



Advancing towards the ratification and implementation of the Istanbul Convention: good practices from states parties

Study prepared under the framework of the project “Awareness-raising activities on the Istanbul Convention in the Republic of Moldova”

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Acronyms

BiH	Bosnia and Herzegovina
CEDAW	United Nations Committee on the Elimination of Discrimination Against Women
CoE	Council of Europe
CRM	Co-ordinated Referral Mechanism
DV	Domestic violence
EU	European Union
FGM	Female genital mutilation
GEOSTAT	National Statistics Office of Georgia
GREVIO	Group of Experts on Action against Violence against Women and Domestic Violence
IC	Istanbul Convention – Council of Europe Convention on preventing and combating violence against women and domestic violence
MPs	Members of Parliament
NAP	National Action Plan
NGO	Non-governmental organisation
VAW	Violence against women
OSCE	Organization for Security and Co-operation in Europe
RCNI	Rape Crisis Network Ireland
REVALB	Recording Violence in Albania
WAVE	Women Against Violence Europe

INTRODUCTION

Global prevalence of violence against women

Violence against women (VAW) and domestic violence (DV) are among the most pervasive human rights violations in the world today. They are serious violations of fundamental human rights to life, safety and security, to freedom from torture and inhumane and degrading treatment, and freedom from discrimination. Their effects extend beyond physical injuries and psychological issues. They extend to the health of victims, the well-being of families, and the economic situation of a country as a whole.

VAW and DV are widespread phenomena, which are still shrouded in silence and underreported.

Global estimates from the World Health Organisation indicate that one in three (35%) women worldwide have experienced some form of physical and/or sexual violence. Most of this violence is intimate partner violence (World Health Organisation, 2017).

The Organization for Security and Co-operation in Europe's (OSCE) report on the Well-being and Safety of Women published in 2018, which studied violence against women in Albania, Bosnia and Herzegovina, Kosovo¹, **the Republic of Moldova**, Montenegro, North Macedonia, Serbia and Ukraine, concluded that 70% of women had experienced some form of sexual harassment, stalking, intimate partner violence or non-partner violence since the age of 15. One in three women (33%) in the European Union (EU) has experienced physical and/or sexual violence by a partner or non-partner since the age of 15. One in 10 women has experienced some form of sexual violence since the age of 15, and one in 20 has been raped. More than two in five (43%) have experienced psychological violence by a partner since the age 15, and 55% have experienced sexual harassment. More than one in five women (23%) in the region covered by the research had experienced intimate partner physical and/or sexual violence (OSCE, 2019).

The Istanbul Convention

The Council of Europe (CoE) Convention on preventing and combating violence against women and domestic violence – the Istanbul Convention (IC) – opened for signatures in May 2011 in Istanbul and came into force on 1 August 2014. It is the first legally binding treaty and the most comprehensive one to date on violence against women and domestic violence. The purpose of the convention is to ensure protection of women and girls from all forms of violence, including domestic violence, to eliminate discrimination against women and promote equality between women and men. It seeks to do so through a “comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence” (Article 1c). The convention defines and criminalises the various forms of violence against women, including domestic violence, which affect women disproportionately. Insofar as the convention seeks to protect from and to eliminate domestic violence, it also recognises that men and boys can be victims of such violence.

The Istanbul Convention acknowledges that the key to eliminating violence against women and domestic violence is taking a comprehensive and holistic approach, based on the recognition that such violence is structural and a manifestation of historical inequality between women and men.

The Istanbul Convention requires states parties to offer a holistic response to violence against women, through its four pillars:

- ▶ **prevention** of violence through measures addressing its root causes and aiming at changing attitudes that make violence against women acceptable. This includes training the professionals responding to violence and developing treatment programmes for perpetrators;

¹ All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

- ▶ **protection** of women and girls through creating specialised support services for victims and their children (shelters, telephone helplines, day centres, rape crisis centres), as well as through introduction of emergency barring orders and long-term protection orders;
- ▶ **prosecution** of perpetrators through criminalisation of all forms of violence against women, efficient criminal investigations and proceedings and seeking to end impunity;
- ▶ **integrated policies** applied state-wide that are holistic, co-ordinated and comprehensive including all relevant measures to prevent and combat all forms of violence against women, implemented through effective co-operation among all stakeholders and centred around the needs of the victims.

As of May 2020, the Istanbul Convention has been signed by 45 out of 47 members of the Council of Europe,² and ratified by 34 countries. It was also signed by the European Union on 13 June 2017.

Scope of the report

This report has been prepared under the framework of the Council of Europe project “Awareness-raising activities on the Istanbul Convention in the Republic of Moldova” (2020).³

This report provides examples of practices that contributed to smooth the states’ paths towards ratification of the Istanbul Convention. It also presents good practices to illustrate possible measures under each of the pillars of the Istanbul Convention. Both sets of practices, on the path towards ratification and on implementation, have been selected to respond to the current challenges and gaps in the Republic of Moldova, but can also be used as a tool by other states.

While it is hoped that the examples of practices presented in this report will provide useful ideas to support the Republic of Moldova and other states to ratify and implement the Istanbul Convention and identify ways for improving the country’s response to VAW and DV in general, the Council of Europe does not endorse any particular good practice and does not consider any country to represent a good practice as a whole. In addition, it does not preclude the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) from evaluating these country practices within its monitoring mandate. This report is not intended as a monitoring exercise.

Finally, it should be stressed that this report does not look into all requirements set forth in the Istanbul Convention, but rather provides handpicked examples that could best fit the Moldovan context.

² Excluding Azerbaijan and the Russian Federation.

³ Project page available at: <https://www.coe.int/en/web/genderequality/moldova-2020>

ADVANCING TOWARDS THE RATIFICATION OF THE ISTANBUL CONVENTION

Although many countries had already enacted legislation and measures against violence against women, especially to counter domestic violence, prior to the Istanbul Convention's entry into force, the commitment to uphold its principles and implement it in full added a comprehensive framework of standards based on a human rights and a victim-centred approach. As countries go through harmonisation of legislation, enhancement of standards and practices in line with the provisions of the convention and through the monitoring and evaluation process by GREVIO, more good practices are being developed. Additionally, the standards of the Istanbul Convention are being implemented across both EU and non-EU countries which provides a common ground for co-operation and exchange of experiences and good practices among different states. This, together with a monitoring and evaluation mechanism, provides added value to the Istanbul Convention.

Despite the positive impact of the Istanbul Convention, and its ground-breaking nature (named a "gold standard" by the United Nations) or maybe precisely because it is a ground-breaking instrument, in recent years some objections have been raised against it in some countries. These objections are based on misconceptions about the Istanbul Convention that the Council of Europe has been working to dispel by engaging in the discussion and providing clarifications (Council of Europe, 2018).

GREVIO has noted with concern a backlash against women's rights, which is slowing down the processes of ratification and implementation of the Istanbul Convention, but has reminded the member states that the convention was negotiated, drafted and unanimously adopted by the Council of Europe Committee of Ministers representing all Council of Europe states. At the time of its drafting and even today, there is political agreement about the need to end violence against women and domestic violence. The purpose and scope of the Istanbul Convention are clearly in line with this agreement (Parliamentary Assembly of the Council of Europe, 2019: 16, 19).

The preparation of the ratification process of the 34 states parties to the convention was done according to their individual national customs and regulations. Whatever the individual means, certain common good practices have emerged. This chapter presents examples of several states' path to ratification in the hope that it will aid the Republic of Moldova and other countries that have not yet ratified the Istanbul Convention to understand how the process can be eased, and what it entails.

The Republic of Moldova: path to ratification of Istanbul Convention

Throughout the years, the Republic of Moldova has undertaken efforts to conduct research on the prevalence of VAW and DV, the cost of domestic violence, and compatibility of national legislation with the provisions of the Istanbul Convention, along with aligning the legislative framework to the European standard.

After all these efforts, on 6 February 2017, the Republic of Moldova signed the Istanbul Convention. By signing the convention, the state sent a clear message that violence against women and domestic violence must not be tolerated, that they are crimes and violations of human rights which must be prevented, prosecuted and punished, that victims have to be protected and supported, while comprehensive policies must be developed and implemented.

To reinforce its commitments and continue to advance towards ratification of the Istanbul Convention, the Republic of Moldova approved its first National Strategy to Prevent and Combat Violence against Women and

Domestic Violence for 2018-2023 and an Action Plan for 2018-2020 to implement it. This strategic document aims at ensuring a systematic approach to countering violence against women and domestic violence and increasing the efficiency of the response of relevant institutions to cases of violence.

In 2019, national public authorities, in partnership with civil society, initiated a process of reviewing the current practices of response to cases of violence against women and domestic violence. Following this analysis, new draft laws were proposed to ensure full legislation compliance with the provisions of the Istanbul Convention and to increase the efficiency of the community and institutional response to violence against women. These important measures along with the Government's approval of the draft law to ratify the Istanbul Convention are evidence of the country's commitment to join the Council of Europe treaty. This commitment is confirmed through several other means: the EU-Moldova Association Agreement and its Action Plan; the National Human Rights Action Plan for 2018-2022; the National Strategy on preventing and combating violence against women and domestic violence for 2018-2023 and its Action Plan for 2018-2020; and, of course, the signature of the Istanbul Convention.

