
Draft Recommendation of support for the Istanbul Convention¹

For adoption by the Conference of INGOs on 15 October 2020

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Background

From the age of 15, one woman in three² is physically and/or sexually abused, one woman in five is stalked or threatened, and one in two faces one or more severe forms of sexual harassment, almost all women have experienced gender-based harassment. 3000 women are killed each year in Europe by an intimate partner or other family member³, usually after years of ordeal with children as witnesses.

In the context of an unprecedented global pandemic worldwide, the Secretary General of the United Nations affirms that "women and girls suffer the worst consequences of the massive social and economic impact of the pandemic"⁴. Domestic violence is on the rise, as are other crimes such as forced child marriages, excision, trafficking in women and girls, sexual exploitation of migrant and refugee women and girls, and harassment and violence in the public space⁵.

The Council of Europe has taken up this scourge and proposed to its member states the Convention on Preventing and Combating Violence against Women and Domestic Violence adopted by the Committee of Ministers on 7 April 2011 in Istanbul. Opened for signature on 11 May 2011, it came into force on 1 August 2014, with the ratification by the first ten states. As of September 2020, all Council of Europe member States, as well as the European Union, have signed the Convention with the exception of Azerbaijan and the Russian Federation, and 34 Council

¹ This Recommendation is proposed by the Vice President in charge of Equality with the participation of - Association of Women of Southern Europe (AFEM), Andante Europe (AE), European Centre of the International Council of Women (ECICW), European Network Church on the Move (EN-RE), International Alliance of Women (IAW), Soroptimist International of Europe (SIE), University Women of Europe (UWE), Zonta International (ZI)

² March 5, 2004, "Violence against women: an EU-wide survey", EU Agency for Fundamental Rights, <https://fra.europa.eu/fr/publication/2014/>

³ 87 000 women were intentionally killed in 2017 in the world, 58% by intimate partners of other family members, 137 women are killed every day, p. 14, Global Study on Homicide, Gender-related killing women and girls, UNODC, 2019

⁴ <https://www.un.org/press/fr/2020/dbf201001.doc.htm>

⁵ <https://data.undp.org/gendertracker/>

of Europe member States have ratified it. It should be noted that this binding Convention, a pioneer on the international level, has a universal vocation.

The process of ratification of the Istanbul Convention continues⁶. However, on the other hand, it has been suspended or is encountering strong opposition to its implementation or there is even a willingness to withdraw from it in more and more countries, including Bulgaria, Slovakia, Poland, Romania, Hungary and Turkey. We note that in these countries where conservative regimes allied with the most traditional religious forces are in power, there is a confusion between the legal reality of the provisions of the Istanbul Convention and their desire to curb the emancipation of women, equality between women and men, and the free choice of sexual orientation of their citizens. These member States are creating a climate of distrust and rejection of this Convention in civil society, which is imperative to prevent and combat violence against women and domestic violence. Some States are blocking the ratification process of the European Union to the Istanbul Convention.

We, the International Non-Governmental Organisations, members of the Conference of INGOs of the Council of Europe,

Reaffirm our commitment to the international and European legal instruments that enshrine equality between women and men as a principle, as human rights, and as universal objectives in all areas.

Recalling that these international legal instruments establish a national legal framework to prevent, combat and punish all forms of inequality, discrimination and violence against women, including:

- The European Convention on Human Rights, ECHR and the case law of the European Court of Human Rights;
- The founding Charter of the United Nations whose 75th anniversary is being celebrated;
- The Convention on the Elimination of All Forms of Discrimination against Women, CEDAW⁷;
- The International Covenant on Civil and Political Rights, ICCPR;
- The International Covenant on Economic, Social and Cultural Rights, ICESCR;
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- The Plan of Action of the World Conference on Women's Rights in Beijing, whose 25th anniversary is being celebrated;
- The Treaties of the European Union, in particular, the EU Charter of Fundamental Rights, whose 20th anniversary is being celebrated (Article 2 TEU, Article 23 Charter).

Recalling

- Recommendation CM/Rec(2019)1 of the Committee of Ministers to member states on preventing and combating sexism;
- Resolution 2289 (2019) by the Parliamentary Assembly of the Council of Europe on Istanbul Convention “Achievements and Challenges”
- Recommendation on Equality between Women and Men adopted by the Conference of INGOs on Wednesday 30 October 2019 CONF/PLE(2019)REC3;

⁶ <https://www.coe.int/en/web/istanbul-convention/home?>

⁷ CEDAW Committee, General Recommendation No. 28: Core obligations of States Parties under Article 2 CEDAW, 16 December 2010, paragraph 5

- Opinion No. 961/2019 of the European Commission for Democracy through Law, known as the Venice Commission.

Stressing that the Istanbul Convention reaffirms and consolidates the norms of the international and European legal instruments recalled above

Stressing the aim of the Istanbul Convention which according to its preamble "to create a Europe free from violence against women and domestic violence", "that the achievement of de jure and de facto equality between women and men is a key element in the prevention of violence against women, to "protect women against all forms of violence, and to prevent, prosecute and eliminate violence against women and domestic violence" (Article 1.1 a., Istanbul Convention). It applies to "all forms of violence against women, including domestic violence, which disproportionately affects women" (Article 2, Istanbul Convention).

