



COUNCIL
OF EUROPE
CONVENTION
**ON PREVENTING
AND COMBATING
VIOLENCE AGAINST
WOMEN AND
DOMESTIC VIOLENCE**
ISTANBUL CONVENTION

A global tool to prevent
and combat violence
against women and girls

SAFE FROM FEAR
SAFE FROM
VIOLENCE

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE



STRENGTHENING THE INTERNATIONAL LEGAL FRAMEWORK

■ Acts of violence against women – whether physical violence, sexual abuse, forcing girls into unwanted marriages or female genital mutilation – are neither random misfortunes nor isolated crimes. They are part of a social mechanism which allows or tolerates discrimination against women. Because of widespread inaction to stop it, violence against women and girls represents perhaps the most pervasive human rights violation of our times.

■ The concept of violence against women as a form of discrimination and a human rights violation – first introduced by the global women’s rights movement – has progressively gained acceptance at the international level since the 1990s. In 1992, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Committee adopted its trailblazing General Recommendation No. 19, thereby establishing that gender-based violence was a form of discrimination against women and linking the achievement of gender equality to the eradication of violence against women, and vice versa. The United Nations General Assembly Declaration on the Elimination of Violence against Women, adopted a year later in 1993, specified the types and forms of violence against women and the contexts in which it occurs.

■ The first regional treaty on violence against women, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (1994, Belém do Pará) recognised violence against women as a human rights violation in its preamble. The second regional treaty, the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, adopted in 2003 by the African Union, linked the eradication of violence against women to the advancement of women in all aspects of life by introducing a prohibition of violence against women.

■ The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, Istanbul Convention), the third regional treaty, builds on these landmark developments and moves the international legal framework a step further by establishing a legally-binding definition of violence against women as “a violation of human rights and a form of discrimination against women”. Taken together, CEDAW and the three regional treaties make up a global human rights legal framework to strategically and effectively address all forms of violence against women.



GROUND-BREAKING FEATURES OF THE ISTANBUL CONVENTION IN THE INTERNATIONAL CONTEXT

■ The Istanbul Convention is the most far-reaching international treaty to tackle violence against women. It breaks new ground by requesting parties to criminalise the various forms of violence against women, including physical, sexual and psychological violence, stalking, sexual harassment, female genital mutilation, forced marriage, forced abortion and forced sterilisation.

■ Building on the jurisprudence of the European and Inter-American Courts of Human Rights, the Istanbul Convention integrates the “due diligence” standard and defines it as the obligation of parties to “prevent, investigate, punish and provide reparation for acts of violence perpetrated by non-state actors”.