However, certain misinterpretations and misrepresentations of the provisions of the Istanbul Convention have led some to mistakenly see it as an attack on family values. The objective of the convention is not to regulate family life and/or family structures; likewise, it does not contain a definition of "family", nor does it promote a particular type of family setting. The convention requires governments to ensure the safety of victims who find themselves at risk at home or are threatened by family members.

Although the Republic of Moldova has made progress in terms of adopting a legal framework and several national policy documents on preventing and combating domestic violence and violence against women it could benefit from the comprehensive framework set forth by the Istanbul Convention and to have access, through monitoring and international co-operation, to a wealth of best practices. By ratifying the convention, the country will also formalise and operationalise its commitment to guarantee the right of women and girls to a life free from violence.

Good practices in the ratification process of the Istanbul Convention

While many countries ratified the Convention early on and without complications, some have held back. The individual process of ratification is different for each state according to its context and national legislation. Still, states have developed some good practices in the process of ratification and in planning and preparing for implementation, whether this has taken place before or after the ratification itself. This section identifies some of these practices.

Promoting research on the prevalence of VAW and DV and understanding barriers faced by victims ahead of ratification

Understanding that violence against women and domestic violence are widespread is an essential starting point to raise awareness among the general public and decision makers, but it is also a way to inform policy making and even promote reporting by victims. When systematic and updated data is available, it is easier to effectively tackle VAW and DV. Additionally, promoting research is one of the requirements of the Istanbul Convention (Article 11) once ratified.

Bosnia and Herzegovina (BiH) ratified the Istanbul Convention in November 2013. In the couple of years before the ratification, several surveys on the prevalence, causes and consequences of violence against women were carried out. In 2012, the Gender Equality Agency of BiH in co-operation with the Gender Centre of the Republika Srpska, the Gender Centre of the Federation of BiH, the Institute for Statistics of the Republika Srpska, and the Institute for Statistics of the Federation BiH carried out a research on the prevalence and characteristics of violence against women in BiH. The research was published in 2013 and was the first prevalence research done in BiH (Babović et al., 2013). An additional research on causes of domestic violence in Federation BiH was carried out by the Gender Centre of the Federation BiH in 2013 (Sesar, 2013).

These surveys are important because they helped policy makers create a plan for harmonisation with the provisions of the IC in a way that is specific to the situation of women in the country.

After ratification, a survey on the cost of multi-sectoral response to domestic violence was carried out with the support of UN Women office in BiH (Halilović, 2018). According to this research, the total estimated

economic cost of domestic violence or its effect on the economy of BiH was over 33 million euros. This analysis was a significant contribution to the process of budget allocation for the effective multi-sectoral response to domestic violence in line with the provisions of IC.

Analysing the country's alignment with the provisions of the Istanbul Convention along with preparations for ratification

Many countries already have in place legislation, policies and services for victims of VAW and DV that need to be taken into account so that the provisions of IC can be implemented in the most effective manner. Once ratified, national legislation and practice needs to be in line with the requirements of the Istanbul Convention.

It is not necessary to align legislation prior to ratification, but it is a good practice to do so. When preparing for implementation, it is helpful to list all the laws and by-laws that will need to be aligned in order to have a more co-ordinated process and to ensure that different pieces of legislation work well together.

At the time of ratification (May 2017), **Georgia** had prepared a package of 25 legislative changes to be made in order to fill the gaps and align its legislation with the Istanbul Convention. These amendments included: adopting definitions of violence against women, criminalising stalking, criminalising forced sterilisation, forced marriage and female genital mutilation, providing for temporary residence for foreign women who are victims of violence, establishing mechanisms for ensuring access to state-provided services for victims of domestic violence without contacting the police, ensuring that victims of violence are notified prior to the release from custody of the perpetrator, and expanding the list of aggravating circumstances related to violence against women and domestic violence. The Parliament adopted amendments enabling courts to remove the right to carry firearms from persons convicted of domestic violence.

Georgia also included policy measures in these preparations which later served as a roadmap for its implementation. Their National Action Plans (NAP) for 2016-2017 and 2018-2020 on Measures to be Implemented for Combating Violence against Women and Domestic Violence and Protection of Victims/Survivors firmly root violence against women and domestic violence as gender phenomena and tackle them comprehensively. The NAPs included prevention measures, awareness-raising, as well as establishing referral mechanisms and services for victims (UN Women, 2018). Moreover, further plans include the expansion of hotline services, systematisation of data collection, post-shelter support and other measures, in line with the Istanbul Convention (Inter-Agency Commission on Gender Equality, Violence against Women and Domestic Violence, 2019).

Ireland ratified the Istanbul Convention in March 2019 and it entered into force on 1 July 2019. While much of the Irish legislation and administrative practice already implemented many of the provisions of the convention, the Irish government decided to analyse and align its legislation and practices prior to its ratification. In October 2015, the Government approved an 18-point plan that contained those outstanding actions (Department of Justice and Equality, 2015). Some of the 18 actions that the plan listed are: to enact the Domestic Violence Bill, provide training and education, implement the EU Victim's Directive, implement a co-ordinated national helpline service, develop a risk assessment matrix, change legislation on sexual violence, criminalise forced marriage, extend access to interim barring orders, legislate for extra-territorial jurisdiction and establish an oversight group.

Some of the legislation passed included the following laws: Criminal Justice (Victims of Crime) Act 2017, Criminal Law (Sexual Offences) Act 2017, Domestic Violence Act 2018. The Domestic Violence Act of 2018 was the most important piece of legislation which introduced aggravating circumstances in sentencing crimes committed in a domestic violence context as per Article 46 of the Istanbul Convention. The Act also introduced an offence of Forced Marriage as per Article 37 of the convention.

From the moment **Croatia** signed the Istanbul Convention in 2013, its provisions were used as a basis for legal changes and drafting policy strategies. The new Law on Protection against Domestic Violence that entered into force on 1 January 2018 amended the definition of domestic violence, stipulated the responsibilities of

the bodies in charge of dealing with victims of domestic violence, and amended the provisions of protection measures in line with the IC provisions.

The Government of the Republic of Croatia adopted its fourth 'National Strategy for Protection against Domestic Violence' for the period 2017-2022. It covers prevention, support to victims of violence, psycho-social treatment of perpetrators of domestic violence, improvement of cross-sectoral co-operation, training of experts on protection against domestic violence, and raising public awareness. Each National Strategy measure is explicitly based on one or more articles of the Istanbul Convention (Ministry for Demography, Family, Youth and Social Policy, 2017).

Another way to prepare for ratification and implementation is for relevant ministries and agencies and/or NGOs to carry out a mapping of existing legislation and policies and identify where the gaps are. This analysis can be done through research, but also through multi-stakeholder meetings, roundtables and/or conferences, where open discussion among experts from various sectors can help identify areas that need change. Once the convention is ratified, the process of alignment becomes easier if such an analysis already exists.

The Istanbul Convention entered into force in **Germany** on 1 February 2018. The German Institute for Human Rights published an analysis on the Istanbul Convention in February 2018, providing an overview of its content and recommendations for its implementation. It included: governmental and non-governmental bodies responsible for its implementation, measures needed to achieve effective implementation, and groups likely to be affected. The study was aimed at the relevant ministries and other bodies at the state and federal levels, as well as the service system. It also explained the role of GREVIO – how it interprets and monitors the convention's implementation (Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, 2019: 48).

On 1 February 2019, the German Institute for Human Rights, together with the German Lawyer's Association, the Federal Ministry for Family, Seniors, Women and Youth and the chair for Public Law and Gender Studies at the Humboldt University in Berlin organised a conference to mark the first year of implementation of the Istanbul Convention. During this conference, positive changes as well as remaining gaps were presented and discussed. The conclusion was that more co-ordinated action, more inclusiveness and respect for diversity, and more training for the police are needed (German Institute for Human Rights, 2020).

Croatia, Slovenia and Austria all ratified the IC between 2013 and 2018. From 2012 to 2016, an international group of women's NGOs started a joint project to ensure ratification, implementation and monitoring of the Istanbul Convention called 'Co-ordinated efforts – toward new European standards in protection of women from gender-based violence'. It was led by the Autonomous Women's Centre, Serbia, with partners from Austria, Bosnia and Herzegovina, Croatia, Montenegro, North Macedonia and Slovenia. One of the main activities of this project was to produce a legal and policy analysis as well as a baseline study of each country's alignment with the Istanbul Convention (Autonomous Women's Centre and partner organisations, n.d.).

The conclusions from these baseline reports were then used in national media campaigns, roundtables and conferences to advocate for ratification and full implementation. An added value of this approach was that the countries in the region worked together and were able to compare progress and exchange experiences. The project website is still active and is an important source of information on the implementation of the IC for the region.

