



Focus section: first trends and challenges emerging from country monitoring

38. In the period under review, GREVIO has published first baseline evaluation reports on Albania, Austria, Denmark, Monaco, Montenegro, Portugal, Sweden and Turkey. On-site evaluations of Finland, France, Italy, the Netherlands and Serbia have also been carried out. As indicated earlier, the evaluation reports assess states parties' implementation of the convention, looking at the normative framework, as well as at states' policies and practices. The growing corpus of these evaluation reports indicates that the convention has already had a tangible and positive impact. It has, for one thing, propelled gender-based violence to the forefront of public debate and increased victims' and society's awareness of the urgent need to combat it. It has also introduced higher legislative and policy standards at the national level in a number of countries. It is also clear through the on-site evaluation visits that the convention is extremely well regarded by women's organisations, victims' associations and state authorities alike. It is looked on as a beacon that sheds much needed light on the legislative and practical measures required to prevent violence against women, protect the victims and prosecute the perpetrators.

39. On the other hand, from the body of evaluation reports it is also apparent that insufficient resource allocation and the lack of a co-ordinated and systematic approach, as well as the continued deliberate circulation of ingrained misconceptions about the convention, still stand in the way of its full integration and effective implementation in states parties.

Shortcomings and challenges in the implementation of the provisions of the convention

40. In countries such as Albania,⁹ Denmark¹⁰ and Finland,¹¹ GREVIO has criticised the gender-neutral approach of legal provisions and policy documents that address domestic violence. While under its Article 3, the convention provides a gender-neutral definition of domestic violence that encompasses both victims and perpetrators of both sexes, it also spells out with great clarity that domestic violence affects women disproportionately and is therefore a form of violence that is distinctly gendered. The gender-neutral approach taken by states parties fails to address the specific experiences of women that differ significantly from those of men thus hindering their effective protection. Such an approach deflects the focus away from persisting challenges to the safety of women and children who predominantly suffer domestic violence at the hands of male perpetrators.

41. Moreover, the gender-neutral approach fails to recognise domestic violence as a social mechanism that helps keep women in a subordinate position to men, thus countering the convention's fundamental emphasis on the need for a comprehensive, holistic approach and coordinated policies to effectively combat violence against women.

42. Furthermore, where domestic violence is defined and criminalised at the national level, it unfortunately does not always capture all its manifestations. In Portugal¹² and Austria,¹³ for example, the definitions of domestic violence did not encompass economic violence, as required by Article 3b of the convention.

43. An additional common feature that has emerged is the insufficient allocation of financial and human resources for the implementation of integrated policies, measures and programmes to prevent and combat all forms of violence covered by the convention. This is particularly true for states' financial support to specialist support services as well as NGOs active in this area at national, regional and local level, as provided for under Article 8 of the convention. Where this is the case, it indicates states' limited degree of commitment to the implementation of a comprehensive and co-ordinated approach to preventing and combating violence against women. It must therefore be addressed as a matter of priority.

44. Notwithstanding the welcome initiatives taken in states parties (see below) in developing integrated policies addressing violence against women through national action plans, GREVIO has noted that in many cases the national action plans consisted in project-based initiatives. These initiatives were limited in duration and therefore not conducive to building a sustainable, comprehensive and holistic approach to the problem and fell short of ensuring integrated structural policies to address violence against women. More importantly, the national action plans do not always address all forms of violence against women or they prioritise certain forms of violence over others. As such, these rarely offer a comprehensive set of measures on more than

9. See [GREVIO's baseline evaluation report on Albania](#), paragraph 8, p. 13.

10. See [GREVIO's baseline evaluation report on Denmark](#), paragraph 6, p. 13.

11. See [GREVIO's baseline evaluation report on Finland](#), paragraphs 4-5, pp. 10-11.

12. See [GREVIO's baseline evaluation report on Portugal](#), paragraph 8, p. 11.

13. See [GREVIO's baseline evaluation report on Austria](#), paragraph 8, p. 13.

one form of violence. This results in the compartmentalisation of approaches and impedes the holistic implementation of the convention.

45. Under Article 7, the convention calls for comprehensive and co-ordinated state-wide policies addressing measures to prevent and combat all forms of violence covered by the convention and requires effective multi-agency co-operation in the implementation of such policies (including government agencies, national, local and regional parliaments, national human rights institutions and civil society). Furthermore, Article 10 provides that such policies should be co-ordinated, implemented, monitored and evaluated by one or more official co-ordinating bodies. Yet, many national co-ordinating bodies have a limited mandate and inadequate powers vested in them. Others struggle to fulfil their goals for lack of sufficient and/or dedicated financial and human resources. Thus, GREVIO has found that mechanisms to ensure the effective co-ordination of integrated policies, measures and programmes among the relevant stakeholders tend not to be sufficiently robust. In its reports GREVIO has interpreted these provisions of the convention and clarified that the role of co-ordinating body should be assigned to one or more fully “institutionalised entities” with clear mandates, powers and competences and equipped with the necessary human and financial resources. It has also explained that the monitoring and evaluation of policies is best vested in one or more separate bodies in order to ensure objectivity in such evaluation.

