

**The CSW 57 Agreed conclusions on the elimination and prevention of all forms of violence against women and girls uphold the holistic response of the Istanbul Convention and its progressive understanding of violence against women and States responsibilities<sup>1</sup>**

The 57<sup>th</sup> Session of the Commission on the Status of Women (4-15 March 2013) ended with a historic agreement in the form of “Agreed conclusions” (hereinafter Conclusions) which called upon States to take action to prevent and end violence against women and girls (VAWG). The Conclusions were the result of intensive negotiations, compromises and consensus seeking efforts among the 45 Member States of the Commission. The adoption of Conclusions demonstrates that there is global consensus on the gravity of violence against women as a human rights violation and the urgency of addressing it. This is the first time in history that this global body agrees on a document on the elimination and prevention of all forms of VAWG. The last time that the Commission took up the issue, ten years ago, no agreement was reached.<sup>2</sup>

In formulating the Conclusions, the CSW acknowledged the important role played by regional conventions and other instruments. The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) is not only the first legally-binding instrument in Europe, but it is also the most far reaching international treaty to tackle all forms of violence against women and girls. The Istanbul Convention expands the framework of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and codifies the previously non-legally binding international standards

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<sup>1</sup> This is not a formal working document. It is the result of Secretariat work and aims to be an information resource in the process of promoting the Istanbul Convention and creating synergies and cooperation with action taken by other regional and international organisations and bodies.

<sup>2</sup> At the 47<sup>th</sup> Session of the Commission on the Status of Women (New York, 3-14 March 2003), the Commission focused on two thematic issues: (1) participation and access of women to the media, and information and communication technologies and their impact on and use as an instrument for the advancement and empowerment of women; and (2) women’s human rights and elimination of all forms of violence against women and girls. The Commission adopted conclusions on the first, but not the second thematic issue. See also Commission on the Status of Women fails to adopt Draft Agreed Conclusions on Violence against Women as it closes Forty-Seventh session, Press release, 25 March, 2003.

contained in a range of international resolutions and recommendations. At the CSW side event organised by the Council of Europe and the Permanent Mission of France to the UN, the Istanbul Convention was described as the ‘gold standard’ and ‘primus inter pares’<sup>3</sup> among instruments targeting the elimination of violence against women, a legally binding text with a “global vocation” open for signature to all States and “the first international treaty that addresses violence against women in all its dimensions.”<sup>4</sup>

Overall, the CSW Agreed conclusions uphold the understanding of violence against women and the holistic response of the Istanbul Convention to violence against women and girls through prevention, protection, prosecution and integrated policies.

**Substantively**, the CSW Agreed conclusions cover all forms of violence under the scope of the Istanbul Convention, including physical, sexual and psychological violence, domestic violence, sexual harassment, stalking, forced marriage, female genital mutilation, forced abortion and forced sterilization. In alignment with the European instrument, the CSW Agreed conclusions urge States to adopt and implement comprehensive measures that criminalize violence against women and girls and provide for multi-disciplinary and gender sensitive preventive and protective measures. It also urges States to take measures to prohibit compulsory and forced alternative dispute resolution processes, including forced mediation and conciliation, in relation to all forms of violence against women and girls, as does the Istanbul Convention. The CSW Agreed conclusions clearly state commitments to those who are more vulnerable, such as migrant women and girls, who are a category also specifically covered by the Istanbul Convention.

The CSW Agreed conclusions call for developing **comprehensive approaches to prevention of violence**, especially by addressing structural and underlying causes of such violence, transforming social norms, developing appropriate education programs, working through media to eliminate gender stereotypes and conducting awareness raising campaign. All of these measures mirror the firm approach in the Istanbul Convention that violence against women cannot be eradicated without investing in gender equality and the Convention’s solid framework for prevention (Chapter III – articles 12-17).

Furthermore, the Agreed conclusions clearly outline States responsibilities for the establishment and provision of multisectoral services, programmes and responses for women and girls subjected to violence. This includes, as outlined in the Istanbul Convention also, adequately resourced and coordinated **general services** in the police and justice sectors, legal aid, health care, psychological and other counselling, as well as **specialist services**. Fully corresponding to the provisions of the Istanbul Convention on specialist services (art. 22-26),

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<sup>3</sup> Speech by Ms Lakshmi Puri, Assistant Secretary-General, United Nations, and Deputy Executive Director, UN Women. For more information see: <http://www.coe.int/conventionviolence-newyork2013>

<sup>4</sup> Speech by Ms Najat Vallaud-Belkacem, Minister for Women’s Rights and Government Spokesperson (France). For more information see: <http://www.coe.int/conventionviolence-newyork2013>

the CSW Agreed conclusions call for making available women's shelters and counselling centres, 24-hour hotlines, one stop crisis centres, child services, as well as assistance, protection and support through access to long-term accommodation, educational, employment and economic opportunities.

