure that a gender-sensitive interpretation be given when establishing refugee status;
- introduce gender-sensitive procedures, guidelines and support services in the asylum process to allow for differences between women and men to be taken into account.

This provision and the provision of *non-refoulement* (below) are compatible with, and do not go beyond the 1951 Convention relating to the Status of Refugees and Article 3 of the European Convention of Human Rights as interpreted by the European Court of Human Rights.

*In 2002, the **United Nations High Commissioner for Refugees (UNHCR)** issued **Guidelines on International Protection: Gender-Related Persecution within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees**. The Guidelines are intended to provide legal interpretative guidance for governments, legal practitioners, decision-makers and the judiciary, as well as UNHCR staff carrying out refugee status determination in the field.*

### **Non-refoulement**

The Convention establishes the obligation to ensure victims who need international protection, regardless of status, are not returned to countries where they are at risk or may be subjected to torture or inhuman or degrading treatment or punishment. The principle of *non-refoulement* is a well established principle of asylum and of international refugee protection.

### **Monitoring mechanism Chapter IX of the Convention**

To ensure the Convention is implemented effectively by the Parties a monitoring mechanism will be established once the Convention enters into force. It will be composed of two bodies:

- **Group of experts on action against violence against women and domestic violence** – a technical body called the GREVIO, composed of between 10 and 15 independent experts on human rights, gender equality, violence against women and domestic violence or assistance to and protection of victims. This group will be made up from nationals of the Parties to the Convention and will have a gender, multidisciplinary and geographical balance. Its role will be to measure the extent to which the Parties have implemented the Convention.
- **Committee of the Parties** – a political body composed of representatives of the Parties to the Convention who will elect members of the GREVIO from candidates nominated by the Parties.

## **Procedure**

The GREVIO will receive reports from Parties to the Convention based on a questionnaire it will prepare. It may also receive information from NGOs and civil society, national institutions for the protection of human rights, the Council of Europe Commissioner for Human Rights, the Parliamentary Assembly and other specialised bodies of the Council of Europe or set up by other international instruments, such as the CEDAW Committee. If the information provided to it is not sufficient or if a particular issue requires immediate attention, the GREVIO can conduct a country visit in cooperation with the national authorities of the country concerned.

Based on the information received the GREVIO will draft a report for comment by the Party concerned. These comments will be taken into account in the final report and GREVIO will submit conclusions to the Committee of the Parties. The Committee of the Parties may adopt recommendations based on the GREVIO's conclusions, for the Party concerned to implement with a date to show compliance.

## **General recommendations**

The GREVIO may adopt recommendations that are not specific to any Party, but deal with issues of concern that are addressed to all state Parties and offer clear guidance on the effective implementation of the provisions in the Convention.

## **Parliamentary involvement in monitoring**

National parliaments are invited to participate in monitoring the Convention in recognition of the important role they play in its implementation and Parties are required to submit GREVIO reports to them for consultation.

For the first time in a Council of Europe Convention the Parliamentary Assembly is invited to regularly examine its implementation. This provision recognises the important role the Parliamentary Assembly has played in placing the issue of violence against women on the political agenda of the Council of Europe and member states and its longstanding commitment to the issue.

## **Relationship with other international instruments** **Chapter X of the Convention**

This provision covers the relationship between the Convention and any other international instruments to ensure that they coexist harmoniously. The Convention does not interfere with rights and obligations arising from provisions in international instruments on matters which the Convention also covers, such as, the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols and the United Nations Convention on the Elimination of All Forms of Discrimination Against Women and its Optional Protocol. The Convention is designed to strengthen the protection and support for victims of violence against women and domestic violence

Parties to the Convention are positively encouraged to work together through bilateral or multilateral agreements on matters covered by the Convention to strengthen its provisions or improve its application.

## **Final clauses**

### **Chapter XII of the Convention**

#### **Entry into force**

The Convention is open for signature by the member states of the Council of Europe, the non-member states which have participated in its elaboration (Canada, the Holy See, Japan, Mexico and the United States) and the European Union.

It will enter into force after it has been signed and ratified by ten states, eight of which should be Council of Europe member states.

