

Gender equality and the Istanbul Convention: a decade of action

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Berlin, Germany

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Gender equality and the Istanbul Convention: a decade of action

**Conference organised by the Council of Europe in partnership
with the German Federal Ministry for Family Affairs,
Senior Citizens, Women and Youth in the framework
of the German Presidency of the Committee of Ministers
of the Council of Europe**

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Introduction

On 11 May 2021, the Gender Equality and Violence against Women Divisions of the Council of Europe, organised an [online conference](#) moderated from Berlin, in partnership with the German Federal Ministry for Family Affairs, Senior Citizens, Women and Youth in the framework of the German Presidency of the Committee of Ministers of the Council of Europe.

— This day marked the 10th anniversary of the opening for signature of the [Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence](#) (Istanbul Convention) in Istanbul, Turkey. One of the aims of the conference was to celebrate the international recognition that the Istanbul Convention has obtained, and the concrete impact that it has had on national legislation and practices, as well as – what is most important – on victims and survivors.

— The continued Covid-19 pandemic meant that the conference was moderated from Berlin and held online.¹ The morning and afternoon each focussed on one of the Council of Europe’s landmark instruments on gender equality and women’s human rights: the Istanbul Convention and the [Recommendation of the Committee of Ministers on preventing and combating sexism CM/Rec\(2019\)1](#). The two instruments are inter-related, as the Council of Europe recommendation considers that “sexism is linked to violence against women and girls, whereby acts of ‘everyday’ sexism are part of a continuum of violence creating a climate of intimidation, fear, discrimination, exclusion and insecurity which limits opportunities and freedom.” Therefore, the day allowed for a critical stocktaking of the progress made across Europe in combating violence against women, the challenges to that progress ten years after the adoption of the Istanbul Convention, and the state of play regarding the implementation of the Recommendation on preventing and combating sexism.

1. See [https://www.coe.int/en/web/istanbul-convention/conference-gender-equality-and-the-istanbul-convention-a-decade-of-action#{%2293645492%22:\[0\]}](https://www.coe.int/en/web/istanbul-convention/conference-gender-equality-and-the-istanbul-convention-a-decade-of-action#{%2293645492%22:[0]}) for the recording of the conference.

■ The 34 member states of the Council of Europe that have become parties to the Istanbul Convention have accepted a slew of legal obligations with respect to prevention, protection against and prosecution of gender-based violence against women and girls, and domestic violence. They have also committed to integrating gender-sensitive policies. The Recommendation on preventing and combating sexism complements the Istanbul Convention through its identification and exposure of sexism, sexist behaviours and gender stereotyping, as a significant root cause of gender inequality and gender-based violence against women. Sexist attitudes are too often either not acknowledged at all or misunderstood as natural and inevitable, rather than recognised as socially constructed manifestations of prejudice and misogyny that thus normalise abusive, even violent, behaviour. The sexism recommendation aims at supporting a societal recognition of the harmfulness of these behaviours, deconstruction of those gender constructs and demands social attitudinal change. It provides practical measures in a range of areas. Countries are encouraged to pass legislation that condemns sexism and criminalises sexist hate speech. The Council of Europe [Campaign Sexism: See it. Name it. Stop it!](#), with tools available in different languages, aims at raising awareness about the phenomenon and at eliminating it.

■ The Recommendation on preventing and combating sexism contributes to the prevention of gender-based discrimination and violence as provided for in Article 12 of the Istanbul Convention, itself reiterating, in parts, Article 5 of the 1979 United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW Convention). It is thus a significant instrument for combating all forms of gender-based violence against women in public and private and through multiple layers of familial, social, professional and commercial interactions.

High-level opening: The Istanbul Convention today and its achievements

In their contributions to the opening session that celebrated the ‘Istanbul Convention and its Achievements’, high level speakers introduced many of the themes that were developed throughout the morning and afternoon. Emphasis was placed on the ambitious nature of the Istanbul Convention as the most far-reaching legal instrument for combating violence against women and girls and domestic violence, and on the fact that states parties to the convention have taken important steps in their national laws and policies to give effect to its standards and values – showing the impact it is having on the lives of women and girls. In Germany, for instance, the Federal Minister for Family Affairs, Senior Citizens, Women and Youth, explained that in order to ratify the convention the government has built upon measures that were introduced over two decades ago. It has brought in further specific steps and practical measures, including the ‘Stronger than Violence Initiative’ to raise public awareness and to ensure that women know how and where to find help when they need it. The Minister of State of the Presidency from Portugal emphasised the creation, in many countries, of 24-hour helplines that are available free of charge and have been especially important for women seeking assistance from the violence that escalated during the pandemic.

■ But as well as celebrating the achievements of the convention, the speakers were all too aware that, in the words of the Secretary General of the Council of Europe, ‘something has gone wrong’ regarding the protection of women and girls from violence. Terrible incidents of intimate, sexual and psychological violence continue to occur and the Covid-19 pandemic has shown how easily the situation can worsen. Further, the convention is under attack from ‘misleading narratives’ that have fuelled a reluctance in some states to join and in the case of Turkey have led to its departure. The speakers emphasised the need to resist the backlash and to seek to widen the circle of states parties to the convention, from both within and outside the Council of Europe. The Presidents of the Parliamentary Assembly of the Council of Europe, of the

independent monitoring body of the Istanbul Convention, the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), and of Women against Violence Europe (WAVE) – bringing the voice of civil society – all reinforced the message that harmful myths about the convention must be dispelled and the facts disseminated. The Council of Europe is a space for dialogue and commitment, that through the Istanbul Convention has brought hope to women in Europe that they may be safe from the violence and harassment that has devastated so many lives. It is unacceptable now to go backwards from this position.