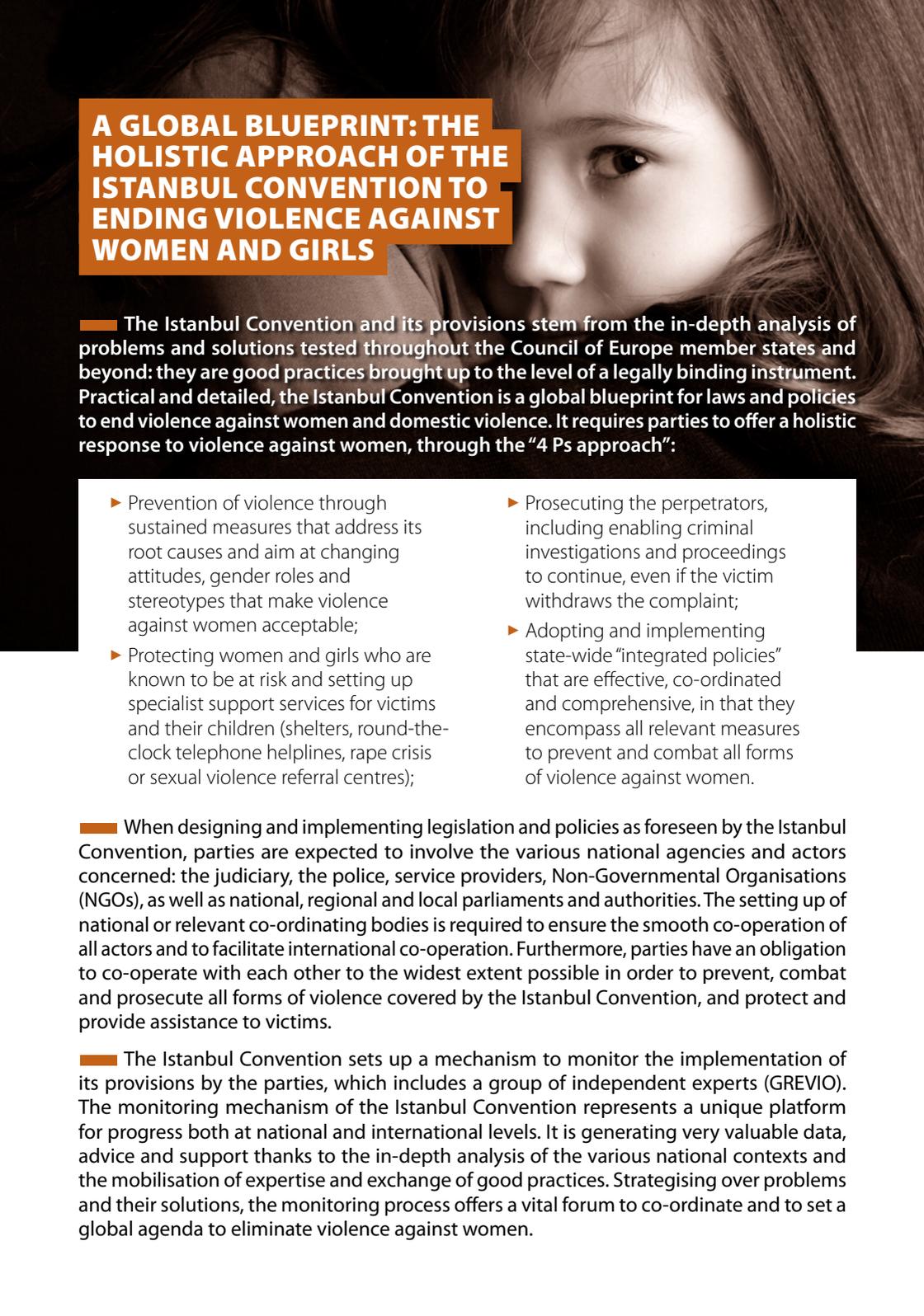
■ The Istanbul Convention is the first international treaty to contain a definition of gender as a socially constructed category that differentiates between “women” and “men” according to socially assigned roles, behaviours, activities and attributes.

■ Of particular relevance in the international context, the Istanbul Convention explicitly states that it shall apply in times of peace and in situations of armed conflict.

■ The Istanbul Convention takes a vital “cross-border approach”, given the transnational nature of some of the forms of violence against women. Forced marriages, for example, often entail crossing borders because children or adults are taken abroad for this purpose. The Istanbul Convention makes it clear that such conduct is a crime. To increase prosecution rates, the Istanbul Convention makes it obligatory for parties to extend their jurisdiction to cover crimes committed abroad by their nationals, and even makes it possible to prosecute their residents. Conversely, the Istanbul Convention creates the framework for greater access to justice for nationals or residents of parties who become victims of crimes of violence against women while abroad.

■ In a fundamental departure from the gender blindness that has often characterised the application of the 1951 United Nations Convention relating to the Status of Refugees, the Istanbul Convention requires parties to ensure that gender-based violence may be recognised as a form of persecution when establishing refugee status or international subsidiary protection for women who may be fleeing from rape as used as a weapon of war, female genital mutilation or a life of domestic violence.

■ Another important feature of the Istanbul Convention in the international context relates to the protection it affords to migrant women. Sensitive to the problems faced by migrant women who are trapped in abusive relationships, the Istanbul Convention introduces a number of protection measures, including the option of granting them an autonomous residence permit, independent of that of their abusive spouse or partner.