46. Instead, GREVIO has found that the mechanisms put in place in the states parties reviewed do not satisfy these standards. In those countries in which the co-ordinating bodies take the form of an interministerial ad hoc committee (i.e. Austria¹⁴ and Denmark¹⁵) these structures are not sufficiently institutionalised; their mandates lack clarity and are not resourced with a dedicated budget and staff. In Albania,¹⁶ on the other hand, while the co-ordinating body is an institution, its purely advisory role and insufficient decision-making powers limit its ability to exercise effectively its functions as a co-ordinating body and its capacity to obtain commitment from the political decision-making bodies. GREVIO has also found that relevant NGOs are not systematically involved in the design and co-ordination of policies, contrary to the requirements of Article 7, paragraph 3, of the convention.

47. GREVIO reports have also highlighted public authorities’ inadequate collection of data. Under Article 11 of the convention, states parties are requested to collect disaggregated statistical data at regular intervals on cases relating to all forms of violence covered by the scope of the convention, for a number of reasons, including to ensure the design and implementation of evidence-based policy making. The judiciary, police, social welfare and health-care services therefore need to set up data systems that go beyond the internal recording needs of their respective agencies/ services and as a minimum collect data on victims and perpetrators disaggregated by sex, age, type of violence, the relationship of the victim to the perpetrator and geographical location. Recorded data should also contain information on conviction rates of perpetrators of all forms of violence against women. Furthermore, institutions responsible for processing and deciding on asylum claims should also collect

14. See [GREVIO’s baseline evaluation report on Austria](#), paragraphs 34-39, p. 19.

15. See [GREVIO’s baseline evaluation report on Denmark](#), paragraphs 34-39, p. 19.

16. See [GREVIO’s baseline evaluation report on Albania](#), paragraphs 33-36, p. 21.

data on the granting of refugee status on the basis of gender-related persecution. Moreover, GREVIO reports have highlighted the relevance of collecting data for the purposes of monitoring the implementation of the provisions of the convention: as an example, judicial data on custody and visitation rights of child witnesses are necessary to assess how the requirements of Article 31 are taken into account when determining custody and visitation rights.

48. States parties are increasingly establishing systems to disaggregate data by type of violence, sex, age and relationship of the perpetrator to the victim. However, only very few collect data disaggregated on the basis of all of the categories mentioned in the preceding paragraph, allowing only a partial picture to emerge. Moreover, data collection systems often vary from one public body to another and are not harmonised, preventing any case flow to surface – particularly in the criminal justice sector. Furthermore, no state party has set up a data collection system that allows recording the granting of refugee status on the basis of gender-related persecution.

49. Data collected by states parties show worrying rates of violence resulting in the death of a woman. Where the authorities had prior knowledge of the woman's exposure to violence, such fatal outcomes raise the question of whether the victims might have been saved if proper, immediate and efficient measures of protection had been applied to ensure women's safety. In its reports,¹⁷ GREVIO has recommended conducting systematic post-homicide reviews with the aim of identifying possible systemic gaps in the institutional response to violence.

50. While progress has been achieved in many states parties (see below), nevertheless, the number of specialist support services for victims of violence against women is still insufficient and its funding extremely volatile. In countries such as Albania,¹⁸ Denmark,¹⁹ Austria²⁰ and Turkey,²¹ the geographical reach of specialist support services is also problematic, as support services are missing in rural areas, leading in practice to the exclusion of segments of the population. Whereas counselling services and shelters for victims of domestic violence are better serviced, specialist support services that address different forms of sexual violence are often insufficient. Several countries, including Albania,²² Montenegro,²³ Monaco²⁴ and Turkey,²⁵ for instance, have not established a rape crisis centre or referral centre for victims of sexual violence, as required by Article 25 of the convention. GREVIO has also observed that telephone helplines set up in Albania,²⁶ Monaco,²⁷ Portugal,²⁸ and Turkey²⁹ either did not meet the standards provided under the convention – notably the provision of advice regarding all forms of violence covered by the convention,

17. See [GREVIO's baseline evaluation report on Portugal](#), paragraph 205, p. 57.

18. See [GREVIO's baseline evaluation report on Albania](#), paragraph 103, p. 39.

19. See [GREVIO's baseline evaluation report on Denmark](#), paragraph 114, p. 33.

20. See [GREVIO's baseline evaluation report on Austria](#), paragraph 105, p. 32.

21. See [GREVIO's baseline evaluation report on Turkey](#), paragraph 144, p. 54.

22. See [GREVIO's baseline evaluation report on Albania](#), paragraph 109, p. 40.

23. See [GREVIO's baseline evaluation report on Montenegro](#), paragraph 135, p. 36.

24. See [GREVIO's baseline evaluation report on Monaco](#), paragraph 86, p. 25.

25. See [GREVIO's baseline evaluation report on Turkey](#), paragraph 186, p. 65.

26. See [GREVIO's baseline evaluation report on Albania](#), paragraph 107, p. 40.

27. See [GREVIO's baseline evaluation report on Monaco](#), paragraph 82, p. 24.

28. See [GREVIO's baseline evaluation report on Portugal](#), paragraph 140, p. 42.

29. See [GREVIO's baseline evaluation report on Turkey](#), paragraph 181, p. 64.

round the clock, free of charge and with due confidentiality – or were not fully operational. The helpline in Portugal,³⁰ for instance, did not expressly target women victims of different forms of violence, other than domestic violence, whereas the helpline established in Monaco³¹ did not operate round the clock.