The Istanbul Convention

■ The sessions on the Istanbul Convention had two objectives:

- ▶ to take stock of the Istanbul Convention's achievements and the challenges it faces; and
- ▶ to encourage member states of the Council of Europe who have not already done so, as well as non-member states, to sign and ratify the Istanbul Convention.

■ The morning programme comprised two sessions: the first was on the Istanbul Convention as a game changer for women and girls in Europe and the second on different perceptions of the convention, as either the gold standard, a useful tool or as promoting a dangerous "gender ideology". Speakers' contributions were fleshed out through videos and interactive dialogue.

■ Panellists from a range of different perspectives (including representatives of government, civil society, the Committee of the Parties to the Istanbul Convention, academia and the United Nations human rights special procedures) emphasised the strengths of the Istanbul Convention that make it the 'gold-standard' for preventing and combating violence against women, and that continues to be vital for the enjoyment of human rights and physical security for women across Europe. There are women in Europe who owe their lives and physical security to the Istanbul Convention.

Added-Value of the Istanbul Convention

■ In all the panels, many of the strengths of the Istanbul Convention, and its added value, were reiterated and reinforced. Its added value includes:

- ▶ Its character as a human rights treaty, setting out the legal obligations of states parties and state responsibility for violation; it is a legal not a political tool.
- ▶ It is a human rights instrument that is grounded in the lived experiences of women and girls, not in abstract principles.
- ▶ Its focus on non-discrimination and gender equality.
- ▶ The gender perspective is integrated throughout the convention, through terminology such as gender-based violence, gender-sensitive policies,

non-stereotyped gender roles, gendered understanding and gender guidelines. The gender perspective is required in its implementation.

- ▶ It rejects individualistic explanations of violence against women and recognises that such violence occurs in all societies and is grounded in social, structural and cultural norms.
- ▶ Its criminalisation of specific manifestations of violence against women and girls, with definitions of these offences that are drawn from existing legal standards, are precise and provide clarity and detail.
- ▶ Its holistic and multi-sectoral character.
- ▶ The four 'P' approach: prevention, protection, prosecution and the need for integrated policy.
- ▶ It is highly practical, geared at policy makers, criminal justice actors, lawyers, health experts, social services personnel, education personnel, and civil society, etc. to provide guidance across these different contexts in introducing changes that can have real effect on the ground.
- ▶ It recognises the importance of governments working with civil society, especially independent women's NGOs, while remaining clear that it is states that are the duty-holders.
- ▶ The monitoring mechanism, GREVIO, and the Committee of the Parties, provide important contextual feedback to states parties and ensures that the convention maintains its character as a living and dynamic instrument, that can evolve as new patterns and sites of violence against women emerge.
- ▶ It is both victim-centred and about upholding public order and the rule of law in Europe.
- ▶ The states parties derive benefits from the convention, for instance through 'tailor-made' guidance from GREVIO on combating gender-based violence and through its provision for inter-state co-operation on civil and criminal matters relating to the convention and for mutual legal assistance (Article 62).
- ▶ It is visionary. It was said that in drafting the Istanbul Convention, women in Europe had set out to build a mountain on which women across Europe could be safer and see further into a Europe that is free from violence against women.

Operation of the Istanbul Convention

■ In the ten years since the adoption of the Istanbul Convention changes have been brought about at the national, regional and local levels that demonstrate that, when allowed to do so and when implemented in good faith, the Istanbul Convention works to improve the lives of women and girls. This does not occur in a vacuum but through interaction with other institutions and bodies; the convention's multi-agency approach makes it a game changer.

■ The convention's characteristics listed above have been instrumental in generating social change at national, regional and local levels. Illustrative examples of good practice leading to change were presented through video and ensuing analysis by Feride Acar, former President of GREVIO. The examples of programmes and practical measures, drawn from different states parties (Albania, France, Italy and Sweden), demonstrated how the text of the convention has real-life application through a range of means to accord with local contexts and needs.

■ Each video presentation was linked to one of the four pillars of the Istanbul Convention: prevention, protection, prosecution and integrated policy.²

- ▶ **Prevention:** the video highlighted the importance of prevention through perpetrator programmes in co-operation with victim support services. Perpetrator programmes are important in encouraging personal responsibility for actions and responses. Prevention is a broad concept that is rooted in overall gender equality, transformation of social norms and attitudes; raising of widespread awareness through education and training systems; and collaboration with civil society.
- ▶ **Protection:** the video highlighted the need for generalised support that is readily available and accessible to all victims and specialised support services. Shelters are vital for protection from further abuse as violence continues unless the cycle of loneliness and helplessness is broken. Women will only seek help if the environment in which it is sought feels secure and safe. Since women are disproportionately affected by gender-based violence, including domestic violence, the introduction of measures targeted at protecting women is a necessary step for achieving substantive (*de facto*) equality. Women-only support services are accordingly important.