As in the Istanbul Convention, which provides for stronger **data collection and research on violence against women**, there is a call in the CSW Agreed conclusions for better data and analysis to improve the evidence base on violence against women, including risk factors, structural and underlying causes, to better inform the development of law, policies and awareness-raising efforts.

Building on this **strong alignment of the Istanbul Convention and the CSW Agreed conclusions** in terms of specific measures to be adopted and implemented by Member States, it is clearly apparent that signature, ratification and implementation of the Convention will also contribute to the implementation of the CSW57 Agreed conclusions. And vice-versa, the CSW Agreed conclusions will be a lever for action to ratify and implement the Istanbul Convention towards intensified and more effective State responses to violence against women and girls. The **synergy between the global and the European level** has also been very clearly expressed in the fact that many European governments among the 53 who joined the COMMIT initiative actually specified action related to the ratification and implementation of the Istanbul Convention. Among them, Austria, Belgium, Bosnia and Herzegovina, Finland, France, Georgia, Germany, Greece, the Netherlands, Norway, Poland, Serbia, Slovakia and Sweden.

## Appendix 1

### Synergies and complementarity between the CSW57 Agreed Conclusions and the Istanbul Convention

<b>CSW Agreed Conclusions (Adopted 15 March 2013)</b>	<b>Istanbul Convention</b>
Expression of global consensus on analysis of a priority theme (in this case, violence against women and girls) and a set of concrete recommendations for Governments, intergovernmental bodies and other institutions, civil society actors and other relevant stakeholders, to be implemented at the international, national, regional and local level.	European legally-binding instrument that provides standards to prevent and combat <b>violence against women and domestic violence</b> . It designs a comprehensive framework to protect and assist victims and it aims to ensure the adoption of an integrated approach for co-operation of all relevant actors, including international cooperation in this field. Also serves as an instrument to promote substantive gender equality and empower women.
<b>Definition of violence against women and girls</b>	
<b>Violence against women:</b> any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women and girls, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. <u>The Commission also notes the economic and social harm caused by such violence.</u>	<b>Violence against women is a human rights violation and a form of discrimination against women</b> (Article 3 (a)). <b>Violence against women means</b> “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” (Article 3(a)).  <b>Gender-based violence against women:</b> “violence that is directed against a woman because she is a woman or that affects women disproportionately” (Article 3 (d)).  Definition of violence against women <b>goes further than international framework by including “economic harm” and explicitly establishing such violence as a human rights violation.</b>

<b>Forms of violence covered</b>	
<p>Condemn <b>all forms of violence against women and girls</b> (Para 12)</p>	<p>Applies to <b>all forms of violence against women and girls, including domestic violence</b> (Article 2(1)). Allows for the application of its provisions to all victims of domestic violence, including men, the elderly and children (Art 2(2)).</p>
<p>Condemn all forms of violence against women and girls committed in armed conflict and post-conflict situations (Para 13)</p> <ul style="list-style-type: none"> <li>- Violence against women and girls in public spaces, including sexual harassment (Para 23)</li> <li>- Sexual harassment at the workplace ((v)), violence perpetrated by people in positions of authority ((x))</li> <li>- Gender-related killings of women (femicide or feminicide) (24)</li> <li>- Domestic violence ((d))</li> <li>- Sexual violence in conflict ((m))</li> <li>- Trafficking in persons ((p), (r), (t))</li> <li>- Child, early and forced marriage ((qq))</li> <li>- Female genital mutilation ((tt))</li> <li>- Cyberstalking, cyberbullying ((ww))</li> <li>- Forced medical procedures ((aaa))</li> </ul>	<p>Applies in times of peace and in situations of armed conflict</p> <p>The convention <b>defines the following forms of violence against women:</b></p> <ul style="list-style-type: none"> <li>- psychological violence (Article 33)</li> <li>- stalking (Article 34)</li> <li>- physical violence (Article 35)</li> <li>- sexual violence, including rape (Article 36)</li> <li>- forced marriage (Article 37)</li> <li>- female genital mutilation (Article 38)</li> <li>- forced abortion and forced sterilisation (Article 39)</li> <li>- sexual harassment (Article 40)</li> </ul>
<b>General principles</b>	
<p>The Commission affirms <b>that violence against women and girls is rooted in historical and structural inequality in power relations between women and men.</b> Violence against women and girls is [...] intrinsically linked with gender stereotypes that underlie and perpetuate such violence, as well as other factors that can increase women’s and girls’ vulnerability to such violence (10).</p> <p><b>Commission stresses due diligence</b> = States must exercise due diligence to prevent, investigate, prosecute and punish the perpetrators of violence against women and girls, end impunity, and provide protection as well as access to appropriate remedies for victims and survivors (Para 16).</p>	<p><b>Recognises the structural nature of violence against women</b> as a form of gender-based violence and that “it is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men” (Preamble).</p> <p><b>Establishes due diligence principle</b> = state responsibility for violence against women perpetrated by public authorities but also by private actors. Article 5 requires parties to: “exercise due diligence to prevent, investigate, punish and provide reparation for acts of violence covered by the scope of this Convention that are perpetrated by non - State actors” (paragraph 2).</p>

