



COMMISSIONER FOR HUMAN RIGHTS
COMMISSAIRE AUX DROITS DE L'HOMME



Courtesy translation

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Strasbourg, 20 February 2017

Dear Chairperson,

I am writing to follow up on the meeting I had in Parliament in the course of my visit to Latvia in September 2016, during which we discussed, inter alia, next steps for Latvia's ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).

This letter reiterates some of the clarifications I shared at the time about the contents and objectives of the Istanbul Convention, and seeks to dispel common misconceptions about it. I hope it will be useful in further explaining the value of prompt ratification of this important Convention.

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

According to Latvian statistics and a 2014 study of the European Union (EU) Fundamental Rights Agency, 39% of women in Latvia have experienced physical and/or sexual violence since the age of 15. According to the Latvian Ministry of Welfare, at least 15 women were murdered by their partners in the years 2012-2015.

During my visit, about which I published a [report](#) on 13 December 2016, I discussed the Latvian government's efforts to tackle gender-based violence and domestic violence, including by introducing new social rehabilitation services, conducting a review of the relevant legislative framework, and signing the Istanbul Convention last May. Ratifying the Convention would enable Latvia to further build on those positive efforts.

The Istanbul Convention is a unique legal instrument to tackle comprehensively violence against women in all its forms. The Convention covers not only domestic violence but 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 is fairly recent, is based on the most up-to-date scientific 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.

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 21 more have signed it. As I write, several countries are preparing for ratification, including Germany, Ireland and Switzerland. This constitutes a welcome trend, which Latvia should join.

Some of the benefits of ratifying the Istanbul Convention are that:

- The Convention requires a systematic review by states of their legislation and practical arrangements regarding violence against women and domestic violence, as well as work to bring them up to the best international standards. Through this process, the Convention helps states to adopt a set of integrated policies on violence against women and to address its root causes.
- Member states engage in a constructive dialogue with the monitoring body of the Convention, the GREVIO, composed of international experts on violence against women, which can provide assistance to overcome implementation difficulties and share best practices from other states.
- States send a strong political message to their law enforcement bodies and judicial system that violence against women and domestic violence cannot be regarded as a “private” matter: they are serious violations of fundamental and universal human rights, which the state has the duty to prevent and punish.

Some critics of the Convention claim that it is unduly focused on women, while men can also be victims of violence. With regard to domestic violence in particular, no one can dispute that data shows it is women, in the vast majority of cases, who are exposed to violence inflicted by men. This is supported by data compiled by the Latvian government. That being said, the Istanbul Convention recognises that men and children are victims of domestic violence too and that this should also be addressed. More generally, numerous international studies show that women and girls are exposed to a higher risk of gender-based violence than men, and that violence specifically targeted at women remains widespread.

The Istanbul Convention does not seek to impart special rights on women. Article 4 requires that states parties “*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.*” The Convention instead emphasises that special measures are required to ensure that women and girls can enjoy in reality their fundamental rights to life, security, freedom, dignity, and physical and emotional integrity. It is not discrimination for states to take special measures to combat a crime that has a disproportionate impact upon women.

The Istanbul Convention aims at eradicating violence against women and domestic violence by prescribing the establishment of a comprehensive system to combat them effectively. Individual victims, families and society as a whole will all benefit if everyone can live in safety and security.

Latvia was the last EU member state to sign the Istanbul Convention. It should not further delay ratification, as this sends the wrong signal at the national and international level about its commitment to ensure the physical and psychological safety of women and girls and to combat domestic violence. I would appreciate receiving further information on progress made in parliament toward ratification of the Convention.

Yours sincerely,
Nils Muižnieks