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

- ▶ **Prosecution:** the video from Sweden provided an example of legal change. The Swedish criminal code now puts the onus on the alleged perpetrator of rape to ensure that the other person actively consented to sexual intercourse, through its criminalisation of all sexual acts without consent. Failure to do this constitutes negligent rape. Such a shift away from the victim to the responsibility of the perpetrator has generated public debate around changing social attitudes and stereotypes and challenging prejudice. It has also led to higher rates of prosecution and conviction.
- ▶ **Integrated policies:** this pillar is one of the cornerstones of the convention but also a complex undertaking. It requires that all pillars function in a holistic system across the whole of a state's territory. There must be co-operation and co-ordination especially in the commitment to implementation at all levels of government: national, regional and local. The video highlighted an example of local co-operation around domestic violence cases, leading to higher levels of victim support and protection.

■ Hearing the voices of different professionals and practitioners explain how the Istanbul Convention helps them in their work is important for catching attention and informing the public about how the convention has induced positive change and progressive practices in countries that have ratified it. Such visuals can also be instrumental in encouraging similar initiatives in other countries, that are needed to further the convention's impact.

GREVIO and the Development of Partnerships

■ Another aspect of the operation of the Istanbul Convention is ensuring it is a 'living' instrument that continues to be applicable to shifting and emerging manifestations and sites of violence and provides for appropriate responses within the framework of the four 'Ps'. Central to maintaining a dynamic character is the work of GREVIO through its provision of clear standards for use by states parties in interpretation and application of the convention and in providing a clear road map for future development. GREVIO works in conjunction with the Committee of the Parties to the Istanbul Convention, which makes recommendations to each other on the basis of findings made by GREVIO. The latter also has regular exchanges with other institutions of the Council of Europe, including the [Gender Equality Commission](#) and the [Parliamentary Assembly](#). It also co-operates with the [European Court of Human Rights](#) (the Court) through exchanges of views in order for the Court members to better

understand the synergy between the Istanbul Convention and the European Convention on Human Rights, and to foster mutual appreciation of the evolving jurisprudence on violence against women through the Court's case law and the GREVIO baseline evaluation reports. As was said by one of the speakers, the work of combating violence against women involves the entire Council of Europe with a central place held by GREVIO.

■ CAHVIO – the drafting Committee of the Istanbul Convention – drew upon existing legal standards and jurisprudence from within the UN system and other regional systems in Africa and the Americas. Synergies between the different human rights systems for their mutual reinforcement are developed through interactions between GREVIO and the specialist monitoring bodies, notably the Committee on the Elimination of Discrimination against Women (CEDAW Committee) and through the work of the UN Special Rapporteur on violence against women, its causes and consequences. The current mandate holder, Dubravka Šimonović, was one of CAHVIO's co-chairs. GREVIO also actively participates in the Platform of Independent Expert Mechanisms on Discrimination and Violence against Women (EDVAW Platform) to strengthen international institutional links and to enhance co-operation.

■ The importance of partnerships and collaboration in disseminating the Istanbul Convention's values and facilitating its implementation was repeatedly asserted throughout the conference. Multiple stakeholders seek to develop partnerships and effective working relationships, including between state or local public institutions and civil society within the different social contexts, especially with women's organisations but also with men and boys, faith organisations, youth and academia.

Ratification of the Istanbul Convention

■ The need to widen the circle of states committed to the Istanbul Convention remains, both among member states of the Council of Europe that have not yet done so and beyond, to non-member states. Active steps are needed to encourage wider participation that include dispelling myths and misinformation that have grown up around the convention and making the facts about its benefits and strengths better known to politicians and to the public.

■ An illustration of the value of forward planning and the adoption of practical measures was provided by the case study of the process leading to ratification of the Istanbul Convention in Georgia, a society that was termed 'conservative'. A human rights strategy was followed that sought through

outreach campaigns to communicate the message that non-discrimination and gender equality benefit all in society and are not just to advantage women. The importance of awareness raising and seeking to change attitudes and gender stereotypes before moving to ratification was emphasised. Support for ratification of the Istanbul Convention as a tool to overcome discrimination and women's inequality with men was more easily secured as a result.

■ Four steps were recommended for preparing the ground for ratification of or accession to the convention:

- (i) Develop strategies to garner understanding across society of the added value of the state becoming a party to the Istanbul Convention.
- (ii) Work to bring like-minded politicians on side and plan for peer-to-peer advocacy.
- (iii) Develop outreach campaigns through diverse media outlets and by engaging communities on the ground across the entire country.
- (iv) Bring the public on board with messages and practical examples about human rights and benefits for all in society.

The backlash against the Istanbul Convention and responding to it

Challenges to the Istanbul Convention

■ The Istanbul Convention is currently under sustained attack from those promoting a so-called “gender ideology”. Panellist Neil Datta, Secretary of the [European Parliamentary Forum for Sexual and Reproductive Rights](#),³ explained how this emanates from a transnational anti-gender movement that is fuelled by religious extremism. It was visible in the 1990s when challenges to progressive movements for women’s human rights were made at the Vienna Conference on Human Rights (1993), the Cairo Conference on Population and Development (1994) and the Beijing World Conference on Women (1995). At that time, conservative states allied with Islamic states and the Vatican to challenge understandings of gender. These challenges were, and remain, rooted in a desire to sustain patriarchal dominance and the willingness to exercise power, even violence, to do so. In the 1990s they were largely unsuccessful and the global summits at Vienna, Cairo and Beijing resulted in important advances for women’s human rights, including recognition of the human rights of women as “an inalienable, integral and indivisible part of universal human rights”. Violence against women was also understood in its historical context of ‘unequal power relations between men and women’. The Istanbul Convention builds upon these progressive understandings.