A GLOBAL BLUEPRINT: THE HOLISTIC APPROACH OF THE ISTANBUL CONVENTION TO ENDING VIOLENCE AGAINST WOMEN AND GIRLS

— The Istanbul Convention and its provisions stem from the in-depth analysis of problems and solutions tested throughout the Council of Europe member states and beyond: they are good practices brought up to the level of a legally binding instrument. Practical and detailed, the Istanbul Convention is a global blueprint for laws and policies to end violence against women and domestic violence. It requires parties to offer a holistic response to violence against women, through the “4 Ps approach”:

- ▶ Prevention of violence through sustained measures that address its root causes and aim at changing attitudes, gender roles and stereotypes that make violence against women acceptable;
- ▶ Protecting women and girls who are known to be at risk and setting up specialist support services for victims and their children (shelters, round-the-clock telephone helplines, rape crisis or sexual violence referral centres);
- ▶ Prosecuting the perpetrators, including enabling criminal investigations and proceedings to continue, even if the victim withdraws the complaint;
- ▶ Adopting and implementing state-wide “integrated policies” that are effective, co-ordinated and comprehensive, in that they encompass all relevant measures to prevent and combat all forms of violence against women.

— When designing and implementing legislation and policies as foreseen by the Istanbul Convention, parties are expected to involve the various national agencies and actors concerned: the judiciary, the police, service providers, Non-Governmental Organisations (NGOs), as well as national, regional and local parliaments and authorities. The setting up of national or relevant co-ordinating bodies is required to ensure the smooth co-operation of all actors and to facilitate international co-operation. Furthermore, parties have an obligation to co-operate with each other to the widest extent possible in order to prevent, combat and prosecute all forms of violence covered by the Istanbul Convention, and protect and provide assistance to victims.

— The Istanbul Convention sets up a mechanism to monitor the implementation of its provisions by the parties, which includes a group of independent experts (GREVIO). The monitoring mechanism of the Istanbul Convention represents a unique platform for progress both at national and international levels. It is generating very valuable data, advice and support thanks to the in-depth analysis of the various national contexts and the mobilisation of expertise and exchange of good practices. Strategising over problems and their solutions, the monitoring process offers a vital forum to co-ordinate and to set a global agenda to eliminate violence against women.



HOW THE ISTANBUL CONVENTION CAN BE USED IN STATES THAT ARE NOT MEMBERS OF THE COUNCIL OF EUROPE

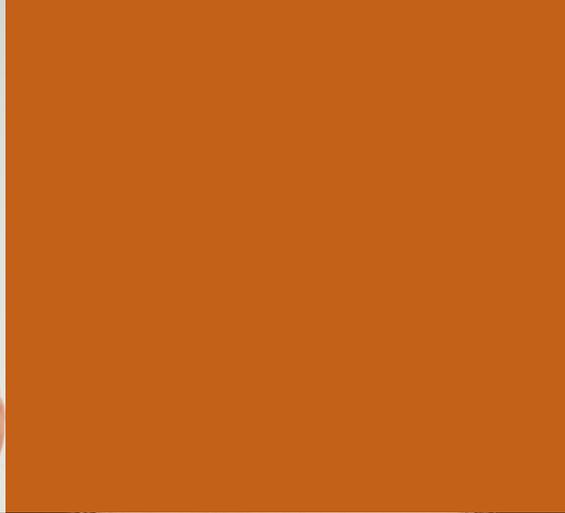
A CALL TO ACTION

— No matter how powerful it may be as a standard, the Istanbul Convention is not an end in itself. It is a call to action: for countries to sign and ratify the convention, for governments to design and implement the policies required by the convention, for parliaments and parliamentarians to be continuously engaged in reviewing legislation and monitoring the effectiveness of the measures taken and for local authorities and civil society to actively participate in the response to violence against women.

— Making the Istanbul Convention a reality requires a dynamic global alliance and a sustained effort to implement its provisions whenever and wherever women and girls suffer gender-based violence, the world over.

— Violence against women and girls is a worldwide phenomenon. The Istanbul Convention was drafted with the understanding that measures to address this global problem should not be limited to a particular geographic area. The convention is open to accession by any country in the world.

— As a comprehensive blueprint for an all-encompassing national response to violence against women and domestic violence, the convention offers guidance and inspiration for any government in the world wishing to address any form of violence against women covered by it, whether they formally become parties or not. To non-governmental organisations, it provides a sound basis for advocacy for an improved government response to violence against women and serves as a policy document. Recognising the importance of foreign aid in supporting beneficiary countries to make progress in the reduction of violence, the Istanbul Convention encourages parties to integrate measures to prevent and combat violence against women and domestic violence in their assistance programmes. It may be an interesting tool to use as part of any feminist foreign policy approaches.



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The Council of Europe is the continent's leading human rights organisation. It comprises 46 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.

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