



COMMISSIONER FOR HUMAN RIGHTS  
COMMISSAIRE AUX DROITS DE L'HOMME



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**Mr Andriy PARUBIY**  
Chairperson of the Parliament of Ukraine

Strasbourg, 14 November 2017

Dear Chairperson,

I am writing to you in view of the on-going discussions in the Parliament concerning the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). During my visit to Ukraine in April this year, I discussed this issue with several of my interlocutors. This letter contains some of the clarifications I shared at the time about the contents and objectives of the Istanbul Convention, and seeks to dispel common misconceptions about it. I hope it will be useful in further explaining the value of ratification of this important legal instrument.

Violence against women and domestic violence are serious human rights violations that affect all Council of Europe member states, including Ukraine. Violence is considered “gender-based” when it impacts predominantly women, and/or affects them because of the very fact that they are women. Although men, too, can be victims of domestic violence, in the vast majority of cases the victims are women and girls. Children can either be direct victims of domestic violence or suffer the lasting psychological impact of witnessing violence inflicted on other family members.

The Istanbul Convention is a unique legal instrument that tackles violence against women comprehensively and in all its forms. It covers not only domestic violence but also other forms of gender-based violence, such as psychological and physical abuse, sexual harassment and rape, so-called “honour” killings, stalking, female genital mutilation, forced marriage, forced abortion and forced sterilisation, and the need to recognise gender-based violence as a ground for asylum.

The Convention requires states to implement an array of practical measures to **prevent** violence against women (including through awareness-raising and education campaigns), to **protect** victims (including by ensuring the availability of shelters and psychosocial support) and to **prosecute** perpetrators.

Many countries have recognised the importance of the Istanbul Convention as a key tool to assist them in fully abiding by their general obligation to combat violence under international and European human rights law, including the European Convention on Human Rights. Since the adoption of the Istanbul Convention in 2011, 27 Council of Europe member states have ratified it, while 17 more have signed it.

Some key advantages of ratifying the Istanbul Convention are:

- By requiring states to undertake a systematic review of their legislation and practical arrangements regarding violence against women and domestic violence, as well as work to bring them up to the best international standards, the Convention helps states to adopt a set of integrated policies on violence against women and to address its root causes;
- States party to the Istanbul Convention engage in a dialogue with the monitoring body of the Convention, the GREVIO, composed of international experts on violence against women, which can provide assistance to overcome implementation difficulties and share best practices from other states;

- States send a strong political message to their law enforcement bodies and judicial system that violence against women and domestic violence cannot be regarded as a "private" matter: they are serious violations of human rights, which the state has the duty to prevent and punish.

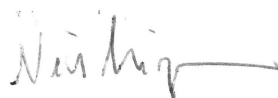
During my country visits, I have encountered several objections and/or misconceptions about the Convention. Those arguments could be summarised – and countered - as follows:

- Objections to the use of the word "gender" for its purported "ideological" connotations. The notion of gender is clearly defined in the Convention, which holds that, while the term "sex" refers to the biological characteristics that define humans as female and male, gender "shall mean the socially constructed roles, behaviours, activities and attributes that a society considers appropriate for women and men." This definition is also used by the Committee on the Elimination of Discrimination against Women and other UN bodies. This meaning also enters into play in the term "gender stereotypes".
- Some critics acknowledge that violence against women is a problem, but wish to prevent governments from challenging traditional gender roles and stereotypes, due to a cultural affirmation that men and women should play very different roles in public life and within the family. This approach limits women to the stereotypical role of mothers, giving birth and staying at home to rear children.
- Others go as far as to argue that the Istanbul Convention should not be ratified because it would endanger societies based on traditional families. I would like to reassure everybody that there is no such danger, as all the measures provided for by the Istanbul Convention reinforce family foundations and links by preventing and combating the main cause of destruction of families, that is, violence.
- Another criticism of the Convention concerns its supposedly "unjustified" focus on women, whereas men can also be victims of violence. However, data collected in various CoE member states - including Ukraine - do show that, in the vast majority of cases of domestic violence, it is women who are exposed to violence inflicted by men. More generally, numerous studies show that women and girls are exposed to a higher risk of gender-based violence than men, and that violence specifically targeted at women remains widespread. That being said, the Istanbul Convention recognises that men and children are victims of domestic violence too and that this should also be addressed.

The Istanbul Convention aims at eradicating violence against women and domestic violence by prescribing the establishment of a comprehensive system to combat those phenomena effectively. Individual victims, families and society as a whole will all benefit if everyone's fundamental rights to life, security, freedom, dignity, and physical and emotional integrity are respected.

I would be grateful if you bring my letter to the attention of all members of the Ukrainian Parliament and I look forward to receiving further information on the ratification process.

Yours sincerely,



Nils Muižnieks