51. Lacunae with regards to the protection afforded to women victims of domestic violence and their children, including in the context of custody and visitation decisions, as well as regarding the ban of obligatory mediation in civil procedures have also consistently been noticed. One such shortcoming concerns the provision of protection and support to child witnesses when violence occurs in the family unit. Under Article 26 of the convention, whenever children have witnessed domestic violence, rape, sexual harassment or other forms of violence covered by the convention, the services provided to direct victims must also be equipped to address the needs and rights of any children who were present (i.e. age-appropriate psychological counselling). By way of example, the GREVIO report on Portugal³² found that policies and measures addressing child witnesses tended to focus more on their procedural rights with respect to their participation in criminal proceedings (hearing them in separate rooms) than on providing them with support and protection as of their own right as indirect victims of violence.

52. Likewise, insufficient measures to ensure the safety of mothers who are victims of domestic violence and their children in the decision on and exercise of child custody and visitation rights have been observed in all parties reviewed to date. States parties tend to give priority to the presumed best interest of the child, which is deemed to be to maintain contact with both parents at all costs, regardless of the violence he or she had witnessed. The joint exercise of parental authority is generally maintained even in the event of a final criminal conviction for violence committed against the other parent and the withdrawal of parental authority of the violent parent remains the exception, despite the persistence of the danger to the mother and child.³³

53. Moreover, practices requiring mandatory mediation in civil procedures and divorce proceedings that address child custody matters have also been reported. In Turkey,³⁴ for instance, existing bans on reconciliation in family disputes and divorce proceedings, in cases where there is a history of domestic violence, are not being implemented. In Denmark,³⁵ quasi-mandatory mediation between two parents in disagreement over custody and visitation arrangements is required through the state administration with a view to reaching mutually acceptable outcomes. While this procedure is not formally recognised as a mediation process, individual meetings on custody arrangements are rarely granted in practice – even in cases where the parent has a legitimate reason to avoid encounters with an abusive ex-partner. Parents who do not attend may face serious repercussions, such as being considered unfit for parenting.

30. See [GREVIO's baseline evaluation report on Portugal](#), paragraphs 140-141, p. 41.

31. See [GREVIO's baseline evaluation report on Monaco](#), paragraphs 82-85, pp. 24-25.

32. See [GREVIO's baseline evaluation report on Portugal](#), paragraphs 147-148, pp. 43-44.

33. The need to consider intimate partner violence as an essential factor in the determination of child custody is at the heart of the joint statement issued on 31 May 2019 by the Platform of the United Nations and regional independent mechanisms on violence against women and women's rights.

34. See [GREVIO's baseline evaluation report on Turkey](#), paragraphs 271-272, p. 91.

35. See [GREVIO's baseline evaluation report on Austria](#), paragraphs 183-186, pp. 47-48.

54. A further trend that has been noted is the lack of adequate implementation of legal frameworks providing for protection measures and/or protection orders, as well as inadequate enforcement of such orders by the relevant authorities. Articles 52 and 53 of the convention require that the competent authorities have the power to order fast legal remedies to protect persons at risk. These encompass both emergency barring orders against the perpetrators, thereby removing the perpetrator from the home, as well as restraining or protection orders for victims of all forms of violence covered by the convention. While the possibility of being granted protection orders in the form of a contact ban or eviction order is increasingly made available in states parties, the legal regimes vary significantly, as does their level of implementation and their appropriate enforcement. As concerns the varying legal regimes, exceptions to protection orders are provided by law in Denmark,³⁶ Sweden³⁷ and Finland³⁸ to allow for communication on children and enable visitation rights. These exceptions are criticised by GREVIO as the aim of protection orders is to ensure the safety of the victim. Regarding the implementation of protection orders in practice, their application is weak in many countries as law-enforcement officials and judicial actors often lack the necessary awareness about the positive effects of such orders. As concerns the enforcement of such protection/emergency barring orders, very few countries monitor their enforcement through electronic means, leaving most law-enforcement agencies to resort to more traditional practices such as an increase in police patrols around the areas where the order has been issued.

55. GREVIO has also identified several gaps in the non-discriminatory implementation of the provisions of the convention (as foreseen under Article 4 (3)) and has noticed the absence of effective measures addressing the needs of women from vulnerable groups. Indeed, the evaluation reports highlight that women victims of violence who belong to vulnerable groups (women with disabilities, women from national minorities including the Roma community, LBT (Lesbian, Bisexual, Transgender) women, women from rural areas, migrant, asylum-seeking and refugee women, women without a residence permit, and women with addiction) frequently face specific barriers with regards to the application of the convention and experience intersectional discrimination in their access to protection and assistance. In Sweden,³⁹ even though extensive policy attention is given to combating violence against women, such policy does not always extend systematically to groups of women who belong to national and other minorities, such as the Sami, whose circumstances, life options and cultural context differ significantly from those of the majority women. Moreover, this is coupled with a lack of specific research into the prevalence rates of domestic or sexual violence experienced by these groups and a general lack of awareness among the authorities of the cultural specificities, constraints and barriers that these women face in seeking support. Similar concerns can also be found in the reports on Turkey,⁴⁰ Austria,⁴¹ Montenegro⁴² and Albania⁴³ with respect to women