<p>Call, as a matter of priority, for <b>ratification of CEDAW, its Optional Protocol and limit the extent of any reservations</b></p> <p>Stresses the <b>realization of gender equality and the empowerment of women</b>, including women’s economic empowerment as essential for addressing the structural and underlying causes of VAWG (19)</p> <p>Calls for <b>mainstreaming of a gender perspective</b> into all legislation, policies and programmes and allocate adequate financial and human resources, including through the expanded use of gender responsive planning and budgeting, taking into account the needs and circumstances of women and girls, including victims and survivors of violence ((i))</p> <p><b>Support women’s organizations ((i))</b></p>	<p><b>Condemns all forms of discrimination against women</b> (Art 4 (2)), requires State Parties to promote policies of equality between women and men (Art 6).</p> <p><b>Applies a gender perspective throughout; Istanbul Convention is the first treaty that requires applying a gender perspective</b> in the design and evaluation of measures taken in its implementation (Article 6).</p> <p>Stresses the link between gender inequality and violence against women and therefore requires states parties to condemn and eliminate de facto and de jure discrimination against women (Article 4).</p> <p>Requires professionals in the judiciary and law enforcement agencies to adopt a gendered understanding of the different forms of violence against women to ensure it is adequately addressed in the delivery of justice.</p> <p><b>Recognizes, encourages and supports the work of relevant non-governmental organizations and of civil society</b> active in combating violence against women and requests the establishment of effective cooperation with these organizations (Art 9)</p>
<p><b>Legal and policy framework</b></p>	
<p>Commission calls for the adoption and implementation of effective measures that <b>criminalize violence against women and girls and provide for multidisciplinary and gender-sensitive preventive and protective measures ((c))</b>. These include:</p> <ul style="list-style-type: none"> <li>- emergency barring orders and protection orders</li> <li>- investigation, submission for prosecution and appropriate punishment of perpetrators</li> <li>- support services that empower victims and survivors</li> <li>- access to appropriate civil remedies and redress</li> </ul> <p>Commission urges Governments to take the necessary legislative and other measures to prohibit compulsory and forced alternative dispute resolution processes, including forced mediation and conciliation, in relation to all forms of violence against women and girls (para A (g))</p>	<p><b>Includes an exhaustive list of obligations</b> in order to protect women from gender-based violence, support victims, and prosecute perpetrators. These include:</p> <ul style="list-style-type: none"> <li>- introducing criminal offences for the different forms of violence against women (Articles 33-41) and improving investigations, prosecution and the outcome of criminal proceedings (Articles 49-58);</li> <li>- introducing effective emergency barring orders (Article 52) and restraining or protection orders (Article 53);</li> <li>- providing a range of specialist support services for victims in adequate geographical distribution (Articles 22-26);</li> <li>- ensuring that victims are provided with adequate <b>civil remedies</b> (Article 29) and that they can claim <b>compensation</b> (Article 30)</li> </ul> <p>Prohibits mandatory alternative dispute resolutions (Art. 48)</p>

