



Committee of the Parties

Council of Europe Convention
on preventing and combating violence
against women and domestic violence
(Istanbul Convention)

Recommendation on the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence by Germany

IC-CP/Inf(2022)8

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The Committee of the Parties to the Convention on Preventing and Combating Violence against Women and Domestic Violence (hereinafter referred to as “the Convention”), acting under the terms of Article 68(12) of the Convention;

Having regard to the purposes of the Convention to protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence; to contribute to the elimination of all forms of discrimination against women and promote substantive equality between women and men, including by empowering women; to design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence; to promote international co-operation with a view to eliminating violence against women and domestic violence; and to provide support and assistance to organisations and law enforcement agencies to effectively co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence;

Bearing in mind the provisions of Article 66 (1) of the Convention concerning the monitoring role of the Group of Experts on Action against Violence against Women and Domestic Violence (hereinafter referred to as “GREVIO”);

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Germany on 12 October 2017;

Having examined the Baseline Evaluation Report concerning the implementation of the Convention by Germany adopted by GREVIO at its 27th meeting (20 – 24 June 2022), as well as the comments of the Government received on 30 September 2022;

Considering the overarching priorities set out in Chapter I of the Convention (purposes and scope of the Convention, definitions, equality and non-discrimination, due diligence and gender-sensitive policies);

Bearing in mind the primordial importance of the provisions set out in Chapter II of the Convention, in particular the obligations to (1) ensure a holistic response to violence against women by devising a set of comprehensive and co-ordinated policies implemented by way of effective multi-agency cooperation; (2) institutionalise and fully mandate one or more co-ordinating bodies as required by Article 10 of the Convention; (3) adequately resource policies, measures and mandates introduced to prevent and combat all forms of violence against women, including government and nongovernmental specialist support services; and (4) to collect relevant statistical data disaggregated, at a minimum, by sex, age, type of violence, relationship of the perpetrator to the victim and geographic location;

Welcoming the measures taken and progress achieved by the German authorities in implementing the Convention and noting in particular:

- Germany’s long-standing efforts to prevent and combat domestic violence, notably on the basis of the Act on the Protection against Violence;
- efforts in awareness-raising and information through nationwide and regional targeted campaigns on domestic violence and several forms of violence against women covered by the Istanbul Convention;
- the solid legal framework applicable to the different forms of violence against women, including its digital dimension through the explicit criminalisation of several forms of technology-facilitated abuse such as cyberstalking;
- the amendment of the Criminal Code, prior to ratification, that aligns the criminal offence of rape and sexual violence with the Convention’s requirements by encompassing the notion of lack of freely given consent;
- a multitude of promising practices in preventing and combating violence against women and domestic violence at the level of the sixteen federal states, including regional action plans on the implementation of the Istanbul Convention;

- the introduction of a national telephone helpline for women victims of all forms of violence covered by the Convention, which offers qualified counselling and support in many different languages and can be reached around the clock;
- the efforts by the Federal Criminal Police Office in making the extent of intimate partner violence visible and accessible for the broader public through the yearly publication of statistical data compiled and analysed in a contextualised manner
- the possibility of barring of a domestic violence perpetrator from a shared residence in a situation of immediate danger, applicable in a wide range of circumstances where women are at risk of violence;
- the availability of specially-trained case-officers for gender-based persecution at the Federal Office for Migration and Refugees (BAMF).

A. Recommends in light of the considerations indicated in the preamble above, that the Government of Germany take the following measures identified in GREVIO's baseline evaluation report¹ for immediate action to:

1. adopt nationwide applicable definitions of the terms set out in Article 3 of the Istanbul Convention (paragraph 10), and enhance the convention's implementation in relation to all forms of violence against women, beyond domestic violence and sexual violence in order to respond to those forms of violence currently less addressed by policies, programmes, and support services (paragraph 11);
2. develop a long-term comprehensive strategy offering a state-wide effective, comprehensive and co-ordinated set of policies to prevent and combat all forms of violence covered by the Istanbul Convention, placing the rights of victims at the centre of all measures and giving due importance to the gendered nature of the different forms of such violence, including domestic violence (paragraph 34), and strengthen, on the basis of such national strategy or policy document, measures to prevent and combat violence that affect women who are or might be exposed to intersectional discrimination, and raise awareness among these groups of women about their rights to protection and support services (paragraph 17);
3. raise awareness among public officials dealing with victims of violence against women and domestic violence of the need to act in full compliance with their due diligence obligation to prevent, investigate, punish and provide reparation for victims of any of the forms of violence covered by the Istanbul Convention and without discrimination on the basis of any of the grounds listed in Article 4, paragraph 3, of the Istanbul Convention (paragraph 21);
4. ensure appropriate human and financial resources for any policies, measures and legislation aimed at preventing and combating violence against women and for the institutions and entities mandated with their implementation, including specialist support services provided by civil society entities; introduce separate budget and funding lines, and introduce adequate long-term funding structures for specialist service provision; and conduct a gender impact assessment of the government expenditure on the policies and measures undertaken to respond to the different forms of violence (paragraph 42);
5. designate or establish one or more national co-ordinating bodies that are fully institutionalised and mandated to fulfil all of the functions as set out in Article 10 of the Istanbul Convention, and that are provided with the necessary financial and human resources (paragraph 49), and ensure, on the one hand, the co-ordination and implementation of policies and measures to prevent and combat all forms of violence against women, and, on the other hand, their independent monitoring and evaluation (paragraph 50);

¹ The number of the paragraph setting out GREVIO's proposals and suggestions in the report is indicated in brackets.