36. See [GREVIO's baseline evaluation report on Denmark](#), paragraph 210, p. 53.

37. See [GREVIO's baseline evaluation report on Sweden](#), paragraph 228, p. 55.

38. See [GREVIO's baseline evaluation report on Finland](#), paragraph 224, p. 54.

39. See [GREVIO's baseline evaluation report on Sweden](#), paragraphs 13-16, pp. 13-14.

40. See [GREVIO's baseline evaluation report on Turkey](#), paragraphs 15-22, pp. 17-19.

41. See [GREVIO's baseline evaluation report on Austria](#), paragraph 106, p. 32.

42. See [GREVIO's baseline evaluation report on Montenegro](#), paragraphs 18-20, p. 14.

43. See [GREVIO's baseline evaluation report on Albania](#), paragraphs 16-17, pp. 15-16.

belonging to other vulnerable groups. As regards more specifically discrimination in access to support services, a recurrent problem is the limited support services for women without a residence permit. In Denmark⁴⁴ and in Sweden,⁴⁵ for example, the support available to these women is extremely limited as they cannot access any of the general social services or other support services such as shelters. Access to shelters is also problematic for women with disabilities and mothers of children with disabilities, as several GREVIO baseline evaluation reports indicate.

56. As concerns asylum, GREVIO has consistently highlighted difficulties experienced by states parties in ensuring gender-sensitive asylum determination procedures and gender-sensitive reception facilities. Under Article 60 of the convention, the asylum procedures should allow women victims of gender-based persecution to put forward their claims in an informed and dignified manner with the help of same-sex case managers and interpreters that are trained to recognise women's specific reasons to flee their country of origin. GREVIO has noted that women who lodge asylum requests are often ill-informed about the procedure, their rights, the support available to them and about how to bring a successful case. GREVIO reports have found that cultural and gender bias are still a reality and training of asylum case managers on the different forms of violence against women and gender-based persecution is necessary. While legal aid is provided in countries like Austria,⁴⁶ Finland⁴⁷ and Sweden,⁴⁸ asylum-seeking women are often unaware of the possibility to request a lawyer. Furthermore, in Finland the quality of legal aid available to women seeking asylum was particularly problematic, as was the ability of lawyers to take on cases at short notice as a result of accelerated asylum procedures.

57. Although efforts have been made by states parties to receive the ever-increasing number of asylum seekers, nonetheless, GREVIO has observed difficulties in ensuring gender-sensitive reception facilities. Women-only accommodation and hygiene facilities are in effect not always provided, creating safety concerns for single women, as well as girls and women travelling with their families. This has led to many cases of sexual harassment as well as physical and sexual violence, including isolated cases of women killed, as observed in Sweden for example.

Improvements and valuable practices identified in the course of the baseline evaluation procedure

58. From the completed baseline evaluation and those that are currently underway, it is possible to identify a number of valuable practices and/or steps taken by states parties to improve the implementation of the convention.

59. One of the steps taken to improve the implementation of the Istanbul Convention is the criminalisation of more forms of violence against women and the introduction of new criminal offences. It is important to recall that the convention requires states parties to criminalise particular intentional conduct that amounts to violence

44. See [GREVIO's baseline evaluation report on Denmark](#), paragraph 11, p. 14.

45. See [GREVIO's baseline evaluation report on Sweden](#), paragraph 16, p. 14.

46. See [GREVIO's baseline evaluation report on Austria](#), paragraph 207, p. 50.

47. See [GREVIO's baseline evaluation report on Finland](#), paragraph 251, p. 60.

48. See [GREVIO's baseline evaluation report on Sweden](#), paragraph 257, p. 61.

against women, and not necessarily introduce new dedicated provisions for every specific type of conduct. Where the provisions in place at the national level do not sufficiently cover the conduct provided for by the convention, then new offences should be introduced in the legal framework. Harmonisation of domestic law in this field facilitates action against crime at the national and international level.

60. Further to the ratification of the convention, the crime of stalking has been introduced in Albania,⁴⁹ Portugal⁵⁰ and Montenegro.⁵¹ A new offence of female genital mutilation has also entered into force in Portugal⁵² and Montenegro,⁵³ although the act of inciting, coercing or procuring a girl or woman to undergo the procedure is not criminalised under the Montenegrin criminal code as required by the convention. Furthermore, the offence of forced marriage has been newly introduced in Portugal,⁵⁴ and the offence of forced sterilisation introduced in Montenegro.⁵⁵

61. GREVIO has also welcomed in a growing number of states parties the amendment of provisions on sexual violence so that they are no longer founded on an approach based on coercion but reflect instead an approach based on consent. These legal changes depart from previous narrower definitions of sexual offences that required proving the offender's use of force or threats. Under Article 36 of the convention, the central element of the definition of sexual violence is the lack of consent given voluntarily by the victim; Article 36 therefore does not require proof of the use of force or threat by the perpetrator, nor proof of the victim's physical or verbal resistance. This position is in line with the European Court of Human Rights' judgment in the landmark case *M.C. v Bulgaria*, which stated that:

[A] rigid approach to the prosecution of sexual offences, such as requiring proof of physical resistance in all circumstances, risks leaving certain types of rape unpunished and thus jeopardising the effective protection of the individual's sexual autonomy.⁵⁶

Furthermore, Article 36 paragraph 2 requires that the prosecution of sexual offences is based on a context-sensitive assessment of the evidence in order to establish on a case-by-case basis whether or not the victim has freely consented to the sexual act. This enables the recognition and the acknowledgement of the wide range of behavioural responses to sexual violence and rape that victims exhibit.