■ The concept of gender was controversial during the drafting of the Istanbul Convention and the characterisation of intimate partner (domestic) violence as gender-based violence was challenged by some. Nevertheless, the text was agreed, early ratifications caused no problems and the convention entered into force on 1 August 2014.

■ Since that time the anti-gender movements have become more powerful and attacks on the Istanbul Convention are now part of a wider, well-organised

3. For greater detail of the agenda of the anti-gender movement see Neil Datta, “Restoring the Natural Order”: The religious extremists’ vision to mobilise European societies against human rights on sexuality and reproduction (Brussels, 2018).

and extremist global movement against the concept of gender that seeks to roll back human rights in Europe, specifically women's sexual and reproductive rights and LGBT+ rights. According to Neil Datta, the work of this ultra-conservative professional advocacy network has manifested in targeted assaults on the Istanbul Convention, which has been demonised as a form of Trojan Horse imposed upon the population by Strasbourg. The convention is misrepresented as undermining traditional 'family values', requiring same-sex marriage and rights for LGBT+ people. This top down, carefully strategised and well-funded attack is forward looking in its plans for further advancement of its agenda, for instance through the preparation of tool kits that can be widely used in any circumstances to contest the legal adoption of progressive standards.

■ An innovation in the anti-gender movements is the focus on gender-based violence against women as a new front in the long-term opposition to women's sexual and reproductive rights. Neil Datta drew attention to some disturbing consequences of the anti-gender movements in Europe, including the announced withdrawal by Turkey from the Istanbul Convention; the failure by some European states to ratify the Istanbul Convention following domestic constitutional challenge; more general failure to implement the convention in some member states; calls for defunding programmes and polarisation of funding; and national politicians not standing up for the convention fearing costly electoral backlash if they do so.

Responses to the Challenges

■ It was suggested that Europe currently stands at a crossroads with a choice between embracing gender equality or surrendering to arguments that legitimise violence against women and sever the roots of human rights, democracy and the rule of law in Europe. Neil Datta emphasised that failure to strongly affirm the former opens the way to further undermining of gender equality in a wide range of situations, including constraints on freedom of speech, wider dissemination and acceptance of patriarchal norms limiting women's sexual and reproductive rights, LGBT+ rights and abuse, even lethal violence, against those who resist.⁴ These potential consequences make clear the importance of understanding the purpose of the Istanbul Convention, its parameters and its added value.

4. On the increasing incidence of violent attacks on women human rights defenders see Report of the Special Rapporteur on the situation of human rights defenders, *Situation of women human rights defenders*, A/HRC/40/60, 10 January 2019.

■ The convention must be defended against those who deliberately misuse the concept of gender for their own ends. It is accordingly incumbent upon supporters of the Istanbul Convention, human rights and the rule of law in Europe to resist publicly and strongly these unwarranted challenges to the Istanbul Convention. They need to:

- ▶ Be aware of the strong organisation behind these attacks, the deliberate intention to spread misinformation about the convention and the tactics engaged by those making the attacks so as not to be caught by surprise.
- ▶ Be prepared to explain the facts about the convention: that it is about combating gender-based violence against women and girls; that it does not require states to introduce 'gender' as a term into their legal systems; that it does not impose the acceptance or introduction of any specific form of marriage or family relationships; that it is such violence that undermines the family, not the convention; and that its standards of protection against violence are more demanding than those of the domestic laws in many member states of the Council of Europe.
- ▶ Beware of the trap of responding to misinformation about the Istanbul Convention or engaging directly in dialogue with proponents of the anti-gender groups, as this allows the latter to frame the discussion and forces the former into defensive positions. Instead, assert the facts about the convention and the message of its benefits for the whole population to those whom the anti-gender movements seek to influence.
- ▶ Be ready with examples of positive change in states parties to the Istanbul Convention to support the assertion of the convention's benefits.
- ▶ Disseminate widely and use the Opinion of the Venice Commission on the constitutional implications of the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence that found that no provisions of the convention are contradictory to the Constitution of Armenia.⁵ In the words of the Secretary General of the Council of Europe, the opinion 'provides a good example for other countries that might face domestically fears of misconceptions

5. Opinion on the constitutional implications of the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) adopted by the Venice Commission at its 120th Plenary Session (Venice, 11-12 October 2019) at [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2019\)018-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2019)018-e).

around the convention. [Indeed, since the Berlin conference took place, the Latvian Constitutional Court has held that the Istanbul Convention is compatible with the Latvian Constitution.^{6]}

■ A significant response to the attacks on the convention that comes from the top is the Declaration of the Committee of the Parties on the occasion of its 10th anniversary.⁷ The declaration implicitly recognises that Turkey's withdrawal threatens the integrity of international human rights law, particularly international legal standards relating to the human rights of women. It strongly reaffirms the place of the Istanbul Convention within the international normative framework for the elimination of violence against women and the value of multilateralism in seeking to achieve this goal. It explicitly condemns any retreat from the Istanbul Convention and the spreading of 'false narratives' about it. The declaration expresses concern at 'the attempt to weaken the multi-lateral and legally binding international system protecting women against violence'. Reaffirmation of the convention is needed not only to ensure its entrenchment within the European public order but because of its place within the multi-lateral legal order.