Establishing partnerships and co-operation with women's NGOs in preparing for ratification

The Istanbul Convention pays special attention to the work of women's NGOs, requesting states parties to support their work (Article 9), provide financial resources (Article 8), and promote raising awareness together with NGOs (Article 13). Many women's organisations have closely followed the process of development of the Istanbul Convention and are very familiar with its provisions. They are a valuable and irreplaceable part of the states' response to VAW and DV. It is highly beneficial to establish partnerships and co-operation with women's NGOs in the process of preparing for ratification of IC.

In **Austria**, the Istanbul Convention was ratified in February 2013. One year later, women members of the Social Democratic Party in the National Council of Austria co-operated with women's NGOs in order to urge full implementation of the convention. They organised a "women's breakfast" during which they collected signatures from the members of the Austrian Parliament who committed to transpose the provisions of the Istanbul Convention into their national legislation. This action contributed to the regional 'I sign' campaign, which was part of the project 'Co-ordinated efforts – toward new European standards in protection of women from gender-based violence'. This activity was organised by the WAVE Network. It contributed to the visibility of the Istanbul Convention and it emphasised the need for its implementation (Parliamentary Assembly of the Council of Europe, 2019: 40).

Croatian women's NGOs were involved in the process of signing, ratifying and implementing the Istanbul Convention from the beginning. In 2014, during the campaign for ratification, the president of Croatia, Dr Ivo Josipović signed a letter of support to women's NGOs asking for ratification.⁴ Women's NGOs also organised a conference in 2014 together with the Parliamentary Committee for Gender Equality where the president gave a speech in support of ratification, and so did the president of the Parliament. Women's NGOs presented a study on the alignment of Croatian legislation with the convention for members of Parliament (MPs) to make an informed decision about ratification.

After the change of government in 2016, the process of ratification slowed down, but the co-operation of women NGOs with the Parliamentary Committee for Gender Equality continued until the ratification was achieved in June 2018.

Ensuring that ratification is high on the political agenda

The states' commitment to ending violence against women and domestic violence and protecting its citizens from them is reflected in strong commitment towards ratification and implementation of the convention. For this to happen, government representatives must become strong advocates and leaders who will put the states duty and responsibility to protect human rights at the forefront.

The ratification in **Georgia** was influenced by a strong leadership and ownership of the process from the Minister of Justice, Ms Tea Tsulikiani, who was very much supportive and pushing for ratification. Additionally, the EU integration process being high on the political agenda was an important driving force for ratification. Georgia signed the Association Agreement with the EU and the Istanbul Convention on the same year, in 2014. The EU-Georgia Association Agenda for 2017-2020 established the ratification of the Istanbul Convention as a short-term priority. Also, Georgia is currently preparing a video entitled 'Path of success to Istanbul Convention' to showcase their experience.

Croatia experienced a very serious backlash against the ratification of the Istanbul Convention, based on the misconceptions that were spread by some conservative groups. The main objection against the ratification was the misconception that the convention will introduce some new notions of gender and/or same sex marriage. Two years after the ratification, none of the fears raised related to the convention have been realised. Instead, the convention has helped to implement new legislation, amend existing one or better fund the provision of specialised services for victims. For example, the crime of rape has been re-defined to be only based on the lack of consent of the victim, and the prosecutions of cases of the domestic violence and rape have increased. The Ministry for Demography, Family, Youth and Social Policy provided additional funding for specialised services for women (women's centres and helplines).

When taking over the presidency of the Council of Europe in May 2018, the then Croatian Minister of Foreign and European Affairs, Marija Pejčinović Burić said: "...on the occasion of taking over the chairmanship, we will underline our experience in ratifying the Istanbul Convention, the problems and issues we were faced with, which we believe were unnecessarily imposed on us and aren't related to the fundamental purpose and the aim of the Convention" (HINA, 2018).

⁴ In Croatia, the government and the Parliament are responsible for ratification, the president has no role other than to offer his or her support.

Implementing information and awareness-raising campaigns on the content, impact and benefits of the Istanbul Convention

In the process of ratification, it is useful to disseminate information about the purpose and content of the convention to facilitate understanding and public discussion about the obligations of states parties, information about victim's rights and, overall, the convention's benefits to society.

During the ratification process, the government of **Croatia** published an online brochure "All you need to know about the Istanbul Convention." This brochure explained to the wider public what the convention is, whom does it protect, what obligations the convention brings, what is GREVIO and it provided data on the prevalence of domestic violence. The brochure also explained why the convention mentions the term "gender" and tried to dispel some misconceptions and false ideas related to this term and other questions (abortion, "third-sex", marriage, etc) (Ministry of Demographics, Family, Youth and Social Policy, 2018).'

Prior to this, women's NGOs in Croatia organised a nation-wide campaign called 'I sign', which was part of the regional campaign carried out in seven countries as part of the project 'Co-ordinated efforts – toward new European standards in protection of women from gender-based violence'.

Creating working groups to work on the ratification

Depending on the national legislation, the process of ratification may include drafting a special law to adopt the convention. Following the ratification, or prior to it, plans for implementation can also be developed. During this process, some countries create working groups to develop such draft laws and NAP for implementation. This allows experts and different stakeholders to have a say into the process of ratification and implementation and to exchange experiences and expertise.

In **Croatia** in 2017, the newly elected government, which had in its political plan the ratification of the Istanbul Convention, organised a working group composed of members of different ministries, ombudspersons and members of the civil society in order to draft the Law on ratification of the Istanbul Convention (Autonomous Women's Centre and partner organisations, 2017). The Law on ratification was prepared by the Ministry, and the group met twice to discuss the text of the draft.

In **Romania**, the government and women's NGOs worked together toward ratification of the Istanbul Convention, harmonisation of the legislation and implementation of the provisions of the IC. In 2016, the Superior Council of Magistracy set up a working group, composed of representatives of relevant ministries, non-governmental organisations, experts from the judiciary and representatives from the academic field. The purpose of the working group was to draft the necessary legislation for the implementation of the Istanbul Convention. Two laws were part of the legislative package: Law No. 174/2018, amending and supplementing Law 217/2003 for preventing and combating family violence, and Law No. 178/2018 amending and supplementing Law 202/2002 on equal opportunities and treatment between women and men.

After the adoption of these laws, the National Agency for Equal Opportunities between Women and Men took over to set up an interinstitutional working group to elaborate the necessary normative acts for their implementation (National Agency for Equal Opportunities between women and men, 2020).

Creating a space for a wide public discussion on the ratification and implementation of the Istanbul Convention

In some countries, there have been concerns about the possible ramifications of ratifying the Istanbul Convention. These range from questions about financial resources and whether the country will be able to meet the requirements, to concerns about the process of harmonisation, of the monitoring by GREVIO and finally, to misconceptions about the ideological background of the convention. To address these, as well as to identify the best ways to implement the Istanbul Convention, it is good practice to organise a wide public discussion. This discussion needs to include all the relevant stakeholders, such as different institutions and women's NGOs, but also the wider public.

In **Croatia**, the process of ratification of the Istanbul Convention included publishing and publicly distributing 10,000 copies of the convention since 2014. The convention was translated by the Government Office for Gender Equality, which distributed the copies during conferences, roundtables and different public events. Women's NGOs organised campaigns and roundtables on ratification (see above), while the government organised several roundtables and sessions of different parliamentary committees where MPs and NGOs discussed the importance of ratification.

In **Bosnia and Herzegovina**, after the Istanbul Convention entered into force in 2014, the Agency for Gender Equality published a public call for consultations to develop a National Action Plan to implement the Istanbul Convention. They invited all interested citizens, organisations and public institutions to participate through filling out an online form (Autonomous Women's Centre and partner organisations, 2013).

Additionally, in 2014, women's NGOs together with the Agency for Gender Equality of BiH and the Commission for Gender Equality of the House of Representatives of the Parliamentary Assembly of BiH, organised the international conference "Protection of women victims of domestic violence in the light of the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence". The aim of the conference was to present the activities ratification and implementation of the convention, and to exchange experiences and good practices in the functioning of safe houses. Representatives of legislative and executive bodies from all levels of government, women's NGOs, and international organisations were able to get acquainted with European standards in the functioning of safe houses created by WAVE, and good practices of functioning of safe houses in the countries of the region: Croatia, Macedonia, Slovenia and Serbia (Autonomous Women's Centre and partner organisations, 2014).

Co-ordinating the process of ratification with other existing commitments and programmes, such as policies and plans for equality between women and men

Many countries already have plans and commitments to achieve Sustainable Development Goals, implement recommendations from the Committee on the Elimination of Discrimination against Women (CEDAW) and other international human rights bodies. There are also policies and plans for equality between women and men. In preparing for ratification, it is useful to take into account previous recommendations regarding preventing and combating violence against women and domestic violence, as well as to plan for ratification and implementation in complementary national strategic documents.