62. A particularly significant example of good practice is provided by Sweden.⁵⁷ With a recent amendment to the criminal code, Sweden has moved away from an approach requiring the use of force, threats or the taking advantage of the vulnerable situation of the victim as constituent elements of the offence of rape and sexual abuse, to an "only yes means yes" approach, criminalising all non-consensual sexual acts. More specifically, Sweden has introduced two new offences, "negligent rape"

49. See [GREVIO's baseline evaluation report on Albania](#), paragraph 129, p. 46.

50. See [GREVIO's baseline evaluation report on Portugal](#), paragraph 170, p. 48.

51. See [GREVIO's baseline evaluation report on Montenegro](#), paragraph 170, p. 42.

52. See [GREVIO's baseline evaluation report on Portugal](#), paragraph 170, p. 48.

53. See [GREVIO's baseline evaluation report on Montenegro](#), paragraph 170, p. 42.

54. See [GREVIO's baseline evaluation report on Portugal](#), paragraphs 170-171, p. 48.

55. See [GREVIO's baseline evaluation report on Montenegro](#), paragraph 7, p. 12.

56. European Court of Human Rights, *Case of M.C. v Bulgaria* (no. 39272/98), 4 December 2003, paragraph 166.

57. See [GREVIO's baseline evaluation report on Sweden](#), paragraphs 181-183, pp. 45-46.

and “negligent sexual abuse”, which aim to ensure criminal liability in cases in which sexual acts and intercourse are carried out without any reasonable measures taken to establish the victim’s consent. With these amendments, passivity cannot be per se considered a sign of voluntary participation. These amendments bring Sweden in full compliance with Article 36 of the convention and represent a good practice that should pave the way for similar reforms in other countries. Austria,⁵⁸ Portugal⁵⁹ and Montenegro⁶⁰ have also passed new laws to criminalise non-consensual sexual acts and depart from previous narrower definitions of sexual offences that required proving the offender’s use of force or threats. However additional steps would be required to bring the legislation fully in line with the convention. More specifically, Austria⁶¹ provides for the criminal offence of rape, which requires the use of force, deprivation of liberty or a threat to life or limb, as well as the separate offence of “violation of sexual integrity”. This new provision covers instances of sexual intercourse or equivalent conduct “against the will of a person”, “under coercive circumstances” or “following an act of intimidation”. While this represents a step in the right direction, it may not allow for the prosecution of cases where the victim remains passive and has not expressed her opposing will verbally or otherwise, and therefore does not bring the provisions in line with the convention. Similarly, Portugal⁶² amended its criminal provisions on sexual coercion and rape to cover sexual acts committed without violence or threat, and without having suppressed the victim’s ability to resist. Nonetheless, GREVIO noted in its report that the wording used to qualify these sexual offences (the term “constraint”) was not sufficient to break away from the longstanding practice of Portuguese courts to require proof of the victim’s resistance in order to sentence the perpetrator.

63. As indicated earlier on, Article 7 of the convention calls for comprehensive and coordinated policies, encompassing a multitude of measures to be taken by different actors, which, taken as a whole, offer a holistic response to violence against women. Many states parties are successfully developing national action plans (NAPs) and public policies that address more forms of violence against women. In Portugal,⁶³ for instance, three consecutive NAPs on Female Genital Mutilation (2007-2017) have been adopted and implemented, whereas Turkey⁶⁴ has adopted a Draft National Strategy and Action Plan on Combating Early and Forced Marriages (2019-2023). Denmark,⁶⁵ on the other hand, has implemented since 2014 NAPs and strategies on domestic violence, so-called honour-related conflicts, stalking and rape, whereas Austria⁶⁶ has adopted an NAP on the Protection of Women from Violence (2014-2016) and an NAP on the Prevention of Violence in schools (2014-2016). Nonetheless, GREVIO in its reports has also noted the limitations to the current approaches taken with regards to the NAPs (please see section above).