<p>Call for Development and implementation of effective multisectoral national policies, strategies and programmes, with the full and effective participation of women and girls, which include measures for prevention, protection and support services and responses; data collection, research, monitoring and evaluation; the establishment of coordination mechanisms; allocation of adequate financial and human resources; independent national monitoring and accountability mechanisms; and clear timelines and national benchmarks for results to be achieved; ((k))</p>	<p>Offers a <b>holistic response</b> through: prevention, protection and support, prosecution and integrated policies and data collection. Requires states parties to implement effective comprehensive and co-ordinated policies involving government agencies, the judiciary, police, social services, NGOs as well as national, regional and local parliaments and authorities (Articles 7 and 18(2)); provide sufficient financial and human resources, including to the work carried out by NGOs (Article 8); and set-up national or relevant coordinating bodies (Article 10).</p>
<p><b>Prevent violence against women and girls</b></p>	
<p>CSW Agreed conclusions call for developing comprehensive approaches to prevention of violence, especially by addressing structural and underlying causes of such violence, transforming social norms, developing appropriate education programs, working through media to eliminate gender stereotypes, engaging men and boys and conducting awareness raising campaigns. (Area B: Addressing structural and underlying causes and risk factors so as to prevent violence against women and girls, (cc) – (vv))</p> <p>Calls on States to refrain from invoking religion, tradition and custom to avoid obligations with respect to addressing violence.</p>	<p>Seeks to prevent violence against women through the promotion of changes in attitudes and practices (Chapter III - Prevention). It requires State Parties to:</p> <ul style="list-style-type: none"> <li>- promote changes in social and cultural patterns of behaviour of women and men (Art 12(1))</li> <li>- encourage all members of society, especially men and boys to contribute actively to preventing all forms of violence against women</li> <li>- regularly run awareness-raising campaigns (Art 13);</li> <li>- take steps to include issues such as gender equality and non-violent conflict resolution in interpersonal relationships in teaching material at all levels of education (Article 14);</li> <li>- train professionals in close contact with victims (Article 15) ensure they adopt a gendered understanding of violence (Article 49(2);</li> <li>- set up treatment programmes for perpetrators of domestic violence and for sex offenders (Article 16); and</li> <li>- involve the media and the private sector in eradicating gender stereotypes and promoting mutual respect (Article 17);</li> </ul> <p>It requires Parties to ensure that culture, tradition or so-called “honour” are not regarded as a justification for any of the forms of violence covered by the convention (Article 12 (5) and Article 42).</p>

## Multisectoral services, programmes and responses to violence against women and girls

Clearly outlined States responsibilities for the establishment and provision of multisectoral services, programmes and responses for women and girls subjected to violence.

The Agreed conclusions urge Governments put in place adequately resourced and coordinated general services in the police and justice sectors, legal aid, health care, psychological and other counselling, as well as specialist services.

The Agreed conclusions call for making available women's shelters and counselling centres, 24-hour hotlines, one stop crisis centres, child services, as well as assistance, protection and support through access to long-term accommodation, educational, employment and economic opportunities (ddd).

Requires the adoption and implementation of comprehensive and coordinated policies that offer a holistic response to violence against women (Art 7)

Istanbul Convention requires parties to ensure that victims have access to general support services facilitating their recovery from violence (Art 20) and that victims are provided with adequate information (Article 19).

Istanbul Convention requires the setting up of the following specialist support services: accessible shelters in sufficient numbers and in adequate geographical distribution (Art 23); 24/7 free national helplines (Art 24); easily accessible rape crisis or sexual violence referral centres (Article 25).

## Vulnerable groups of women

Includes commitments toward:

- indigenous women and girls (para 27)
- migrant women and girls
- women and girls with disabilities
- older women (para 26)
- women living with HIV ((oo))

Covers **women and girls, from any background**, regardless of their age, race, religion, social origin, migrant status, gender identity or sexual orientation, etc- (Article 4(3)). This means that all measures must be made available to ALL women regardless of their particular circumstances.

Obliges states parties to ensure that preventive, protective and support measures **take into account the specific needs of persons made vulnerable by particular circumstances** and place the **human rights and safety** of all victims at their centre (Article 12(3) and Article 18(3)). It recognises that such persons might be at heightened risk of violence and covers for instance: pregnant women, persons with disabilities, women living in rural areas, substance abusers, people living with HIV/AIDS, prostitutes, migrants and refugees, etc.

Addresses the needs of **migrant and refugee women** (Chapter VII), by requiring states to ensure the normalisation of their residence status (Article 59), to recognise gender-based violence as a ground for asylum (Article 60) and respect the non-refoulement principle in cases of such violence (Article 61).



**Data collection to improve the evidence base**

There is a call in the CSW Agreed conclusions for better data and analysis to improve the evidence base on violence against women, including risk factors, structural and underlying causes, to better inform the development of law, policies and awareness-raising efforts (Area D: Improving the evidence-base, (mmm) – (qqq)).

Article 11 requires states parties to regularly collect disaggregated statistical data of both administrative and prevalence type, support research in the field of violence against women, and conduct regular population-based surveys.