Croatia passed its current National Strategy National Strategy for Protection against Family Violence from 2017 – 2022 before the Istanbul Convention was ratified (Ministry for Demography, Family, Youth and Social Policy, 2017). This strategy links its measures to the provisions of the IC because the government already planned to ratify at the time of drafting of the Strategy. Also, the last Strategy for Gender Equality 2011-2015 had the adoption of the Istanbul Convention as one of its measures (Office for Gender Equality, 2011). The two national strategies are therefore conceived to work in parallel but complementing each other, whilst being in line with the requirements and provisions of the Istanbul Convention, thus ensuring a comprehensive and cohesive approach.

GOOD PRACTICES ON IMPLEMENTATION OF THE ISTANBUL CONVENTION

Within the six years of its coming into force, the convention has had a significant positive impact in the countries that have ratified it. It has succeeded in bringing the issue of violence against women and domestic violence to the forefront of the political agenda, increased the level of public debate and made it clear that this is not a private, but a public issue.

In its first General Activity Report, GREVIO commended the states parties for making improvements and it also identified valuable practices in the course of its baseline evaluation procedure. It recognised the general improvement in criminalisation of all forms of violence against women, particularly sexual violence, stalking, female genital mutilation (FGM) and forced marriage. GREVIO also noted the development of national action plans, establishment and financial support of shelters and 24/7 telephone helplines, and systematic initial and in-service training of relevant professionals (Council of Europe, 2020a).

This chapter provides examples of implementation of the four pillars of the Istanbul Convention by different states parties. For each pillar, a brief explanation of the requirements of the convention is provided. This is followed by a description of the specific shortcomings or challenges in the Republic of Moldova linked to the standards of the convention. Lastly, a selection of examples of implementation by states parties is provided. The examples are chosen to illustrate how states parties have addressed similar gaps as those faced by the Republic of Moldova. It should be emphasised that not all requirements under each pillar are shown in this study.

PREVENTION

Preventing violence against women and domestic violence requires far-reaching changes in attitudes of the public at large, raising awareness of the negative consequences of VAW and DV and the critical role of gender stereotypes in generating VAW and DV. Prevention work aims to reach the hearts and minds of individuals who, through their behaviour, contribute to perpetuate the forms of violence (Council of Europe, 2011). Prevention must therefore include actions at individual, community and social levels and must target the root causes of violence against women and domestic violence.

Awareness-raising

The Istanbul Convention requires states parties to put forward measures to promote changes in the social and cultural patterns of behaviour of women and men with a view to eradicating prejudices, customs, traditions and all other practices which are based on the idea of the inferiority of women or on stereotyped roles for women and men (Article 13). To raise awareness, states parties should support, promote or conduct regular awareness-raising campaigns and programmes, including in co-operation with the national human rights institutions, equality bodies and civil society, particularly women's NGOs.

Awareness-raising campaigns in the Republic of Moldova

The Republic of Moldova has undertaken some efforts to raise public awareness about the causes and severe consequences of violence against women. Annually, awareness-raising campaigns are organised by state institutions and NGOs to reach the general public and professionals from different fields. However, awareness-raising campaigns are highly dependent on the availability of financial resources and the level of priority that public authorities give to VAW and DV, both being scarce. Hence, communities, especially in rural areas, remain insufficiently informed about gender stereotypes, causes and consequences of VAW and DV, and the legal

remedies and specialised services available for victims of domestic violence. Mass media frequently validate gender stereotypes related to violence against women and domestic violence and the role of women and men in society and family.

Good practice example:

Austria organised a far-reaching campaign in 2014 and 2015 called “Living Free from Violence” (GewaltFreiLeben). This campaign was co-ordinated by the Federal Ministry for Education and Women’s Affairs and implemented by the association “Autonomous Austrian Women’s Shelters” in co-operation with the Vienna Intervention Centre against Violence in the Family and the Austrian National Youth Council (Autonomous Austrian Women’s Shelters Association, 2014). Numerous awareness-raising activities were organised within this campaign, including dissemination of information about the Women’s Helpline against Violence that runs free of charge throughout Austria, organisation of information events, publication of materials in several languages, and organisation of workshops for different stakeholders. Target groups included the general public, the healthcare sector, professional groups involved in high-risk cases, migrants, young people and journalists. The campaign was financed by the European Union and the Federal Ministry of Women’s Affairs (Federal Ministry of Health and Women’s Affairs, 2016: 11).

GREVIO commended Austria for its efforts to raise awareness of violence against women and domestic violence and to disseminate information about the support available (Council of Europe, 2017b).

Why this constitutes good practice:

- ▶ it is a wide-reaching, multi-year campaign at national level to raise awareness on violence against women and domestic violence;
- ▶ it was implemented through partnership between the government and women’s NGOs;
- ▶ it included information for victims on available support;
- ▶ it included all relevant stakeholders.

Training of professionals

Professionals working with cases of violence against women, including domestic violence, must be trained to prevent and identify these cases, assess and manage risks, identify and respond to victims’ needs, and refer victims to other specialist services, when necessary (Article 15). The topics of the training should include co-ordinated multi-agency response.

Strengthening capacities of professionals in the Republic of Moldova

The General Police Inspectorate with the support from non-governmental organisations trained over 2,000 police officers on how to adequately respond to cases of domestic violence. However, trainings have not been institutionalised and are organised depending on availability of donor funding. Conversely, trainings for judges and prosecutors have been institutionalised at the National Institute of Justice and are now regularly conducted to ensure a proper response of judges and prosecutors to cases of violence against women and domestic violence. No specialised training programmes have been developed for social workers or healthcare workers. The exception are forensic doctors who have several trainings available.

There is still no common vision about the initial and on-going capacity-building of all professionals responding to violence against women and domestic violence cases to ensure a uniform and co-ordinated approach to the response.

Good practice example:

Portugal included training of professionals as one of the strategic areas of its fifth National Action Plan to Prevent and Combat Domestic and Gender-based Violence 2014-2017, following the ratification of the Istanbul Convention. A broad range of professional categories were included: law enforcement, judiciary, social and health services, employment, media, education (Council of Europe, 2019a).

The Commission for Citizenship and Gender Equality, the national co-ordinating body, plays an active role in promoting training and developing training support tools. They developed training benchmarks in accordance with the Law No. 112/2009, for the training of victim support professionals thus ensuring their professionalisation (Council of Europe, 2019a).

Why this constitutes good practice:

- ▶ trainings are planned within an integrated policy document and the national co-ordinating body plays a key role in their development and implementation;
- ▶ training is extensive, covering relevant professional groups in all regions;
- ▶ there are guidelines and benchmarks for trainings which aim at professionalising support services for victims;
- ▶ trainings include a reference to gender equality and deconstructing gender stereotypes.

PROTECTION

The Istanbul Convention contains the general obligation of taking legislative or other measures for the protection of all victims within their territory from any further acts of violence covered by the convention (Council of Europe, 2011). It implies taking the necessary legislative and other measures to ensure that victims have access to general and specialist services facilitating their recovery from violence. These measures should include services such as legal and psychological counselling, financial assistance, housing, education, training and assistance in finding employment.

Sustainable shelters and specialist services for victims

The Istanbul Convention requires states parties to set up appropriate, easily accessible shelters in sufficient numbers (Article 23), especially for women and children, and to make these services sustainable. Besides shelters, there should also be long and short-term specialist support services for women and children (Article 22). All services should follow a human rights approach and ensure safety of the victim, aim at their empowerment and avoid secondary victimisation. Whenever possible, states parties should ensure that a range of support services are placed in the same premises. Shelters should receive sufficient and reliable funding to be able to provide continuous service to the victims. It is recommended that safe accommodation in specialised women's shelters should be available in every region, with one family place per 10,000 head of population (Council of Europe, 2011).

Shelters and specialist services in the Republic of Moldova

Services required by the Istanbul Convention to address the specific needs of victims of violence, such as shelters, psychological and legal counselling, are mostly provided by NGOs with the support of donors. According to a study on the costs of domestic violence in the Republic of Moldova (Women's Law Centre, 2016), more than 60% of costs related to services provided to victims of domestic violence and violence against women are covered by civil society organisations. NGOs provide legal counselling, representation, psychological support and shelter.

The country has an insufficient number of shelter places.⁵ Currently, there are seven public institutions providing shelter to victims of domestic violence, twelve non-governmental organisations providing support services to victims of domestic violence at local, regional and national levels, and four centres for perpetrators. There is one round-the-clock helpline accessible seven days per week providing counselling services to victims. It is the only service provided by an NGO which is subcontracted by the state. No specialised support centre for victims of sexual violence have been created in the Republic of Moldova so far.