#### **Accession**

After its entry into force, any non-member state of the Council of Europe may be invited to accede to the Convention.

#### **Reservations**

Parties may issue reservations only to articles for which this is expressly allowed and for a maximum period of five years, renewable only once. The possibility of making reservations should enable as many states as possible to ratify the Convention, while taking more time to adapt their legislation on specific matters.

Reservations are possible in respect to:

- Article 30 (Compensation), paragraph 2;
- Article 44 (Jurisdiction), paragraphs 1.e, 3 and 4;
- Article 55 (*Ex parte* and *ex officio* proceedings), paragraph 1 in respect of Article 35 regarding minor offences;
- Article 58 (Statute of limitation) in respect of Articles 37, 38 and 39;
- Article 59 (Residence status).

Parties can also reserve the right to apply non-criminal sanctions to Article 33 (psychological violence) and Article 34 (stalking).

Reservations should be made when the Convention is signed or ratified and can be withdrawn through a declaration to the Secretary General of the Council of Europe. After five years reservations lapse unless they are renewed. If a Party decides to renew its reservations it is required to inform the GREVIO of the reasons.



## ***Postface by the Deputy Secretary General of the Council of Europe***

There can be no doubt about it: violence against women and domestic violence are problems which affect all sections of society and are widespread throughout all our member states. Sexual violence and rape, sexual harassment, forced marriage, female genital mutilation, physical, sexual and psychological abuse by partners and forced abortion and sterilisation are a sad reality for all too many women in Europe and worldwide.

The Istanbul Convention is based on the understanding that violence against women is a form of gender-based violence that is committed against women because they are women and that women are more affected than men by the violence in question. As human rights are at stake here, states have a duty to tackle all the forms of violence involved and take steps to prevent it, protect the victims and prosecute the perpetrators. We must be clear: there can be no real equality between women and men if women experience gender-based violence on a large scale and state agencies and institutions turn a blind eye.

Although the Istanbul Convention addresses the forms of violence committed against women, it does not overlook the fact that men, children and the elderly may also be exposed to abuse within the family. In order to offer support and protection to all those who need it, the Parties to the Istanbul Convention are encouraged to apply the measures it sets out to all victims of domestic violence.

The Parliamentary Assembly has long sought to promote gender equality and urge governments to tackle the urgent problems posed by discrimination against women. In recognising violence against women as a major obstacle to gender equality, a violation of human rights and a threat to our societies, the Assembly played a significant part in encouraging the establishment of a comprehensive set of legally binding standards to combat such violence, both before and during the negotiations concerning the Istanbul Convention. The treaty is, in part, the culmination of these efforts and forms the most significant international raft of measures capable of bringing about change here. I count on the ongoing commitment of the Assembly actively to promote the Convention. The negotiation of the text generated powerful political momentum for combating violence against women. It is essential to build on that momentum so as to make sure that the treaty comes into force at the earliest opportunity.

With this Handbook, parliamentarians are given a practical tool for publicising the Istanbul Convention more widely and explaining its provisions and the reasons why they are so important. I am sure that you will find the convincing arguments which the situation demands. Women in Europe and worldwide are counting on your support.

Gabriella Battaini-Dragoni,  
*Deputy Secretary General  
of the Council of Europe*

## **Appendix I**

### **Council of Europe Convention on preventing and combating violence against women and domestic violence ( CETS No.210)**

