

What is the Convention?

- This Council of Europe [Convention on preventing and combating violence against women and domestic violence](#) ("Istanbul Convention") protects women against all forms of violence against them.
- It obliges states to prevent, prosecute and eliminate violence against women and domestic violence.
- The Convention also establishes a specific monitoring mechanism ("GREVIO") in order to ensure effective implementation of its provisions by the states Parties.

Who does the Convention protect?

The Convention covers a whole range of traumatising acts of violence, the overwhelming majority of victims of which are **women**:

- Stalking,
- Sexual harassment,
- Sexual violence (including rape),
- Physical and psychological abuse, including at the hands of intimate partners;
- Forced marriage,
- Forced sterilisation;
- Female genital mutilation
- Forced abortion.

Most violence is carried out by men; it is used to sustain male power and control, and is committed against women because they are women.

Because it is not only women and girls who suffer domestic violence, parties to the Convention are encouraged to apply the protective framework it creates to men who are exposed to violence within the family or domestic unit. Nevertheless, the majority of victims of domestic violence are women.

How does the Convention work?

Under the Istanbul Convention, the states are obliged to prevent violence against women, protect its victims and prosecute the perpetrators.

Prevention

Governments that agree to be bound by the Convention will have to do the following:

- train professionals in close contact with victims;
- regularly run awareness-raising campaigns;
- take steps to include issues such as gender equality and non-violent conflict

- resolution in interpersonal relationships in teaching material;
- set up treatment programmes for perpetrators of domestic violence and for sex offenders;
 - work closely with NGOs and civil society in general;
 - involve the media and the private sector in eradicating gender stereotypes and promoting mutual respect.

Preventing violence against women and domestic violence should not be left to the state alone; all members of society, in particular men and boys, should help.

Protection of victims

When preventive measures have failed and violence incidents have happened, it is important to provide victims and witnesses with **protection and support**.

Some examples of measures set forth in the Convention:

- Granting the police the power to remove a perpetrator of domestic violence from his or her home in situations of immediate danger;
- Ensuring victims' access to adequate information on available services in a language they understand;
- Setting up easily accessible shelters in sufficient numbers and in an adequate geographical distribution for all women – also from rural areas or disabled women;
- Making available free state-wide 24/7 telephone helplines to offer immediate expert advice and direct the victims to the services they need;
- Setting-up easily accessible rape crisis or sexual violence referral centres providing immediate medical counseling, trauma care and forensic services. Currently, they are extremely rare across Europe and must be made more widely available.

Prosecution of perpetrators

The Convention defines and **criminalises** the various forms of violence against women as well as domestic violence.

State parties will have to **introduce a number of new criminal offenses** where they do not exist. These include psychological and physical violence, sexual violence including rape, stalking, female genital mutilation, forced marriage, sexual harassment, forced abortion and forced sterilisation.

Culture, tradition or so-called “honour” cannot be regarded as a justification for any of these offences.

Once these new offences are introduced in the national legal systems, offenders will need to be prosecuted. Effective investigation of any allegation of violence against women and domestic violence must be ensured, the law enforcement agencies will have to respond to calls for help, collect evidence and assess the risk of further violence to adequately protect the victim. State parties will have to carry out judicial

proceedings in a manner that respects the rights of victims and avoid secondary victimisation.

Questions and Answers

What is the term “gender” in the Istanbul Convention?

“Gender” and “sex” are two different things.

In the Convention, the term “**gender**” is defined as “*the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men*”.

Under the Istanbul Convention, the definitions of ‘gender’ and ‘sex’ are two separate concepts. The Convention’s explanatory report emphasises that the “*term ‘gender’ under this definition is not intended as a replacement for the terms ‘women’ and ‘men’ used in the Convention.*”

Does the Convention oblige states to have lessons at schools about sexual orientation?

The Istanbul Convention requires parties “*to take the necessary measures to promote changes in the social and cultural patterns of behaviour of women and men with a view to eradicating 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*”.

For instance, Article 14 requires from states to include **teaching material on non-stereotyped gender roles** in formal curricula, to empower girls and boys, from an early age, to pursue options in life that are not limited to traditional roles for men (for example as solely breadwinners) and for women (as solely mothers and carers).

Does the Convention oblige states to recognise transgender and intersex persons as refugees?

Nowhere in the Convention is it stated that a new refugee status should be established for transgender or intersex persons. Rather, the Istanbul Convention requires parties “to recognise gender-based violence against women as a form of persecution when examining asylum requests”.

Does the Convention oblige states to legally recognise a third sex under domestic law?

The term “**third sex**”, sometimes also referred to as third gender or intersex, refers to a category of people who do not identify as male or female. A transgender is a

person whose gender identity does not correspond to that person's biological sex assigned at birth. Transgender people are sometimes called transsexual if they desire medical assistance to transition from one sex to another.

The Convention **does not require from state parties to attribute a particular legal status to intersex and transgender persons**. There is neither an explicit mention of these terms, nor any substantive or procedural obligations regarding the legal status of third sex, transgender or transsexual persons in the Convention. The parties are merely required to avoid, within the Convention's scope of application, any discrimination on the grounds of gender or sexual identity, as well as on other grounds, such as race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, age, state of health, disability, marital status, migrant or refugee status.

Does the Convention obliges state to authorise same-sex marriage?

No reference is made to the legal recognition of same-sex marriage; this subject is outside the scope of the Convention.

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