Good practice examples:

Slovenia with a population of 2,066,880 people should have a minimum of 207 places in shelters to satisfy the requirements of the Istanbul Convention. Currently, there are 16 women's shelters, three crisis centres and 12 mother's homes with a total capacity of 445 beds, which is more than double the minimum requirement. Shelters are spread out through all the main cities in Slovenia. Women can stay in the shelter for up to one year. One shelter provides access to women with disabilities and one is specifically for women who are alcohol and drug users. Undocumented migrant women can also access one of the women-only shelters (WAVE, 2019: 130). In 2017 and 2018, a total of 22 accommodation programmes received funding from the state. In 2018,

⁵ In line with the Council of Europe Convention on preventing and combating violence against women and domestic violence, Explanatory Report, Article 23 (Shelters) providing for 1 shelter place per 10,000 inhabitants. With Moldova's estimated 2,804,801 inhabitants, there is a need for at least 280 shelter places in the country.

combined funding (with co-funders) for safe houses, women's shelters and crisis centres was €2,355,079.20 (Ministry of Labour, Family, Social Affairs and Equal Opportunities, 2019: 43).

Why this constitutes good practice:

- ▶ there are enough beds in shelters for victims of violence throughout the country, exceeding the minimum required number by the Istanbul Convention;
- ▶ the state provides partial funding for the shelters which facilitates their financial sustainability;
- ▶ There are shelters specialised for women in vulnerable situations;
- ▶ there are no formal/administrative requirements for women to access the shelters and one of the shelters is also accessible to undocumented migrant women.

After ratification, **Albania** made a considerable effort to improve the response to violence against women and domestic violence and to meet the requirements of the Istanbul Convention. With a total of 270 beds in 20 shelters, Albania is missing only 17 beds, or 6% of the recommended minimum number. Out of these, 11 shelters are women-only, accessible 24/7 and available free of charge. There are both long-term and short-term emergency shelters (WAVE, 2019: 53). GREVIO commended Albania on the quality of some of the shelters, which strive to provide additional services other than accommodation, such as psychological counselling, empowerment, education, support for children and vocational training (Council of Europe, 2017a).

Why this constitutes good practice:

- ▶ there is a wide coverage and (almost) enough shelters according to the requirements of the Istanbul Convention;
- ▶ many shelters are run by women's NGOs with a gendered understanding of VAW and DV;
- ▶ most shelters are accessible 24/7.

Sustainable sexual violence referral or crisis centres

The Istanbul Convention requires states parties to set up easily accessible specialised rape crisis and/or sexual violence referral centres in sufficient numbers across the country, to allow for support as well as medical and forensic examination (Article 25). Rape crisis centres typically offer long-term support, including psychological counselling, self-help groups and support to victims during court proceedings. Sexual violence referral centres provide more immediate care, including high quality medical and forensic examination, and crisis intervention. They can be set in hospitals to allow for immediate medical examination and provide referral to other services and protection agencies. One such centre should be available per every 200,000 inhabitants (Council of Europe, 2011).

Sexual violence crisis centres in the Republic of Moldova

There are no sexual violence referral or crisis centres in the Republic of Moldova. Services for victims of sexual violence are mostly covered by non-governmental organisations providing support to victims of domestic violence. Most of these service providers do not have any specialisation in sexual assault response. The Action Plan to implement the National Strategy on preventing and combating violence against women and domestic violence includes several actions related to establishing sexual violence response teams. In particular, standard operating procedures for sexual violence response teams were planned to be developed by 2019. So far, no such procedures are in place and no sexual violence response teams or crisis centres have been established. However, a working group has been created to develop standard operating procedures on response to sexual violence.

Good practice example:

In **Ireland**, there are 16 rape crisis centres. Eight of them function under the umbrella organisation Rape Crisis Network Ireland (RCNI). The Dublin Rape Crisis Centre operates a national helpline free of charge. The rape crisis centres offer counselling, advice, advocacy and they accompany the victim to court and police. Some of them provide additional services, such as awareness-raising and educational activities. Out of 16 rape crisis centres, 15 operate local telephone helplines. The centres receive partial state funding from national and local authorities and donations. Most of the services are provided free of charge (all in case of members of the

RCNI). Some rape crisis centres charge a portion of the fee for longer term counselling, based on the clients' financial situation (WAVE, 2019: 93).

In addition, Ireland has six Sexual Assault Treatment Units. These are established in hospitals for victims of sexual assaults. They provide help to anyone from the age of 14 who has had unwanted sexual contact of any kind. The service is provided free of charge by the Health Service Executive, which provides all of Ireland's public health services in hospitals and communities across the country. A medical exam, including a forensic sample, can be taken up to seven days after the assault, regardless of whether the victim wants to report the violence or not. They provide examination, treatment of injuries, test for sexually transmitted diseases and provide medication and emergency contraception. All this is explained on their user-friendly website.⁶

Why this constitutes good practice:

- ▶ there is a wide coverage of rape crisis centres, satisfying about 90% of the Istanbul Convention requirement (for combined number of rape crisis centres and sexual violence referral centres);
- ▶ rape crisis centres provide a range of services, including counselling and accompaniment to court and police;
- ▶ the victims have access to medical and forensic examination;
- ▶ the services are funded by the state;
- ▶ there is a national helpline dedicated to victims of sexual violence;
- ▶ information is provided in a user-friendly manner.

Multi-sectoral approach and multi-agency co-operation

States parties must ensure that adopted policies are implemented by way of effective multi-agency co-operation (Article 7). Good practice examples in some member states show that results are enhanced when law enforcement agencies, the judiciary, women's NGOs, child protection agencies and other relevant partners join forces on a particular case (Article 18), for example to carry out accurate risk assessments (Article 51) or devise safety plans for victims. This type of co-operation should not rely on individuals convinced of the benefits of sharing information, but rather it requires guidelines and protocols for all agencies to follow, as well as sufficient training of professionals (Article 15) on their use and benefits.

Co-ordinated response in the Republic of Moldova

A fully-fledged co-ordinated response mechanism is missing in the Republic of Moldova. In 2018, the police reviewed and approved its standard operating procedures on response to cases of domestic violence. In 2019, new standard operating response procedures were approved for social workers and healthcare staff. However, the approved procedures do not establish a comprehensive framework for co-operation among agencies. On an institutional level, there are no co-ordination bodies responsible for a multi-agency approach to cases of violence against women, including domestic violence. The national referral system established for cases of trafficking in human beings had been extended to domestic violence. Multidisciplinary teams created for trafficking in human beings have extended their mandate to victims of domestic violence. A separate referral mechanism for domestic violence cases is missing in the Republic of Moldova.

Good practice example:

Albania is one of the few countries in the European region that has a network for co-ordinated community intervention. Their Co-ordinated Referral Mechanism (CRM) offers an integrated approach to services for victims (OSCE, 2019a: 12). These referral mechanisms are established at municipal level and include three different structures; a steering committee responsible for the political direction of the process, a multi-disciplinary team in charge of case-management, and a local co-ordinator that leads and co-ordinates their work. The mechanism is composed of police, courts, prosecutors, health officers, employment offices, shelters, representatives of municipalities, and NGOs. Any victim can contact any member of the mechanism and that person becomes responsible to refer the victim to other members of the team (Council of Europe, 2017a). The 'Recording Violence in Albania' (REVALB) system, an online tracking system for domestic violence cases is linked to this mechanism.

⁶ Further information on the Sexual Assault Treatment Units is available at: <https://www2.hse.ie/services/sexual-assault-treatment-units/sexual-assault-treatment-units.html>

As of May 2019, CRMs were formally established in 40 out of 61 (64%) Albanian municipalities (UNDP, 2019). While there are varying degrees of successful operation of this mechanism, it is often cited as an example of good practice of multi-agency co-operation in the region.

Why this constitutes good practice:

- ▶ it includes all the involved stakeholders: police, judges, prosecutors, health and social service providers, employment offices, shelters, municipal authorities and NGOs;
- ▶ there is a strong will from the central government to establish the functioning mechanisms in all the municipalities;
- ▶ the mechanism provides victims with multiple points of entry and access to protection;
- ▶ the victims are referred to support services and assisted in obtaining protection orders.

PROSECUTION

The Istanbul Convention ensures that investigations and judicial proceedings in relation to the forms of violence covered by it are carried out without undue delay. This helps secure vital evidence, enhance conviction rates and put an end to impunity. While it is essential to ensure swift investigations and proceedings, it is equally important to respect the rights of victims during these stages (Council of Europe, 2011).

Restraining or protection orders and emergency barring orders

According to the Istanbul Convention, states parties should ensure that the competent authorities have the power to issue emergency barring orders (Article 52) in cases of immediate danger, as well as to issue long-term protection and restraining orders (Article 53). Most countries that ratified the Istanbul Convention have introduced some form of both emergency and long-term protection orders.

Protection orders and emergency barring orders in the Republic of Moldova

The Moldovan legislation contains norms providing a victim of domestic violence with the possibility to request a protection order from the court issued either under civil or criminal proceedings. In addition, the police has the right to remove the perpetrator from the house for up to 10 days by issuing an emergency barring order. These are significant and necessary provisions that brought the national response closer to international standards. However, some improvements are required to ensure a better protection of victims of domestic violence.

In 2019, national courts issued 710 protection orders, 288 of which were violated, i.e. 40,5%. In 2018, national courts issued 666 protection orders, while 408 protection orders were violated, i.e. 61% (Police of the Republic of Moldova, 2019). The very high percentage of protection orders being violated is evidence of an inefficient system of monitoring of the execution of protection orders by perpetrators.