Affirming our support for the bodies established for this purpose by the Convention:

- The Committee of the Parties gathering the States Parties to the Istanbul Convention for the first time on 4 May 2015, elects the Group of Experts on the fight against violence against women and domestic violence, GREVIO, adopts the evaluation reports of the States Parties to the Istanbul Convention with recommendations, monitors the implementation of the Convention
- The Group of Experts on the fight against violence against women and domestic violence, GREVIO (Articles 10, 66 to 69, Istanbul Convention) is the monitoring mechanism of the Convention has prepared a reference questionnaire for States Parties, ensures exchanges with States Parties for the purpose of preparing evaluation reports proposes practical and operational measures to be implemented within a given time frame to solve concrete problems.

Recalling that the Convention emphasizes a comprehensive approach comprising the different components of Prevention, Protection, Prosecution and Integrated Policies, the 4 Ps, to ensure the elimination of violence against women and domestic violence. It also emphasizes the clearly established principle that violence against women reflects traditionally unequal power relations between women and men. The Convention brings together the many forms of violence against women, ranging from female genital mutilation to domestic violence, under the heading of "gender-based violence against women" and stresses that inequality between women and men is the common structural cause of such violence. It calls on states to provide a comprehensive response to combat all these different manifestations of unequal power relations between women and men and the Council of Europe is a supporting force in this area⁸.

Recalling that according to its article 3a "violence against women" is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life";

That according to its article 3b "domestic violence" shall mean all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former

⁸ Work of the Gender Equality Commission of the Member States, <https://rm.coe.int/newsletter-30-/16809fc0c7>

or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim”;

That according to its article 3c “gender” shall mean the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men”;

That according to its article 3d “gender-based violence against women” shall mean violence that is directed against a woman because she is a woman or that affects women disproportionately”;

Recalling that the Istanbul Convention does not oblige the States Parties to it to introduce its gender definition in their legal order, but considering it as a tool for comprehension;

Recognising that the Istanbul Convention is the first European instrument to explicitly link these phenomena to negative gender stereotypes;

Affirming that the Istanbul Convention is the first European instrument to explicitly link gender stereotypes to criminal offences against women up to and including crimes

Noting the particularly high cost of gender-based violence and intimate partner violence in the member States of the European Union estimated at approximately 256 billion Euros⁹, which, in the 47 States Parties of the Council of Europe, gives an order of magnitude of the cost of violence amounting to more than 400 billion Euros per year;

Noting that prevention is urgent, life-saving for the victims and less costly for States;

Deploring the use by ultra-conservative, traditionalist currents of different religions of a so-called gender ideology as a means of justifying men's power over women, thus allowing psychological, physical and sexual violence against women, seeking to impose a subordinate status on them, depriving them of control over their own bodies and their reproductive health and attempting to adopt laws that violate their fundamental rights;

Recalling the obligation of States to ensure "that culture, custom, religion, tradition or so-called 'honour' shall not be considered a justification for acts of violence" against women, as affirmed in the Istanbul Convention by its article 12 §5, in accordance with international law;

We, the International Non-Governmental Organisations, members of the Conference of INGOs of the Council of Europe,

Urge civil society to defend equality between women and men, a sine qua non for the rule of law and democracy in these member States. To act to obtain the ratification and implementation without delay of the Istanbul Convention in all member States of the Council of Europe in accordance with their commitments. This Convention aims to protect millions of girls and women from violence and crimes;

Urge the Council of Europe member States to protect women from all gender-based and domestic violence, therefore to provide themselves with the necessary tools by ratifying the Istanbul Convention, to provide for criminal offences against them, to take measures to protect all victims of gender-based violence;

⁹ <https://eige.europa.eu/gender-based-violence/estimating-costs-in-european-union>

Call on the European Union to ratify the Istanbul Convention as a matter of urgency;

Call on member States to put in place education and information programmes on equality and non-discrimination between girls and boys from an early age in order to change behaviour and mentalities and to put an end to the gender stereotypes that are the breeding ground for such violence in accordance with article 14 of the Convention. To sensitise and inform the public on the prevention of violence, on the structural link between inequality between women and men and violence against women.

Call on member States to effectively support associations and INGOs of women's movements fighting for equality between women and men, against obscurantism, and seeing themselves attacked, despised and no longer receiving public funding, condemning them to eventually disappear, despite the relevance of their actions, their major role in public action, particularly in these times of crisis and article 8 of the Istanbul Convention.

Call on member States, which now know the foundations of violence against women and domestic violence, to respect their international and European commitments, to promote real equality between women and men in all fields and the fundamental rights of women through a global strategy by applying the Istanbul Convention and the implementation of the Council of Europe's Strategy for Equality between Women and Men¹⁰.

¹⁰ Gender Strategy for Equality, Council of Europe
<https://www.coe.int/en/web/genderequality/gender-equality-strategy>