58. See [GREVIO’s baseline evaluation report on Austria](#), paragraph 140, p. 39.

59. See [GREVIO’s baseline evaluation report on Portugal](#), paragraph 173, p. 49.

60. See [GREVIO’s baseline evaluation report on Montenegro](#), paragraph 179, p. 45.

61. See [GREVIO’s baseline evaluation report on Austria](#), paragraph 140, p. 39.

62. See [GREVIO’s baseline evaluation report on Portugal](#), paragraph 173, p. 49.

63. See [GREVIO’s baseline evaluation report on Portugal](#), paragraph 26, p. 16.

64. See [GREVIO’s baseline evaluation report on Turkey](#), paragraph 44, p. 26.

65. See [GREVIO’s baseline evaluation report on Denmark](#), paragraph 16, p. 15.

66. See [GREVIO’s baseline evaluation report on Austria](#), paragraph 16, p. 14.

64. Under Article 15 of the convention, states parties are required to ensure that systematic initial and in-service training are provided to relevant professionals in contact with victims and perpetrators of all acts of violence against women. In Austria, domestic violence, including its gender-based dimension, are encompassed in the two-year basic initial training of law-enforcement officers. In Denmark, GREVIO has underlined that professionals working in specialist support services (shelters, perpetrator programmes and support services for victims of sexual violence) were particularly well trained and have reached a high level of expertise that ensures the respect of victims' and perpetrators' rights and needs. With a view to guaranteeing continuous training for professionals, various states have passed laws introducing mandatory training. In Monaco, a legal provision (Law No. 382) stipulates that regular training for professionals who deal with victims of violence shall be organised. To implement this provision, a consultation was held between representatives of the Ministry of Health and Social Affairs, the Police department, the Department of Justice, the Fire Brigade and the sole public hospital, which resulted in the creation of new teaching modules on victim support, demonstrating a multi-agency approach. Turkey's Law No. 6284 introduces mandatory training for professionals dealing with victims. The Turkish co-ordinating body that led the effort to systematise training is responsible for providing in-service training on gender equality and violence against women to various state employees. However, some barriers remain regarding the effectiveness of training in Turkey, such as the lack of monitoring procedures and mechanisms ensuring the continuity of this training. In Sweden, GREVIO has noted positively that starting from the academic year 2018-2019, through the amendment of the Higher Education Ordinance, men's violence against women became a compulsory subject for university students within various fields of study.

65. The convention calls for support services for victims of violence against women in the form of general and specialist support services, including shelters and telephone helplines. While general support services provide long-term help in a variety of areas and are not specifically designed for victims of violence against women, specialist support services provide support that is tailored to the specific and immediate needs of these victims. Notwithstanding the continuing shortage of specialist support services for victims of violence against women described in section I of this chapter, further to the ratification of the convention by states parties an increase in support structures for victims of violence against women and domestic violence, or the improvement of existing ones, has been noted, in particular those run by women's rights NGOs. By way of example, Portugal⁶⁷ has focused on providing extra support to specific vulnerable groups, by opening a new shelter for women victims of domestic violence that belong to the LGBTI community. Montenegro,⁶⁸ on the other hand, has decided to address the existing shortage of shelters in the northern part of the country and fund an NGO-run and licensed domestic violence shelter in that area. GREVIO has further recorded a dramatic increase in shelters in Turkey⁶⁹ for women victims of violence against women.

67. See [GREVIO's baseline evaluation report on Portugal](#), paragraph 133, p. 41.

68. See [GREVIO's baseline evaluation report on Montenegro](#), paragraph 129, p. 35.

69. See [GREVIO's baseline evaluation report on Turkey](#), paragraph 169, p. 61.

66. Some states parties such as Albania⁷⁰ have increased the funds allocated to support services/shelters assisting victims of violence against women and domestic violence. Finland,⁷¹ in particular, has significantly increased the funding allocated to shelters to ensure higher levels of service provision, including in remote areas of the country. Furthermore, the legislation has been amended so that the funding of shelters is no longer dependent on municipalities' budgets – it is now made available by the central government, in advance, for a period of twelve months, irrespective of service use. The new method of financing offers more funding stability by moving from per capita funding to a lump sum annual funding system.

67. As concerns rape and sexual violence, Article 25 of the Istanbul Convention requires that states parties adopt a holistic and sensitive response by setting up and ensuring specialist support services, including rape crisis centres that offer long-term help, counselling and therapy, and sexual violence referral centres, which provide immediate medical care, forensic practice and crisis intervention. In line with this provision, support services for victims of sexual violence have been established or increased in a number of countries, including in Portugal⁷² and Austria.⁷³ Moreover, the need for high-quality sexual violence referral centres is increasingly gaining recognition. Finland, for example, has set up a sexual violence referral centre in its capital and is launching a roll-out (replication) of such a centre, accompanied by satellite support centres in each province to fill the existing gap in service provision for victims of rape and sexual violence. Across Denmark, 10 centres for victims of rape and sexual violence have been established. They are located within hospitals and provide medical, forensic, residential and non-residential services to women victims above the age of 15. Offering a highly professional service, they provide crucial support to victims of sexual violence regardless of their willingness to report the act of violence to law-enforcement agencies. In Turkey, GREVIO has commended the setting up of 31 Child Monitoring Centres (CMCs), which are hospital units specialising in assisting child victims of sexual abuse and/or forced marriage. The Turkish authorities are considering how to replicate the model of CMCs for the purpose of creating sexual violence referral centres or rape crisis centres for adult victims that match the requirements of Article 25 of the convention. In its final comments on GREVIO's baseline evaluation report, the Austrian Government recognised the need to step up specific counselling services for victims of sexual violence and expressed its intention to continue its efforts to improve availability.⁷⁴

68. Notwithstanding the concerns indicated above, the fact that some states parties have set up new telephone helplines should be welcomed as a positive development per se. Montenegro⁷⁵ has introduced a single national helpline for women and children victims of domestic violence that is free of charge and available round the clock, albeit not addressed to all victims of violence against women. Albania,⁷⁶ through an agreement between the government and a feminist NGO, also set up