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6. <https://www.coe.int/en/web/istanbul-convention/-/the-latvian-constitutional-court-finds-that-the-provisions-of-the-istanbul-convention-comply-with-the-latvian-constitution>.
 7. Declaration of the Committee of the Parties to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) on the 10th anniversary of the opening for signature of the Istanbul Convention, Strasbourg, 6 May 2021 at <https://rm.coe.int/cop-declaration-10th-anniversary-eng/1680a25cc0>.

Recommendation on Preventing and Combating Sexism



The afternoon panel of the Berlin conference entitled “Combating gender stereotypes and sexism: tackling the roots of gender inequality and violence against women” focused on the impact of the 2019 Council of Europe Recommendation on preventing and combating sexism, a groundbreaking and comprehensive instrument that defines sexism and sexist behaviours for the first time at the international or regional level, and explains their impact in public and private life. The recommendation also suggests to member states a set of measures to combat sexist attitudes and conducts in the areas of: language and communications; the internet and social media; media, advertising and other communication methods; the workplace; the public sector; the justice sector; education institutions; culture and sport; and within the private sphere.

Through interactive dialogue, speakers in the afternoon session of the conference highlighted the complexity of the subject, including recognising the multiple forms of sexism that range from what is defended as jokes or jokey behaviour to actions that induce violence, suicide and even murder. Particular concerns were expressed about sexist hate speech and digital violence against women that in practice inhibit their participation, notably in social media. The recommendation's objective is to tackle the very roots of gender inequality and violence against women through exposing how the diverse manifestations of sexism and sexist behaviours permeate every layer of society across Europe. This environment silences women, significantly impacts upon their enjoyment of human rights, their access to positions of power, employment, economic resources, political participation and access to justice. While women are disproportionately affected, the recommendation recognises that men and boys are also victims of sexism and sexist behaviour, in particular when they challenge prevailing social attitudes and gender stereotypes. By combating sexism, the recommendation seeks to enhance social inclusivity and women's empowerment.

Speakers also stressed that sexism affects different women in different ways and that other stereotypes, for instance those relating to age, race, religion, minority status or disability intersect with gender stereotyping thereby compounding the harms caused (for example, for Roma women, migrant women, lesbian or trans women or Black and Minoritised women). Certain settings, particularly wherever there is a power imbalance (for instance in relation to hierarchy or age) or an under-representation of women (in certain professional or political contexts for example), exacerbate vulnerabilities to prejudice and biased treatment based on gender and other stereotypes. And in turn this unequal treatment heightens further the power differential. While sexism occurs at individual, institutional and structural levels and measures need to be taken at all levels to tackle it, what constitutes appropriate action to combat it will differ according to the setting.

Gender stereotyping by law enforcement personnel (including the judiciary) can prevent women and girls from reporting gender-based violence and domestic violence and, when reported, from receiving a fair hearing. This perpetuates perpetrator impunity. Conviction rates for rape, for instance, remain shockingly low with proceedings often tainted by stereotypes about 'good' victims and about women and men's sexual behaviour. Instead of challenging such stereotypes judges may reinforce them by discounting the victims' evidence. Attention was directed to the case law of the European Court of

Human Rights⁸ that confirms that states cannot rely on stereotypes to justify violations of rights under the European Convention on Human Rights.

Recommendation on Preventing and Combating Sexism and Legal Change

Attention was drawn to a forthcoming report by the European network of legal experts in gender equality and non-discrimination ‘Criminalisation of gender-based violence against women in European states, including ICT-facilitated violence’ which looks at the ways in which sexism has been approached across Europe.⁹ The report concludes that there is no uniform approach but rather legal fragmentation. Sexism per se is not widely recognised as a legal concept, while harassment is more widely recognised as such. Countries have adopted different approaches and are at different stages in tackling the problem. For instance, while sexism and sexist behaviours occur in ‘all spheres of life’, regulation is often only introduced in the contexts of employment or access to goods and services. Another variation is whether sexist behaviour is addressed within the framework of criminal law (deemed by many to be especially important with respect to sexist hate speech) or tackled through the civil law, or administrative regulation.

Since the attitudes and assumptions regarding sexism are deeply founded in popular culture it was questioned by a speaker whether law is an appropriate tool for its eradication. The opinion was expressed that legal prohibition alone is not sufficient and the need for education and awareness training was reiterated. Notably, it was thought that the law could be used more proactively with respect to regulation of gender stereotyping, for instance in advertising. Comprehensive legislation across Europe was also said to be needed for regulating the media and for tackling as a priority the online violence against women and girls.

8. *Konstantin Markin v. Russia*, application No. 30078/06, judgment of 22 March 2012 (GC); *Carvalho Pinto de Sousa Morais v. Portugal*, application No. 17484/15, judgment of 25 July 2017.

