



COMMISSIONER FOR HUMAN RIGHTS
COMMISSAIRE AUX DROITS DE L'HOMME



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Mr Andrej PLENKOVIĆ
Prime Minister
Croatia

Strasbourg, 24 March 2017

Dear Prime Minister,

Further to my visit to Croatia last year, I should like to take this opportunity to continue my dialogue with your authorities and address the issue of the ratification by Croatia of the Council of Europe Convention on preventing and combating violence against women and domestic violence ('Istanbul Convention').

I have noted with interest the decision which was adopted last February by the Croatian Ministry for Demographics, Family, Youth and Social Policy to task a working group with the preparation of the Law on Ratification of the Istanbul Convention. This step is a welcome indication of the Croatian authorities' commitment to ratifying this important Convention. Having noted nevertheless that some misconceptions about the Convention have been promoted in public discourse in Croatia, in particular concerning the use of the term "gender", I would like to offer some clarifications, in the hope that they will be useful in further explaining the value of prompt ratification of this ground-breaking human rights instrument.

Violence against women and domestic violence are serious human rights violations that affect all Council of Europe member states, including Croatia. Violence is considered "gender-based" when it impacts predominantly women, and/or affects them because of the very fact that they are women. Although men, too, can be victims of domestic violence, in the vast majority of cases the victims are women and girls. Children can either be direct victims of domestic violence or suffer the lasting psychological impact of witnessing violence inflicted on other family members.

The Istanbul Convention is a unique legal instrument that tackles violence against women comprehensively and in all its forms. It covers not only domestic violence but also other forms of gender-based violence such as psychological and physical abuse, sexual harassment and rape, so-called "honour" killings, stalking, female genital mutilation, forced marriage, forced abortion and forced sterilisation, and the need to recognise gender-based violence as a ground for asylum.

The Convention, which was adopted in 2011 and entered into force in 2014, is based on the most up-to-date research on what is necessary to effectively combat violence against women and domestic violence. As such, it requires states to implement a comprehensive array of practical measures to **prevent** violence against women (including through awareness-raising and education campaigns), to **protect** the victims (including through the availability of shelters and psychosocial support) and to **prosecute** the perpetrators.

During my country visits, I have encountered objections to the very use of the word "gender" in the context of promoting the ratification of the Istanbul Convention. The definition contained in the Convention indicates that while the term "sex" refers to the biological characteristics that define humans as female and male, gender "shall mean the socially constructed roles, behaviours, activities and attributes that a society considers appropriate for women and men." This definition is also used by the Committee on the Elimination of Discrimination against Women and other UN mechanisms. It is this meaning that enters into play in the use of the expression "gender stereotypes".

Some critics may acknowledge that violence against women is a problem, but wish to prevent governments from challenging traditional gender roles and stereotypes, due to a cultural affirmation that men and women should play very different roles in public life and within the family. This approach limits women to the stereotypical role of mothers, giving birth and staying at home to rear children. The critics go as far as to argue that the Istanbul Convention should not be ratified because it would endanger societies based on traditional families. However, I would like to reassure everybody that there is no such danger. On the contrary, all the measures provided for by the Istanbul Convention reinforce family foundations and links by preventing and combating the main cause of destruction of families, that is, violence.

The Istanbul Convention rests on the presumption that violence against women is a manifestation of a broader pattern of inequality that must be addressed and effectively tackled. This view is based on much scholarly research that critics appear to ignore. It reiterates the obligation to combat gender stereotyping through education and awareness-raising as a form of prevention of domestic violence. Such an obligation already stems from the ratification of the Convention on the Elimination of all Forms of Discrimination against Women. Moreover, one of the five objectives of the Council of Europe Gender Equality Strategy 2014-2017 is to combat gender stereotyping that presents "a serious obstacle to the achievement of real gender equality and feeds into gender discrimination". All states are bound to take appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices, and customary and other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women. The Istanbul Convention is fully in line with these international obligations.

I therefore strongly encourage Croatia to move quickly forward on its path towards the ratification of the Istanbul Convention. Many countries have recognised the importance of the Istanbul Convention as a key tool to assist them in fully abiding by their general obligation to combat violence, including against women, under international and European human rights law, including the European Convention on Human Rights. Since the adoption of the Istanbul Convention in 2011, 22 Council of Europe member states have ratified it, while 22 more have signed it. As I write, several countries are preparing for ratification, including Germany, Ireland and Switzerland. This constitutes a welcome trend, which Croatia should join.

I would be grateful if your authorities could bring my letter to the attention of the working group tasked with preparing the ratification of the Istanbul Convention and I look forward to receiving further information on the ratification progress.

Yours sincerely,



Nils Muižnieks