70. See [GREVIO's baseline evaluation report on Albania](#), paragraph 24, p. 18.

71. See [GREVIO's baseline evaluation report on Finland](#), paragraphs 112-115, pp. 33-34.

72. See [GREVIO's baseline evaluation report on Portugal](#), paragraph 142, pp. 42-43.

73. See [GREVIO's baseline evaluation report on Austria](#), paragraph 100, p. 100.

74. See [Comments submitted by Austria on GREVIO's baseline evaluation report](#), p. 18.

75. See [GREVIO's baseline evaluation report on Montenegro](#), paragraph 132, p. 36.

76. See [GREVIO's baseline evaluation report on Albania](#), paragraph 107, p. 40.

a women's helpline in 2016. Finland⁷⁷ introduced its Nollalinja helpline in 2016 in response to the entry into force of the convention. It is important to also recall the anonymous, free-of-charge helpline launched by Monaco⁷⁸ for victims of domestic violence.

69. The inclusion of gender-based persecution as a ground for the recognition of refugee status in asylum law in a number of states parties also represents a tangible outcome of the application of the convention. Indeed, one of the many ground-breaking features of the Istanbul Convention is that it departs from the gender blindness that has often characterised the application of the 1951 United Nations Convention relating to the Status of Refugees (the 1951 Convention). More specifically, Article 60 of the convention requires that states parties ensure that gender-based violence is recognised as a form of persecution when establishing refugee status or international subsidiary protection. States should thus recognise that rape and other forms of gender-related violence, such as female genital mutilation, dowry-related violence, domestic violence or trafficking, are acts that have been used as forms of persecution, whether perpetrated by state or non-state actors. Paragraph 2 of Article 60 also requires that states parties ensure that a gender-sensitive interpretation is given to each of the 1951 Convention grounds.

70. Official recognition of women's specific experiences as refugees is gaining ground in asylum law in states parties. Sweden⁷⁹ and Finland,⁸⁰ in particular, have broadened the grounds on the basis of which refugee status can be granted to encompass persecution based on gender and sexual orientation, while Montenegrin legislation⁸¹ now expressly considers "acts of persecution specifically related to sex" as persecution within the meaning of the 1951 Convention, thus enabling women asylum seekers subjected to certain forms of gender-based violence to lodge an asylum request on the basis of membership of a particular social group. This will greatly facilitate the implementation of Article 60 of the convention and allow for more systematic training of asylum case managers and the collection of data on the number of cases granted on the basis of gender.

Challenges in promoting and securing support for the Istanbul Convention in the context of the backlash against women's rights

71. As stated earlier in this report, the convention is widely recognised as the most far-reaching legal instrument to prevent and combat violence against women and has been awarded national and international prizes for its comprehensive approach, ground-breaking features and vision. While it has inspired and brought changes to legislation and practices in states parties (see section above), in many ways, it has also fallen victim of its own success, giving rise to intense criticism, misinterpretation or, at times, downright distortion of the founding principles on which it is based.

77. See [GREVIO's baseline evaluation report on Finland](#), paragraph 118, p. 34.

78. See [GREVIO's baseline evaluation report on Monaco](#), paragraph 82, p. 24.

79. See [GREVIO's baseline evaluation report on Sweden](#), paragraphs 254-255, p. 60.

80. See [GREVIO's baseline evaluation report on Finland](#), paragraph 248, p. 59.

81. See [GREVIO's baseline evaluation report on Montenegro](#), paragraph 256, p. 59.

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More specifically, over the last few years, very vocal opposition to the convention has emerged in some countries where some political parties, religious institutions and ultra-conservative groups have led a movement using, as ammunition, false narratives about the convention. Against a backdrop of a general regression in the area of gender equality and women's rights in the world, including back-tracking in the area of reproductive health and rights and the cutting of funds for women's rights NGOs and support structures, this movement has attempted to make the convention a scapegoat for its unfounded accusations about what it claimed was the convention's "hidden agenda". Detracting attention from the phenomenon of violence against women, its root causes and the ways to tackle it, this discourse has gained some support, which in some cases has resulted in a delay or rejection of the ratification of the convention by creating domestic political debates.⁸²

72. Some of the objections that have been levelled at the convention include that the concept of "gender" is foreign to many legal systems and is therefore incompatible with domestic legal norms; that the convention attempts to recognise a third gender or to legalise same-sex marriage; that it challenges traditional gender roles that are beneficial for families and public life/society and thus represents a direct threat to the family institution and to society; and that it has an unjustified focus on women.

73. GREVIO has addressed all of these objections by demystifying the myths and misconceptions around the convention with very clear messages and in an equally vocal manner (see the booklet and other action taken described below). It has clarified that the convention does not require an adaptation of the national legal systems to incorporate the use of the term "gender" but uses it to explain the purpose of the measures that it asks states to adopt and implement. Moreover it has explained that the purpose of this term is not to replace the biological definition of "sex", nor the terms "women" and "men", but to emphasise how much inequalities, stereotypes and – consequently – violence do not originate from biological

82. In two countries, Bulgaria and Slovakia, the ratification process was suspended recently. In Bulgaria, the suspension resulted from the decision of the Constitutional Court (Решение № 13, 27 юли 2018 г) finding a contradiction between the Istanbul Convention and the Constitution of Bulgaria. In Slovakia, on 29 March 2019, the National Council voted by a large majority against the ratification of the Istanbul Convention requesting the government to discontinue the ratification process.

differences, but rather from attitudes and perceptions of how women and men are and should be in society, namely stereotypical roles. Defining the term gender also helps understand the definition of “gender-based violence against women”, which means violence that is directed against a woman because she is a woman or that affects women disproportionately.