9. Report ‘Criminalisation of gender-based violence against women in European states, including ICT-facilitated violence’ drafted by Sara de Vido and Lorena Sosa, co-ordinated by Alexandra Timmer and Birte Böök for the European network of legal experts in gender equality and non-discrimination, to be published in Autumn 2021 on the website of the European Commission and on <https://www.equalitylaw.eu/publications/thematic-reports>

■ Instances of positive legal change in member states of the Council of Europe were discussed as examples of good practices:

- ▶ In France two laws have been in place for several years to combat sexism in different areas. The legal recognition of sexism has progressed with the introduction of the notion of sexist behaviour in the Labour Code in 2015. Similarly, employers' obligations in terms of combating gender-based and sexual violence have been recently strengthened regarding their duty of prevention and the appointment of focal points in charge of dealing with harassment and sexist behaviour. Another piece of legislation adopted in 2018 penalises sexist insult in public, for instance in the street.
- ▶ Cyprus adopted a new law in December 2020 on combating sexism, based on the Council of Europe Recommendation and on a holistic approach. The law includes online sexism, sexism in public and private spaces. Penalties include financial and custodial sentences of up to a year for legal persons. Organisations in breach of the law face exclusion from public funding. It is too early to determine the impact of the law but it is envisaged that it will effect societal transformation through overturning the silence around violence against women and promoting a public rejection of such violence, thus creating a safer environment for everyone. A guide to sexism in language is also under preparation in Cyprus.

■ Further legal reforms are necessary to give effect to the Recommendation on combating sexism at the national and local levels. To this end, and with the support of the Council of Europe, a European women's non-governmental organisation, the European Women's Lobby undertook in 2020 a campaigning project '*Mobilise against Sexism*'. The project aimed to raise awareness of the recommendation and of pernicious effects of sexism. It was based on the Council of Europe Campaign "*Sexism: See it. Name it. Stop it!*". Member organisations of the European Women's Lobby from nine countries (Belgium, Bulgaria, Croatia, Hungary, Ireland, the Netherlands, Portugal, Romania and Spain) led a campaign to influence member states to adopt legislation to implement the Council of Europe Recommendation on preventing and combating sexism at the national level.¹⁰ Work was undertaken within this project with relevant ministries and with parliamentarians, seeking political support for legislative action and the integration of measures to combat sexism into parliamentary debates and national gender equality plans.

10. For details of the activities of the national branches of the EWL see <https://www.womenlobby.org/Sexism>.

Recommendation on Preventing and Combating Sexism and Social Change

During the panel, most of the speakers emphasised the crucial role of education in fighting sexism with or without legal change. Education systems are needed that create the same opportunities for girls and boys, include gender equality issues and provide comprehensive sexuality education. Examples of initiatives that do not directly involve legal regulation but are rather aimed at public education and social attitudinal change were outlined. For example:

- ▶ In Germany measures are adopted to tackle systematically sexism and gender stereotyping including collection of data on sexism based on scientific research. Following a study¹¹ that showed sexism to be a mass phenomenon in Germany and especially prevalent in public spaces, the workplace and on public transport, actions have been taken to target these places. There are also initiatives for the promotion of career choices that are free from gender stereotypes and seek to further the equal distribution of paid and unpaid work between women and men. Dialogue forums were also organised specifically about sexism with partners across society with the objectives of (i) finding out more about what is happening, what can be done and the measures that victims of sexism seek, or expect, and (ii) finding partners in combating sexism.¹²
- ▶ France is hosting the second stage of the [Generation Equality Forum](#) (Paris, 30 June – 2 July 2021).¹³ This will constitute the biggest assembly of women since the Fourth World Conference on Women in Beijing in 1995 and will present an opportunity for feminist diplomacy toward transformative change. It will bring together states, international organisations, the private sector and non-governmental organisations around thematic issues that include gender-based violence; education; health and sports. The forum will encourage legislative and programmatic commitments to combat violence and to further partnerships for working together at the national and international level.

11. "Sexismus im Alltag – Wahrnehmungen und Haltungen der deutschen Bevölkerung – Pilotstudie"; July 2020, Federal Ministry for Family Affairs, Senior Citizens, Women and Youth accessible (in German) on: [Sexismus im Alltag - Wahrnehmungen und Haltungen der deutschen Bevölkerung - Pilotstudie \(bundesregierung.de\)](#)

12. More information (in German): [GEMEINSAM GEGEN SEXISMUS \(dialogforen-gegen-sexismus.de\)](#)

13. The Generation Equality Forum commenced in Mexico in March 2021; <https://www.unwomen.org/en/get-involved/beijing-plus-25/generation-equality-forum>

- ▶ The European Women's Lobby's project '*Mobilise against Sexism*' (2020) targeted policy as well as legislative change. To this end, member organisations in the nine countries covered by the project collaborated widely, including with policy makers, lawyers, journalists, education professionals, sporting institutions, youth and feminists, indeed with everyone who might assist in combating sexism. Activities have been widespread and innovative involving events, online meetings, workshops, conferences and webinars, advocacy and translating materials to make them more widely accessible across different sectors of the population.

Keynote Speech by Elif Shafak, Writer, Academic, Public Speaker and Women's Rights Activist

■ Many of the conference themes were highlighted in the inspiring keynote address by Turkish writer and women's rights activist, Elif Shafak.¹⁴

■ Elif Shafak told of her emotional and intellectual engagement with the topic of violence against women. She stressed the importance of telling stories, of understanding how confident lively young girls of around six and seven years old become timid adolescents at puberty. By that age they have already learned what is expected of them as girls, that they will be judged by what they say and do. They have come to internalise the inhibiting gaze of patriarchy.