6. ensure that data collected by all relevant stakeholders (law-enforcement agencies, judicial authorities, and health and social services) are disaggregated by the sex and age of the victim and the perpetrator, their relationship, geographical location and type of violence, and that data collection is harmonised between law-enforcement agencies and the judicial sector, in order to analyse the handling of cases along the criminal justice chain (paragraph 66);
7. ensure that all professionals dealing with victims or perpetrators of all forms of violence covered by the scope of the Istanbul Convention receive systematic and mandatory initial and in-service training on identifying and responding to all forms of violence against women, while focusing on the victims' human rights, safety, individual needs and empowerment and the prevention of secondary victimisation (paragraph 102);
8. increase efforts at all relevant levels in order to embed the provision of services for victims of all forms of violence covered by the Istanbul Convention in multi-agency co-operation structures that involve all relevant actors, including women's specialist support services, and that operate on the basis of mandatory protocols and guidelines for co-operation which are based on a gendered understanding of violence against women and domestic violence and focusing on the human rights and safety of victims, as well as on their empowerment and economic independence (paragraph 135);
9. set up dedicated programmes that cater to the specific needs of victims of violence against women in the areas of employment, training and housing, thus ensuring their recovery and their economic independence and empowerment; and to make professionals in the social welfare system, such as youth welfare officers, aware of the forms of violence against women and the negative consequences of violence for children who witness it (paragraph 147);
10. ensure that the provision of specialist support services meets the demands of victims, in particular those of women and girl asylum seekers, women with disabilities, girls and young women, Roma and Sinti women, and LGBTI women, irrespective of the form of violence they have experienced (paragraph 168);
11. increase the number of available shelter places, with the aim of obtaining an adequate geographical distribution throughout the country, and ensure that all women victims of violence, regardless of their status under the Social Code or other factors – in particular girls under 18 years of age, LGBTI women, women with sons above a certain age, women with many children, women with disabilities, women fleeing violence related to "honour", asylum-seeking women and those with an insecure residence status – have free-of-charge access to dedicated domestic violence shelters; moreover, take account of the principle that only accommodation in dedicated, single-sex and specialist structures can meet the requirements of the Istanbul Convention, and that shelters for the homeless cannot serve as a replacement (paragraph 177);
12. establish a sufficient number of rape crisis or sexual violence referral centres, in an adequate geographical distribution that are accessible to victims of rape and/or sexual violence and that form part of a multi-agency approach to service provision, meeting all their needs in the short, medium and long term and providing immediate medical care, high-quality forensic examinations, psychological and legal support, and referral to specialist services, and that operate on the basis of protocols for relevant professionals that should be developed and made applicable nationwide (paragraph 191);
13. ensure that all relevant professionals, including social workers, youth welfare officers, members of the judiciary, court experts and child psychologists, when deciding on custody and visitation are duly aware of and take into account the negative impact on children of violence by one parent against the other and are aware of the lack of a scientific basis for notions such as so-called parental alienation or similar concepts; incorporate a process for screening cases for a history of violence by one parent against the other and for identifying

whether it has been reported, including for cases referred to out-of-court settlement (paragraph 228); improve the co-operation between family courts and specialist services that assist victims and their children in proceedings concerning custody and visitation rights (paragraph 229); ensure that the prohibition of mandatory dispute resolution and mediation in criminal and civil law is applied in practice in relation to cases concerning any of the forms of violence covered by the Istanbul Convention and awareness is spread among professionals involved regarding the power imbalances in relationships marred by violence (paragraph 288) and systematically take into consideration the safety concerns of women victims of domestic violence and their children, on a case-by-case basis, when deciding on rights of contact for the duration of orders issued under the Act on Protection from Violence (paragraph 324);

14. ensure that systematic and gender-sensitive risk assessment and safety management become standard procedure for all agencies involved in cases of all forms of violence covered by the Istanbul Convention, especially in the context of measures taken under the Act on the Protection from Violence, and to ensure that an effective multi-agency approach is taken to such risk assessment in order to ensure the human rights and safety of the individual victim while giving due consideration to the rights and needs of child witnesses of intimate partner violence (paragraph 311);
15. ensure that all women and girls seeking asylum are offered adequate and safe accommodation through, among other things, the screening for vulnerabilities and the implementation of standard protocols for the prevention of and protection from gender-based violence in reception facilities and that they are granted access to specialist support services and to counselling for experiences of gender-based violence (paragraph 369).

- B. Requests the Government of Germany to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by 4 December 2025.
- C. Recommends that the Government of Germany take measures to implement the further conclusions of GREVIO's baseline evaluation report.