



COMMISSIONER FOR HUMAN RIGHTS
COMMISSAIRE AUX DROITS DE L'HOMME



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Ms Tsveta KARAYANCHEVA
President of the National Assembly
Bulgaria

Strasbourg, 19 January 2018

Dear President,

I am following with interest the process of ratification by Bulgaria of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). Further to the signature of this Convention in April 2016, I welcome the decision adopted at the beginning of this year by the Bulgarian Council of Ministers to submit to the National Assembly a bill to ratify it.

I am therefore particularly concerned about several misconceptions that have been propagated in the public debate around the Convention in Bulgaria. Some have even argued that Parliament should not ratify the Convention. I would therefore like to debunk myths surrounding the Convention and contribute to the public debate by showing the value of prompt ratification of this ground-breaking human rights instrument.

Violence against women and domestic violence are serious human rights violations that affect all Council of Europe member states, including Bulgaria. Violence against women 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 against women as a ground for asylum.

The Convention, which was adopted in 2011 and entered into force in 2014, is based on the most up-to-date research on what is necessary to effectively combat violence against women and domestic violence. As such, it requires states to implement a comprehensive array of practical measures to **prevent** violence against women (including through awareness-raising and education campaigns), to **protect** the victims (including through the availability of shelters and psychosocial support) and to **prosecute** the perpetrators.

During my country visits, I have encountered objections to the very use of the word “gender” in the context of promoting the ratification of the Istanbul Convention. The definition contained in the Convention indicates 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 mechanisms. It is this meaning that enters into play in the use of the expression “gender stereotypes”.


The Istanbul Convention rests on the presumption that violence against women is a manifestation of a broader pattern of inequality between women and men that must be addressed and effectively tackled. This view is based on much scholarly research that some critics appear to ignore. It reiterates the obligation to combat gender stereotyping through education and awareness-raising as a form of prevention of violence against women and domestic violence. Such an obligation already stems from the ratification of the Convention on the Elimination of all Forms of Discrimination against Women. Moreover, one of the five objectives of the Council of Europe Gender Equality Strategy 2014-2017 is to combat gender stereotyping that presents "a serious obstacle to the achievement of real gender equality and feeds into gender discrimination". All states are bound to take appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices, and customary and other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women. The Istanbul Convention is fully in line with these international obligations.

Some critics may 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. The critics go as far as to argue that the Convention would endanger societies based on traditional families. This is a fallacious argument because 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.

In conclusion, the Istanbul Convention is about preventing and combating violence against women and domestic violence and has no other hidden purposes or effect. By ratifying the Convention, Bulgaria would join the majority of Council of Europe member states which 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, including against women, under international and European human rights law, notably the European Convention on Human Rights. Therefore, I urge the Bulgarian Parliament to ratify the Convention as soon as possible and promote a more objective debate so as to facilitate public awareness and policies able to foster the implementation of the Convention.

I would be grateful if you could bring my letter to the attention of all members of the National Assembly and I look forward to receiving further information on the ratification progress.

Yours sincerely,



Nils Muižnieks