Istanbul, 11 May 2011

## Appendix II

### List of Parliamentary Assembly resolutions and recommendations on violence against women (2000-2012)

- Resolution 1861 (2012) on Promoting the Council of Europe Convention on preventing and combating violence against women and domestic violence
- Resolution 1852 (2011) on Psychological violence
- Resolution 1853 (2011) on Protection orders for victims of domestic violence
- Opinion 280 (2011) on the draft Convention on preventing and combating violence against women and domestic violence
- Resolution 1765 and Recommendation 1940 (2010) on Gender-related claims for asylum
- Resolution 1714 and Recommendation 1905 (2010) on Children who witness domestic violence
- Resolution 1697 and Recommendation 1891 (2009) on Migrant women: at particular risk of domestic violence
- Resolution 1691 and Recommendation 1887 (2009) on Rape of women, including marital rape
- Resolution 1681 and Recommendation 1881 (2009) on The urgent need to combat so-called “honour crimes”
- Resolution 1670 and Recommendation 1873 (2009) on Sexual violence against women in armed conflicts
- Resolution 1662 and Recommendation 1868 (2009) on Action to combat gender-based human rights violations, including abduction of women and girls
- Resolution 1654 and Recommendation 1861 (2009) on Femicides
- Resolution 1635 and Recommendation 1847 (2008) on Combating violence against women: towards a Council of Europe Convention
- Resolution 1582 and Recommendation 1817 (2007) on Parliaments united in combating domestic violence against women: mid-term assessment of the campaign
- Recommendation 1777 (2007) on sexual assaults linked to “date-rape drugs”
- Resolution 1512 and Recommendation 1759 (2006) on Parliaments united in combating domestic violence against women
- Recommendation 1723 (2005) on Forced marriages and child marriages
- Recommendation 1681 (2004) on the Campaign to combat violence against women in Europe
- Resolution 1327 (2003) on so called “honour crimes”
- Recommendation 1582 (2002) on domestic violence against women
- Resolution 1247 (2001) on female genital mutilation
- Recommendation 1450 (2000) on violence against women in Europe

## Appendix III

### List of case-law of the European Court of Human Rights on violence against women

- İzci v. Turkey, 2013
- Eremia and Others v. the Republic of Moldova, 2013
- Valiulienė v. Lithuania, 2013
- Irene Wilson v. the United Kingdom, 2012
- B.S. v. Spain, 2012
- A.A. and Others v. Sweden, 2012
- I.G. v. the Republic of Moldova, 2012
- Kaluczka v. Hungary, 2012
- V.C. v. Slovakia, 2011
- Yazgül Yılmaz v. Turkey, 2011
- Ebcin v. Turkey, 2011
- Izevbekhai v. Ireland, 2011
- Omeredo v. Austria, 2011
- Hajduová v. Slovakia, 2010
- A. v. Croatia, 2010
- N.v. Sweden, 2010
- E.S. and others v. Slovakia, 2009
- Opuz v. Turkey, 2009
- Branko Tomašić and others v. Croatia, 2009
- Bevacqua and S. v. Bulgaria, 2008
- Maslova and Nalbandov v. Russia, 2008
- Kontrova v. Slovakia, 2007
- M.C. v. Bulgaria, 2003
- Aydin v. Turkey, 1997
- X. and Y. v. the Netherlands, 1985

## **Appendix IV**

### **List of other relevant international instruments and standards**

- Council of Europe Recommendation (2002)5 of the Committee of Ministers to member states on the protection of women against violence
- United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol
- General Recommendation No. 19 of the CEDAW Committee on violence against women
- United Nations Convention on the Rights of the Child and its Optional Protocols
- United Nations General Assembly Declaration on the Elimination of Violence against Women
- Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belem do Para)
- Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol)

## Why support the Istanbul Convention?

- as a political stand, to give a clear and incontrovertible sign that, as legislators, we consider violence against women as a crime and a human rights violation, and we are not prepared to condone it, justify it or minimise it;
- because it excludes that culture, custom, religion or so-called “honour” can be used as a justification for any act of violence;
- because it aims at changing attitudes and gender stereotypes that make violence against women acceptable;
- because it will be effective in tackling violence against women as it is based on a coordinated approach, in which prevention, protection, prosecution and integrated policies are all taken into account;
- because it covers all forms of violence against women, and can also apply to other victims of domestic violence including children, men and the elderly;
- because it aims at guaranteeing minimum standards, while leaving the possibility for states to maintain or introduce more protective standards;
- because its implementation will be monitored by a strong and independent mechanism;
- because as an additional guarantee of its effective implementation, it provides for national parliaments to be involved in the monitoring procedure;
- because strong political and legal action to eradicate violence against women is necessary and long overdue.

***The members of the  
Parliamentary Network  
“Women Free from Violence”***