Since March 2017, the police is bound to issue emergency barring orders immediately by which it is entitled to remove the perpetrator from the victim's home and to set specific prohibitions to ensure the safety of the victim and other family members. However, the violation of an emergency barring order is not a crime in the Republic of Moldova. It is a contravention implying a sanction in the form of a fine or contravention arrest from 3 to 10 days.

Good practice examples:

Slovenia ratified the Istanbul Convention in 2015. The issuing of emergency barring orders, restraining or protection orders is regulated by the 2013 Tasks and Powers of the Police Act and Domestic Violence Prevention Act. According to Article 60 of the Tasks and Powers of the Police Act, the police may issue an emergency barring order on the scene if there is reasonable suspicion that the person has committed or has been caught committing a crime or misdemeanour with elements of violence, and there are reasons to suspect that they will endanger the life, personal safety or freedom of the person with whom they have been in a close relationship. The emergency barring order includes prohibiting the perpetrator from approaching the victim's place of residence, work, education, or care, as well as prohibiting him from harassing the victim by means of communication. The emergency order is effective immediately and is issued for a maximum of 48 hours. Within that timeframe, the court can confirm, amend or revoke the emergency barring order. The order can be confirmed for a period of 15 days, or 60 at the most.

There is also a long-term restraining order, which can be issued for a period of up to one year. There were 880 emergency barring orders issued in 2017 and 1,028 in 2018. There were 395 violations of restraining orders in 2017, and 481 in 2018. All violations were fined (Ministry of Labour, Family, Social Affairs and Equal Opportunities, 2019: 68-69).

There is a domestic violence unit within the criminal police with specially trained experts. There are protocols and rules that include co-operation and the use of a multi-disciplinary approach. The co-operation includes Centres for Social Welfare and NGOs. The rules and protocols are available on the Police Intranet. Police officers dealing with domestic violence cases are selected, trained and sensitised to deal with victims (Danaj and Veselić, 2018: 41).

Why this constitutes good practice:

- ▶ there is an emergency barring order that can be issued by the police immediately and cover not only the home but also workplace, school, etc. A prohibition of communication can also be included;
- ▶ there is a long-term protection measure in the form of a restraining order;
- ▶ the emergency barring orders and protection orders are implemented within a multi-disciplinary approach that includes the police, Centres for Social Welfare and NGOs;
- ▶ the police officers working on cases of domestic violence are specially selected and trained, and work in special units.

Prosecution of perpetrators and protection of victims during proceedings

According to the Istanbul Convention, investigation and prosecution of cases of all forms of VAW and DV should be carried out in an effective manner (Article 49). This means, for example, establishing the relevant facts, interviewing all available witnesses, and conducting forensic examinations, based on a multi-disciplinary approach and using state-of-the-art criminal investigative methodology to ensure a comprehensive analysis of the case (Council of Europe, 2011)

Investigation and prosecution of VAW and DV cases in the Republic of Moldova

A report by the Women's Law Centre on monitoring of court proceedings in cases of domestic violence, sexual violence and trafficking in human beings revealed that courts do not prioritise ensuring fair treatment of victims and their protection (Women's Law Centre, 2018). The possibilities for a victim to obtain damages and to collect evidence are limited. Many judges disregard the importance of examining domestic or sexual violence cases without delay. The examination period is often quite long, exceeding one year. Criminal cases having women as accused are examined within a much shorter period of time compared to other similar cases having men as accused.

The same report findings indicated that impunity in gender-based violence cases is a widespread phenomenon. Only a very low number of cases resulted in imprisonment. Usually, perpetrators were sentenced to community service or imprisonment with conditional suspension of punishment. No perpetrator was referred to a special treatment or counselling programme for dealing with violent behaviour.

Victims of domestic violence continue to face problems in their access to the free state legal aid guaranteed by the national legislation.⁷ According to an analysis of judicial practice related to the application of protection measures in cases of domestic violence conducted by the Supreme Court of Justice in 2019, there are still cases when courts issue judgments on protection measures where the victim was not represented by a lawyer. In criminal cases on domestic violence, 96% of defendants received legal assistance, while only 7% of victims had access to legal aid (Women's Law Centre, 2018).

Victims of sexual violence are frequently subjected to re-victimisation during criminal investigations. Previous sexual behaviour history is often used to challenge the respectability, the credibility and the lack of consent of victims of sexual violence. According to the analysis of the judicial practice on ensuring the rights of victims of sexual crimes, in 50% of the 240 criminal cases analysed, victims had to testify in the presence of the accused; in 30% of cases, the police officer and/or the prosecutor initiated criminal investigation on an act less serious than the one mentioned in the notification (International Centre 'La Strada',

⁷ Law No. 45 on preventing and combating domestic violence provides for the right of domestic violence victims to free primary and secondary legal aid regardless of their income level. Victims of sexual crimes do not avail of the same right and have to provide evidence of their income level.

2017). The same study shows that in 120 cases of sexual violence crimes, victims submitted requests to end the criminal case due to reconciliation of parties. In 83 cases, these reconciliation requests were accepted. The courts did not enquire about the reason for the reconciliation or whether the victim was or was not influenced by the offender or his relatives.

Good practice example:

Sweden is an example of having an overall comprehensive and holistic approach to prosecution and investigation. In order to ensure prosecution, firstly, all acts of violence against women and domestic violence need to be criminalised, as they are in Sweden. Secondly, there need to be procedures for effective investigation and prosecution that protect the victim throughout this process. All police districts in Sweden have specially trained investigators on sexual and domestic violence. 98% of reported domestic violence cases and 88% of reported sexual violence cases are investigated. Investigations into sexual offences now follow an advanced methodology of investigation that was previously used only for the most serious crimes. As a result of all these improvements, there has been an increase in the number of reported cases.

The prosecution service has set up a prosecution development centre where it worked with the police to set up new checklists to standardise procedures and ensure co-operation. In relation to cases of rape and sexual assault, where the victims are particularly reluctant to report the crime, they have set up very simple reporting procedures (online, over the phone, or in person). Victims of rape and other serious crimes, including domestic violence, have a right to a support lawyer and law enforcement officials have to inform victims of this right. The withdrawal of the victim from the trial does not lead to rejection of the criminal case against the perpetrator (Council of Europe, 2019b).

Why this constitutes good practice:

- ▶ police investigators of sexual and domestic violence are specially trained;
- ▶ more advanced methodologies are developed and introduced constantly to support the victims in reporting violence and to ensure effective investigation;
- ▶ the police and prosecutors work together on improving the investigation and prosecution of cases;
- ▶ a legal support lawyer is provided to each victim of sexual violence;
- ▶ police reporting and judicial proceedings are standardised and simplified.

Co-ordinated risk assessments

According to the Istanbul Convention, all relevant authorities must effectively assess and devise a plan to manage the safety risks of any victim on a case-by-case basis, according to standardised procedure and in co-operation and co-ordination with each other (Article 51). This should not be left exclusively to the competence of the police. It is essential that risk assessments and risk management consider the probability of repeated violence, notably deadly violence, and adequately assess the seriousness of the situation (Council of Europe, 2011).

Risks assessment in the Republic of Moldova

The national police was the first institution to develop and apply a questionnaire to assess risks mainly for issuing emergency barring orders. However, when the police conducts risks assessments, it is rarely shared with other professionals. Such practice prevents professionals working with victims of domestic violence other than the police to issue evidence-based decisions, while victims continue to be re-traumatised by different professionals asking the same questions.

Uniform and common multi-agency risk assessment tools and methodology applied in a co-ordinated manner and shared among professionals is still missing in the Republic of Moldova.

Good practice example:

Serbia ratified the Istanbul Convention in 2013. In 2017, Serbia passed the Law on Prevention of Domestic Violence. Among other provisions, this law mandated the public prosecutors to perform individualised risk assessments of every victim of domestic violence, in co-ordination with other relevant stakeholders. Each risk assessment must result in the development of an individual protection and support plan, drawn up in

consultation with the victim. In the first 18 months of its implementation, this practice generated 13,000 individual protection plans. GREVIO commended Serbia for this practice, noting that most stakeholders agreed that the introduction of co-ordination groups for risk assessment was the most positive impact of this new law, drafted as part of the harmonisation with the Istanbul Convention (Council of Europe, 2020b).

Why this constitutes good practice:

- ▶ it is a co-ordinated risk assessment mandated by the law to be applied by relevant professionals independently of their will or personal opinions for each domestic violence case;
- ▶ the co-ordination group includes all relevant stakeholders;
- ▶ each risk assessment must conclude with a safety plan for the victim;
- ▶ the safety plan is drawn up in consultation with the victim.