■ Women, she asserted, are not passive but are actively engaged in many spheres of life – the arts, education, business, finance – but in one area, notably in her country, Turkey, they are practically non-existent, in politics. Elif Shafak regretted the absence of women in politics leaving decision making in the hands of conservative, religious and nationalist men. She feared the catastrophic consequences for women, children and sexual minorities of Turkey's withdrawal from the Istanbul Convention. She also stressed that when countries go backwards with a decline in democracy, diversity and pluralism, we see an increase in sexism, homophobia and transphobia. Nor can we assume that some parts of the world are solid and safe while others are liquid; we are all living through liquid times where the values of democracy and diversity are threatened. Rights cannot be taken for granted and there is a struggle to uphold rights in the heart of Europe.

■ The Istanbul Convention is not an elitist project, but it promotes the values of equality, respect, dignity and inclusion. But how can we raise awareness of the convention when there is so much distrust? We must distinguish

14. More information at: [Elif Şafak • Home \(elifshafak.com.tr\)](http://elifshafak.com.tr)

between information, knowledge and wisdom. In the digital age there is often too much information (and misinformation), but this does not necessarily lead to the deeper understanding required for knowledge or for making wise decisions and policies. We need to change the ratio between them: greater wisdom (expressing emotion, intelligence, empathy and stories) founded upon knowledge (gleaned from books, investigative journalism and nuanced conversation), not just on information.

■ Violence against women has led to thousands of women in Turkey no longer being alive. These women are not just numbers for they all have their own stories. We need sisterhood and solidarity between women: it is patriarchy that benefits from divisions between women.

■ Inequality is never a side issue. Gender equality must be at the centre of society and the Istanbul Convention needs to be and to remain at the heart of efforts to combat inequality and gender-based violence against women.

Conclusions

The conference provided an important platform for rational debate about the impact of the Istanbul Convention a decade after its adoption and of the nexus between gender inequality, violence and sexism. Ten years of activity were made subject to critical scrutiny in the face of the deliberate manipulation of the reality of violations of women's human rights and gender-based violence and of attempts to destroy legal advances through an aggressive climate of rising inequalities, misogyny and patriarchal entitlement. The challenges, not only to the convention but also to women's human rights, especially sexual reproductive rights and to the rights of LGBT+ people, were faced head on and met with analysis of the convention's strengths, its purpose, its underpinning by the Recommendation on preventing and combating sexism, and their legal and practical application through examples of good practice.

■ The conference showed most emphatically that the Istanbul Convention is robust in providing standards grounded in international law that can be implemented at the national and local level by policy makers, professionals, practitioners and activists.

■ Social and political changes in Europe since 2011 have presented significant challenges to the convention. But there have also been positive changes. As shown by the illustrative examples of good practice, there has been political commitment toward implementation of the convention and of the recommendation on sexism. There has been substantive legal and social change in member states, in particular in states parties to the Istanbul Convention, through the introduction of legislation, perpetrator programmes, services for victims, protective measures, national action plans, awareness raising and training and recognition of the need for holistic and co-ordinated approaches across multiple sectors. States parties, often in conjunction with civil society actors and increasingly guided by GREVIO have followed their own course in implementation. Legislative and other reform packages do not have to fit a single model for both instruments allow for sufficient flexibility in their application to ensure measures are appropriate to the national context.

■ A treaty creates legally binding obligations upon states parties. A downside of the treaty form is the risk of it becoming outdated and unresponsive to changed circumstances or, in the case of the Istanbul Convention, newly

emerging sites or expressions of gender-based violence against women. The European Court of Human Rights has described the European Convention on Human Rights as a living instrument, and the same must be true of the Istanbul Convention if it is to retain its vitality and relevance as the gold standard for prevention of and protection against gender-based violence against women and girls.

■ At least three processes through which the convention is developing as a dynamic legal instrument were evident throughout the conference. The first is through the work of GREVIO and its interactions with states parties, other regional and international bodies and civil society to ensure that it remains abreast of the shifting and emerging manifestations and sites of violence and the linkages between them. The second is the work of the Council of Europe itself, for instance through the drafting and adoption of the Recommendation on preventing and combating sexism. The recommendation builds on the work of the Council of Europe Gender Equality Commission, but also on the spirit of the Istanbul Convention, it amplifies its prevention pillar through identifying one of the root causes of gender inequality and gender-based violence and provides the impetus for further innovation. An illustration of the synergy between them is the focus on online sexism which is, as the recommendation notes, 'rampant throughout Europe' and which contributes to inequality and violence. The recommendation offers many suggestions for addressing the issue. Although the convention does not expressly address online violence, GREVIO too has addressed it as operating on a continuum with offline violence. In its interactions with states parties, it uses and draws upon the recommendation and is itself working on a first General Recommendation on the Digital Dimension of Violence against Women. The third way the convention is developing as a living instrument is through partnerships and collaborative relationships between stakeholders across and beyond Europe.

■ The conference also made clear that combating violence against women, sexist attitudes and behaviours remains a work in progress and much more work is still needed. While the Istanbul Convention has saved the lives and enhanced the physical security of many women and girls across Europe, too many others are still dying or suffering from violence, stereotyping and prejudice. Not all member states are yet parties to the convention and further efforts are needed to secure accession or ratification by other states. Appropriate politicians and parliamentarians in these countries need to be engaged and further work with the Council of Europe Parliamentary Assembly would also be beneficial. In many states, the different expressions of gender-based

violence and violence against women have not been legislatively defined or some forms of violence criminalised. Sexism is also not widely understood as a matter for legal regulation.