74. As regards the convention’s position on gender identity and sexual orientation, including the recognition of same-sex couples, GREVIO has clarified that the convention does not set any new standards in this respect. It simply enounces the principle of non-discrimination on an open-ended list of grounds, including gender identity and sexual orientation, in the application of its provisions. Furthermore, its provisions that ensure protection from domestic violence apply to legally married partners, and also extends to all partners, married or not, whether these are of the same or of different sex.

75. As concerns the allegation that the convention is a threat to traditional families and societies, GREVIO has clarified that the convention does not regulate family life/family structures and does not promote a certain type of family institution or setting; it simply requires governments to ensure the safety of victims who are at risk at home or are threatened by family members/spouses/partners. Moreover, its call to eliminate gender stereotypes doesn’t mean imposing life choices on women/men. Nor does it imply overturning all traditions and customs. What the convention opposes are those traditions that are discriminatory; that confine women and men to stereotyped roles limiting their developments and life opportunities; that justify patriarchy and sexist attitudes that prevent gender equality; and that are harmful to women and put them in harm’s way. Lastly, regarding the criticism that it has an unjustified focus on women, GREVIO has clarified that the convention applies mostly to women because it covers forms of violence that only women experience because they are women, or that women experience much more often than men. These forms of violence are a result of unequal power relations between men and women and a consequence of discrimination against women. However, the convention and GREVIO recognise that, albeit less often and frequently in less severe forms, men can also experience some forms of violence covered by the Istanbul Convention, such as domestic violence, rape and forced marriage. Therefore, the convention encourages its states parties to apply its provisions to all victims of domestic violence, including men, children and the elderly.

76. Members of GREVIO and of the Committee of the Parties have been active in countering disinformation campaigns against the convention at public events. On 30 November 2018, an exchange was organised by the Secretary General of the Council of Europe in the form of a round table with NGOs from Eastern European countries. The event provided an opportunity for participants to identify specific challenges faced in the implementation and ratification of the convention as well as strategies to counter misconceptions. The PACE Rapporteur of the report “The Istanbul Convention on violence against women: achievements and challenges”⁸³ recalled during the round table that parliamentarians and politicians have to actively promote the added value of the convention and counter attacks against it. In addition,

83. See [Doc 14908](#) of 8 June 2019.

GREVIO joined forces with other global and regional women's rights treaty bodies and issued a press release in March 2019, joining the Secretary General in the call for strengthened efforts to fight against pushbacks on women's rights in all regions of the world.⁸⁴

77. GREVIO has also published the booklet "Questions and Answers" on the Istanbul Convention in 20 languages, presenting arguments (see above) on how to counter recurring misrepresentations of the convention and recalling its real aim – preventing and combating violence against women through multi-agency action.

78. Furthermore, GREVIO collects information, including through national and international NGOs, for each country experiencing a backlash against the convention and gender equality policies and works with governments, parliamentarians and civil society to counter such phenomena. The Committee of the Parties to the Istanbul Convention and GREVIO also regularly follow the evolution of the debates on the backlash, with a view to assessing the need for a possible intervention on their part to clarify misconceptions and provide necessary information on the subject. Moreover, GREVIO continues to strengthen partnerships with regional and international partners to keep gender equality and the ratification of the convention high on the political agenda.

79. Finally, states that have benefited from being party to the convention or that have been evaluated by GREVIO have been invited to take a more active stance in support of it by showing, with facts and real results, what the convention addresses and the change it can produce on the ground. As a result, many state representatives and parliamentarians have denounced the spread of misguided beliefs related to the convention. Along this line, when the government of Poland, upon its ratification of the convention, introduced a declaration stating that the Republic of Poland would apply the convention in accordance with the principles and the provisions of its constitution, various states parties registered formal objections to that declaration. The objections were raised on the grounds that by referring to the principles and provisions of its constitution, the declaration amounted to a reservation of a general and indeterminate scope that did not clearly define the extent to which the state with the reservation had accepted the obligations of the convention. The objections were raised further on the grounds that the declaration was incompatible with the object and purpose of the convention.

80. Through collective action, the strength and importance of the convention has been reiterated. As a result, the European Union signed the convention on 13 June 2017. Furthermore, on 12 June 2018, Croatia ratified the Istanbul Convention despite demonstrations against the convention organised by national "conservative" groups. Above all, regardless of the backlash, the number of parties to the convention has increased steadily since its entry into force: three states ratified the convention in 2016, six states ratified it in 2017, five states ratified it in 2018 and one state ratified it in 2019, bringing the number of states parties to a total of 34 as of May 2019.

84. See: "Joint statement: Independent women human rights mechanisms are part of the solution to 'push back the pushbacks and keep pushing back'".