INTEGRATED POLICIES

The integrated policies pillar of the Istanbul Convention requires states parties to develop and implement policies that would comprise a wide range of measures to be taken by different actors and agencies and which, taken as a whole, offer a holistic response to violence against women (Council of Europe, 2011). It implies developing comprehensive policies, ensuring sufficient financial resources to address the issue of violence against women and domestic violence, while co-operating with NGOs and implementing a multi-agency response. Ways to develop and implement successful integrated policies, include developing national action plans involving all relevant actors, enacting comprehensive legislation, as well as criminalising all forms of VAW and DV, establishing co-ordinating bodies and monitoring implementation.

National Action Plans

A good practice NAP should address all forms of violence against women and domestic violence referenced in the Istanbul Convention. It should outline a comprehensive, coherent and sustained programme of activity that builds evidence and practice over time (Article 7). It should include cross-cutting actions to establish governance structures, ensure participation of civil society (Article 9), strengthen law and policy, and build capacity of professionals and organisations. The NAP should be a co-ordinated strategy to prevent violence, establish and improve integrated services for victims and provide an adequate police and judicial response to violence against women and domestic violence. It should have concrete goals, actions, timelines, implementing entities and funding sources (Article 8). Finally, a built-in mechanism of evaluation, monitoring and reporting should be included.

National Strategy in the Republic of Moldova

On its path to ratifying the Istanbul Convention, the Republic of Moldova adopted its first National Strategy on preventing and combating violence against women and domestic violence for 2018-2023 and its Action Plan for the period 2018-2020. National public institutions, with the support from non-governmental organisations, made the commitment to improve efforts towards the following: promote zero tolerance to violence against women and domestic violence, protect victims via a multisectoral approach to cases of violence, efficiently investigate cases of domestic violence and violence against women, and eliminate impunity of perpetrators, establish a fatality review team, systematise data collection, and monitor the implementation of the policies and laws legislation in the field. The National Strategy is based on the four pillars of the Istanbul Convention and aims to ensure a systemic approach to violence against women, including domestic violence.

According to the 2019 Report on implementation of the Action Plan, by the end of 2019, thirty-three actions were reported as being implemented, nine as partially implemented, and four as not implemented (Ministry of Health, Labour and Social Protection, 2019). According to the government's report, their strategic response to the issue is only half-complete. The most significant barrier in the implementation of the Action Plan is the limited funds allocated by the state for the implementation of the Action Plan and dependence on funds from international development partners.

Additionally, violence against women and domestic violence continue to be insufficiently integrated into sectorial policies of public authorities with competence to prevent and combat them and there is limited understanding of gender-sensitive budgeting.

Good practice example:

North Macedonia ratified the Istanbul Convention in March 2018, and it entered into force on 1 July 2018. On 9 October 2018, the Parliament of North Macedonia adopted a National Action Plan for the implementation of the Convention on Preventing and Combating Violence against Women and Domestic Violence for the period 2018 – 2023 (Ministry of Labour and Social Policy, 2018). The NAP is divided into three main parts: alignment of the national legislation with international standards, establishment of services for victims of violence against women and domestic violence, and prevention of VAW and DV. The definitions of violence against women and domestic violence are in line with the Istanbul Convention.

The alignment of national legislation includes drafting a specific Law on Gender-based Violence, to include all forms of violence against women and domestic violence, as well as amendments of the Law on Equal Opportunities for Women and Men, the Criminal Code, the Law on Compensation to Victims of Crime, the Law on Free Legal Aid, the Law on Police, the Law on Social Protection, the Family Law and several other laws dealing with health, reproductive health, care for children, local governance, education, etc.

The part on the establishment of services includes, among other elements, a plan to develop the standards for providing specialised services to victims of VAW and DV and standard operating procedures, analysis of both current and required infrastructure and human resources, provision of specialised training and opening crisis centres for victims of sexual violence.

The third part of the NAP includes plans for training of all professionals, as well as teachers, media professionals, and implementation of a national media awareness campaigns for all forms of VAW and DV in order to promote gender equality and eliminate stereotypes about gender roles.

This NAP has clear indicators, timeline and responsible entities and underlines that the budget for its implementation will be secured by combining donor involvement with the basic obligation of the state to fund the prevention and combating against violence against women and domestic violence.

Why this constitutes good practice:

- ▶ it includes comprehensive definitions of violence against women and domestic violence;
- ▶ it includes the introduction of a specialised law on VAW and DV, and the criminalisation of all forms of violence against women, and amends all laws that are relevant for victims, such as family law, social protection, health, labour, etc;
- ▶ it has a clear plan for establishing services for victims of violence;
- ▶ it includes prevention at all levels and in co-operation with various stakeholders, including the media and schools;
- ▶ it sets up clear indicators, timeline and responsibilities, allowing for monitoring and evaluation;
- ▶ it foresees financial resources for its implementation.

Comprehensive legislation

Many countries have drafted specialised laws to address domestic violence but only a few have a comprehensive law that includes all forms of violence against women included in the Istanbul Convention. Whereas the convention does not require the enactment of specific laws but rather that effective, comprehensive and systematic policies are in place (Article 7). Comprehensive legislation is a good practice because it gives visibility to violence against women and domestic violence as a human rights violation and it allows the state to legislate coherently to implement the requirements of the Istanbul Convention.

VAW and DV legislation in the Republic of Moldova

Since its adoption in 2007, the legal framework in the Republic of Moldova regulating prevention and combat against domestic violence has been amended several times. The major amendments were made by Law No. 196 in 2016. They aimed to ensure compliance of the national legislation with the provisions of the Istanbul Convention and to increase the efficiency of the response to domestic violence cases.

The legislation regarding VAW and DV is currently rather comprehensive. However, there are still some significant gaps that need to be addressed, in particular, the criminalisation of all forms of VAW and DV (see section on “criminalisation of all forms of VAW” below). Other legislative and regulatory gaps include: deficient legislation on state funding of specialised support services for victims of domestic violence; lack of a mechanism to

apply the right to financial compensation to victims by the state; no obligation for perpetrators to participate in rehabilitation programmes unless mandated by a court (which remains rare); deficiencies in the treatment of evidence in criminal proceedings and other procedural malpractices that curtail the rights of the victim (i.e. cross-examining jointly with the suspect).

Good practice example:

Georgia ratified the Istanbul Convention in May 2017 and it came into force on 1 September 2017. On 25 May 2017, Georgia amended its Law on the Elimination of Domestic Violence, Protection and Support of Victims of Domestic Violence along with other 24 laws that aimed to harmonise the legal framework with the Istanbul Convention. This is now Law of Georgia No. 761 on Violence against Women and/or elimination of domestic violence, Protection and Support of Victims of Violence.

This comprehensive law applies to both violence against women in private and public sphere and to domestic violence. It sets the mechanisms for prevention of violence against women and domestic violence and identifies responsible actors for the implementation of prevention measures. The law identifies the specific criminal legislation to apply in cases of VAW and DV and regulates protection orders. Specific measures are also set to protect minors from domestic violence. The law additionally guarantees the protection to victims, including shelter and support line free of charge, crisis centres and the victim's right to information.

Why this constitutes good practice:

- ▶ the Law clearly defines both violence against women and domestic violence;
- ▶ it is comprehensive because it includes measures of prevention, protection and prosecution;
- ▶ it defines the responsibilities of different stakeholders;
- ▶ it passed along with amendments with other relevant laws to ensure a comprehensive approach to implementing policies against violence against women and domestic violence.

Criminalisation of all forms of VAW

One of the biggest and fastest impacts the Istanbul Convention has had in the countries where it has been ratified is the efforts towards harmonisation of the national legislation with the provisions of the convention. The Istanbul Convention introduces specific provisions to ensure that states criminalise the various forms of violence against women, including physical, psychological (Article 33) and sexual violence (Article 36), sexual harassment (Article 40), stalking (Article 34), FGM (Article 38), forced marriage (Article 37), forced abortion and forced sterilisation (Article 39). Criminalisation is required on all non-consensual sexual acts.

Criminalisation of VAW in the Republic of Moldova

Domestic violence, including physical, psychological and economic violence, is recognised as a crime in the Republic of Moldova. However, in 2016 the Contravention Code of the Republic of Moldova was supplemented with Article 78/1 (Domestic Violence) which *de facto* partially decriminalised domestic violence.

As a result, a perpetrator who caused the victim an insignificant bodily injury is subjected to contravention liability (Prosecution Service of the Republic of Moldova, 2016). According to a police report, after the 2016 amendment, there has been a decrease in the number of criminal cases by about 54,3% in 2019 compared to 2016.

The application of the contravention procedure in domestic violence cases has led to milder sanctions being applied to perpetrators as compared to the period when domestic violence implied only criminal liability. The sentences applied are rarely accompanied by measures obliging the convict to participate in programmes aimed at diminishing their violent behaviour. Furthermore, the Criminal Code provisions on psychological and economic violence are now rarely applied as authorities perceive these forms of violence as posing a significantly lower social danger than physical violence.

Sexual violence including rape as well as sexual harassment are criminalised; however, the definition of rape is not based on consent. Cases of sexual violence and harassment are severely underreported in spite of high prevalence numbers (Centrul Parteneriat pentru Dezvoltare, 2016). There are no comprehensive legal framework or policies regulating the prevention, response and protection of victims of sexual harassment.