■ New initiatives need to be introduced, adequate financial and other resources to be committed and skills and expertise in law enforcement and other agencies to be generated. More data and more research are still required, in relation to all forms of violence against women, including its most lethal and devastating outcome: femicides. Widespread outreach and awareness raising programmes need to be developed both online and offline to inform the public of the facts about and the benefits of the convention and of combating sexism and sexist behaviours. This would also serve to dispel myths, lies and misinformation. Those committed to gender equality and combating violence against women have to unite in their resistance to anti-gender movements. Solidarity is needed and should be developed.

■ All involved in the implementation of these instruments should learn from and share ideas with other human rights bodies. Cross-pollination between the Council of Europe, the United Nations and regional human rights institutions has been highly effective in framing normative standards with respect to violence against women. It can also benefit implementation of existing standards. There are important messages in the jurisprudence of the institutions of the African Union and the Inter-American human rights system around issues of concern in Europe. Examples include intersecting forms of discrimination, linkages between violations of socio-economic rights and violence, or secondary victimisation in legal proceedings due to reliance on gender stereotyping. Certain women and girls within Europe – migrants, those belonging to minorities, asylum seekers, those with disabilities – are especially vulnerable to stereotyping, sexism, discrimination and violence and lessons from other jurisdictions can be useful in crafting appropriate initiatives for prevention and protection.

■ The morning session of the conference achieved the first two of the conference objectives: the Istanbul Convention was celebrated and there was stocktaking of its achievements and the challenges it now faces. It is too soon to assess whether non-party states within or outside the Council of Europe have been encouraged to become parties, although the decision of the Latvian Constitutional Court on the compatibility of the convention with its Constitution is encouraging. So too is the ratification by Liechtenstein on 17 June 2021, although this had been announced prior to the conference.

Finally, Article 2, paragraph 3 of the Istanbul Convention affirms that it applies in times of armed conflict as well as in peace. The conference did not address the former. There is perhaps an assumption of Europe as a peaceful continent, but this is not the case. There is conflict between Armenia and Azerbaijan, in Georgia, in Ukraine and elsewhere. There are many situations of violence occurring through protests, riots, communal violence and social unrest. The violence that migrant, refugee and asylum-seeking women and girls experience in their home countries, on their way to and within Europe, is another illustration of the turbulent times we live in and the insecurity faced by so many. As the CEDAW Committee has reminded us these forms of public violence result in serious violations of women's human rights and increased incidents of gender-based violence.¹⁵

When the Istanbul Convention was drafted there was no thought of a Europe-wide/global pandemic. As has become evident, such an emergency, like other forms of social and political violence, exposes the structural fault lines and inequalities that lead to increased gender inequalities as well as gender-based and sexual violence against women. GREVIO responded rapidly calling on states to take measures to address the 'pandemic within the pandemic' and 'to ensure continuity in service provision and to keep offering support and protection to women and girls at risk of violence.'¹⁶ The statement noted that some states were working on innovative solutions and urged others to do likewise. The CEDAW Committee too issued guidance on states' compliance with their obligations under CEDAW during the pandemic.¹⁷ The Committee of the Parties has called upon states parties to 'build back better' by making eradication of violence against women and domestic violence a priority.¹⁸ It is also going to be important that in the anticipated post-Covid return to normal

15. CEDAW Committee, General Recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations (2013) para 4 and CEDAW Committee, General Recommendation No. 38 on trafficking in women and girls in the context of global migration (2020)

16. 'For many women and children, the home is not a safe place.' Statement by the President of GREVIO, Marceline Naudi, on the need to uphold the standards of the Istanbul Convention in times of a pandemic at <https://rm.coe.int/grevio-statement-covid-24-march-2020/pdfa/16809cf55e>.

17. Guidance Note on CEDAW and Covid-19 at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CEDAW/STA/9156&Lang=en.

18. Declaration of the Committee of the Parties to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) on the 10th anniversary of the opening for signature of the Istanbul Convention, Strasbourg, 6 May 2021 at <https://rm.coe.int/cop-declaration-10th-anniversary-eng/1680a25cc0>.

that economic recovery plans fully integrate a gender equality perspective, notably by recognising the value of women's paid and unpaid care work and the need to ensure their economic independence, and that normality does not include an acceptance of gender-based violence against women, or of gender stereotypes that have gained traction during the pandemic. The two Council of Europe instruments, the Istanbul Convention and the Recommendation on preventing and combating sexism, must be at the forefront of what we hope is post-covid policy making, with those committed to fighting violence against women reminding states parties of their legal obligations and their responsibilities to women in all social and political conditions and with women – diverse women – as equal and meaningful participants in all such policy and decision making.

” As emphasised in the Istanbul Convention, it takes many different measures to prevent violence against women and to protect women from violence.

We all have an important role to play in this – as politicians, as policy makers, practitioners, individuals – it takes all of us, together, to implement the Istanbul Convention.”

Marceline Naudi
President of GREVIO

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The Council of Europe is the continent's leading human rights organisation. It comprises 47 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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