Forced abortion and forced sterilisation are also criminalised in the Republic of Moldova. Stalking only constitutes a contravention, while female genital mutilation is not included in the Criminal Code.

Good practice examples:

In **Ireland**, the drafting of the Domestic Violence Act 2018 was much influenced by the Istanbul Convention which Ireland was preparing to ratify at the time.

This Act brought many improvements to the protection of victims and prosecution of perpetrators of domestic violence. In terms of criminalisation of all forms of VAW it filled some standing gaps and introduced aggravating circumstances in sentencing crimes committed in a context of domestic violence. The Law included forced marriage and the offence of “coercive control” as crimes.

The latter is intended to encapsulate the requirements of Article 33 of the Istanbul Convention. This new type of crime criminalises psychological violence in an intimate relationship that causes fear of violence, or serious alarm or distress that has a substantial adverse impact on a person’s day-to-day activities. There is also a new provision on aggravated circumstances where it is considered and aggravating circumstance if the victim is or was a partner of the perpetrator. This provision applies to other forms of violence against women, such as assault, threats, harassment, sexual assault (Women’s Aid, 2018).

The Criminal Law (Sexual Offences) Act 2017 amended the previous law and made rape a crime based on the lack of consent (WAVE, 2019: 93). This was part of the harmonisation of legislation with the Istanbul Convention during the process of preparing for ratification. Marital rape has been criminalised since 1990. Stalking is criminalised in the Non-fatal Offences against the Persons Act 1997, and sexual harassment is against the law according to the Employment Equality Acts 1998-2015 (Irish Human Rights and Equality Commission, 2015).

Why this constitutes good practice:

- ▶ all existing legislation on domestic violence is brought together in one piece of legislation to ensure coherence;
- ▶ it extends the understanding of domestic violence beyond a crime of physical abuse to a more complex one under the notion of coercive control that includes psychological violence and non-violent means of control but that are also detrimental for the victim’s health.

Sweden was one of the first countries to introduce legislation on violence against women and domestic violence. Even before ratifying the Istanbul Convention, it had criminalised many forms of VAW and DV, but the ratification brought forward remaining gaps and the need to keep improving the legislation. Sweden ratified the convention in 2014 and has undergone its first GREVIO monitoring and evaluation procedure. GREVIO commended Sweden for its legislation, stating that the Swedish law gives effect to most provisions of the Istanbul Convention, including the criminalisation of all forms of violence against women required by Articles 33 to 40. All these acts are covered by one or more criminal provisions, either as a specific offence or as part of a general criminal offence.

The criminal offence of “gross violation of woman’s integrity” aims at criminalising the continuum of violence often experienced by women in an abusive relationship but difficult to encapsulate in criminal law. It also reflects the gendered nature of this crime in line with the provisions of the Istanbul Convention. It is a crime that reflects the complex nature of domestic violence against women and it includes physical, psychological and sexual violence. While other criminalised behaviours such as physical assault and psychological violence can be grouped together under this crime, sexual violence in intimate partner relationships and in marriage are prosecuted separately in order to reflect the gravity of such crimes (Council of Europe. 2019b)

The Swedish definition of rape in the Criminal Code was also amended to align it with the Istanbul Convention. While previously the crime of rape and sexual abuse required the use of threat or force, or taking advantage of the vulnerable situation of the victim, the crime of sexual abuse and rape as modified is based on the person not participating voluntarily, which means that consent must be given voluntarily and perceptively. Furthermore, a new crime of negligent rape and negligent sexual abuse was introduced to further ensure the protection of potential victims of sexual crimes (Council of Europe. 2019b). These changes shift the focus of the investigation and trial of such cases from the behaviour of the victim - forcing the victim to prove that she indeed did not give consent, or that she actively resisted or even that she did not somehow cause the crime - to the perpetrator who needs to prove that he made sure the act was consensual. This change in the law produced an immediate positive impact, with convictions rates for rape rising by 75% in the two years the law has been in place (Batha, 2020).

Why is this a good practice:

- ▶ it criminalises all forms of violence against women and domestic violence and ensures accountability for perpetrators;
- ▶ it clearly reflects the gendered nature of such acts, which means that most victims are women;
- ▶ it responds to the gravity of such acts, placing the responsibility on the perpetrator, not the victim;
- ▶ it had a real impact of increasing the conviction rates for rape by 75%.

Co-ordinating bodies

The Istanbul Convention entails the obligation to entrust one or more official government bodies with four specific tasks: co-ordinating, implementing, monitoring and evaluating policies and measures to prevent and combat all forms of violence covered by the scope of the convention (Article 10). This can be done by setting up new official bodies or mandating these tasks to existing official bodies (Council of Europe, 2011).

Co-ordinating bodies in the Republic of Moldova

Law No. 45 on preventing and combating domestic violence vests the Ministry of Health, Labour and Social Protection with the competence to develop and promote policies on preventing and combating domestic violence in the Republic of Moldova. The Inter-ministerial Co-ordinating Council on preventing and combating domestic violence has been established under its remit. The Council is responsible for co-ordination and co-operation between ministries and other public authorities. It includes representatives of central public authorities, civil society organisations and other relevant institutions. However, it does not include representatives of all authorities with competence to prevent and combat domestic violence or academia.

Good practice example:

Spain has two bodies responsible for co-ordinating, implementing, monitoring and evaluating policies and legislation related to violence against women and domestic violence, but in the case of Spain, these functions are more clearly separated. The Government Delegation for Gender-based Violence, attached to Ministry of Equality, is responsible for proposing public policy related to gender-based violence against women and for promoting, co-ordinating and advising on all measures taken in this area. It ensures gender mainstreaming in the application of measures against gender-based violence. This body also works on prevention, ensures collaboration and co-ordination, publishes studies and reports and works on updating information systems. Furthermore, it encourages training and specialisation of professionals and promotes collaboration with civil society. The Delegation is responsible for promoting and monitoring the State Pact against Gender-based Violence, and it has both human and financial resources to carry out its mission (Ministry of Presidency, Relations with the Parliament [Cortes] and Equality of Spain, 2019).

The other body is the State Observatory on Violence against Women. It is a collegiate inter-ministerial body, attached to the Ministry of Equality. The Observatory carries out “consultancy, evaluation, institutional collaboration, preparation of reports, studies and proposals for action in questions of gender-based violence” (Ministry of Presidency, Relations with the Parliament [Cortes] and Equality of Spain, 2019). Among other tasks, the Observatory is responsible for the evaluation of policies and for issuing recommendations to improve indicators and information system. It has a diverse membership, comprised of representatives of the government and the ministries, autonomous communities (regions) and cities, representatives of NGOs, the judiciary and independent experts.

Why this constitutes a good practice:

- ▶ special official bodies are mandated to carry out co-ordination, implementation, monitoring and evaluation (all tasks of Article 10 of the Istanbul Convention) and are given resources and budget to deliver their mandate;
- ▶ there are two separate bodies, so that the function of evaluation is separate from co-ordination and implementation;
- ▶ they have dedicated human and financial resources to carry out their work;
- ▶ members of civil society, including national women’s NGOs are included in the monitoring and evaluation body, as well as consulted in the co-ordination and implementation body.

CONCLUSION

Violence against women and domestic violence are wide-spread phenomena, affecting millions of women in the EU and worldwide. It is pervasive and still shrouded in silence, which makes it particularly difficult to eradicate. The Council of Europe member states have given a special attention to this issue since the early 1990s, developing strategies for the elimination of violence

against women in society, the media and other spheres, including, in 2002, the Recommendation Rec(2002)5 of the Committee of Ministers to member states on the protection of women against violence.

The Istanbul Convention builds on these and other international efforts and sets, for the first time in Europe, legally binding standards to “prevent violence against women and domestic violence, protect its victims and punish the perpetrators. It fills a significant gap in human rights protection for women and encourages states parties to extend its protection to all victims of domestic violence. It nonetheless frames the eradication of violence against women in the wider context of achieving substantive equality between women and men and thus significantly furthers recognition of violence against women as a form of discrimination” (Council of Europe, 2011).

In just six years, there have been significant improvements in implementation of the Istanbul Convention four pillars. Countries that have ratified and have started to implement the convention have developed many good practices which this report aims to present as an illustration of what can be achieved through ratification, but also as an inspiration for further development and creation of best practices.

The Republic of Moldova has made progress in terms of adopting a legal framework and several national policy documents on preventing and combating domestic violence and violence against women. Nevertheless, there are remaining gaps to close in particular when it comes to the addressing attitudes and beliefs that condone violence and women's inequality, which are persistent in the large portion of the population. Aligning national practices with international standards would lead to a more effectively promotion and protection of the rights of victims.

By ratifying the Istanbul Convention, the Republic of Moldova has the opportunity to formalise its commitment to guarantee the right of women and girls to a life free from violence. In addition, by doing so it will also gain a comprehensive framework compiling many years of best international practices to support its efforts to make this right a reality.

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