



# Why do we need the Istanbul Convention?

## What changes it can bring and what measures have been adopted to comply with it

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) ensures that women are protected from all forms of violence and can receive immediate and effective support. This brochure aims to serve as a source of inspiration for CSOs when planning their communications/advocacy campaign, and should be adapted and edited to include national examples and relevant information. The following examples can be used when talking to decision-makers to emphasize the importance of the convention.

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**These are some of the changes that the convention necessitates to protect women victims of violence:**

- A woman's behaviour or clothing does not mean she consents to sex. If she does not say yes to sex, that is rape and only the perpetrator is to be held responsible.
- A woman can call a national helpline, specifically for cases of violence, which will provide her with immediate information from a trained professional on what her options are.
- A woman will be heard by the police and will receive protection and support if she needs to leave her home because of an abusive partner.
- A woman victim of violence will be able to access specialist support services, which will help her start a new life. She is not forced to go back to a violent partner/husband.
- A woman victim of violence does not need to testify with her aggressor in the same room, nor is she forced to reconcile with him.
- A woman victim of sexual violence has access to a rape crisis centre where she can receive immediate help from professionals.

- A woman victim of violence can go to a women's only shelter and be supported in escaping her abusive partner/husband.
  - A woman can get long-term psychological support to be able to overcome the trauma she has suffered.
  - A woman who is not fluent in the national language can receive the support she needs, in her native language, without the fear of losing her residency permit.
  - A woman will be able to get a protection order in case she finds herself in immediate danger and there is no safe place for her to go.
  - A woman has a right to legal assistance and in case she does not have the necessary financial means, she will be provided with free legal aid.
  - A woman's children will be protected if they have been abused or witnessed abuse and a violent partner will only get limited access to the child.
  - A woman will be treated with respect by all professionals (judges, prosecutors, police) and they will communicate with her in a way that will not re-victimise her.
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**Countries that ratified the Istanbul Convention adopted several measures to comply with it:**

- They incorporated trainings for professionals (police, judges, prosecutors, social and health workers, educators, etc.) in their action plans to combat violence against women.
- They ensured that shelters for women are available nationally and that they receive sufficient funding to operate.
- They set up rape crisis centres for victims of sexual violence with trained professionals.
- They prohibited mandatory mediation between an offender and a victim during the investigation or trial phase of a criminal or civil law case, such as divorce cases.
- Specialized investigators are put in place to ensure that reported crimes of violence against women and domestic violence are quickly dealt with and respect the victims' rights and needs.
- They ensured police and support services offer women immediate protection so they do not remain trapped in the same house with their perpetrator.

**Using the outlined example below**, think about how the system of assistance to women victims of violence will need to be improved following the ratification of the Istanbul Convention in your country. Answer the section on how the system of assistance currently works in your country, with the help of the questions provided in *italics*. Can you add any other elements that would need improvement?

### **Following ratification of the Istanbul Convention, how will the system need to be improved?**

1

**The survivor will need to be able to receive effective and comprehensive support (psychological, legal, medical).**

Law enforcement officials and specialised services should establish clear protocols and ensure a victim-centred approach is taken when dealing with cases of violence against women. Victims need to have access to appropriate services such as shelters, hospitals, sexual violence referral centres and social support centres to provide direct support and should work together in a coordinated manner, where appropriate. The establishment of effective interdepartmental cooperation will be vital. Training of employees of specialised services and law enforcement agencies will be required to support how they work with victims.

#### **How does it work in your country now?**

*How many different institutions does a victim currently need to contact in order to get help? How far away are they located from each other? Do the different services (e.g. law enforcement agencies and specialised services) interact smoothly? Are there trained professionals who know and understand the standards of work with victims?*

2

**The victim will need to be able to access a shelter in the nearest city, at any time, and stay there with her children, if necessary.**

It will be obligatory for the number of shelters for victims to meet the following parameters: one family accommodation (for the woman and her children) per 10,000 population.

Shelters must also be accessible for victims living in rural areas. Shelters will be required to work around the clock, with qualified personnel to provide help to victims. Their safety and confidentiality should be ensured. Such shelters will need to be financed by the state.

### **How does it work in your country now?**

*Are there enough shelters for victims (especially in small cities and rural areas)? Are existing shelters fully or partially funded by state or local budgets? Do the existing shelters meet the principles of specialisation: focus exclusively on supporting women victims of violence?*

3

### **The victim will be able to seek compensation.**

It will be required that the victim has the right to claim compensation both from perpetrators and from the state. If a perpetrator is charged for the violence inflicted on the victim, compensation should be provided for any of the offenses established in accordance with the convention. If the state is found to be liable, state compensation will need to be awarded for victims who have suffered serious bodily injury or impairment of health, insofar as the damage is not covered by other sources, such as the offender, insurance or public health and social security.

### **How does it work in your country now?**

*Does the victim have a guaranteed right to claim compensation from the offender or the state?*

4

### **Mandatory mediation between an offender and a victim will need to be prohibited during the investigation as well as during the trial of criminal or civil cases, including in divorce cases.**

A ban on mandatory alternative dispute resolution, including mediation for all forms of violence covered by the convention should be required. This is because the victim of violence cannot participate on an equal level with the perpetrator – as she might be intimidated by the perpetrator.

### How does it work in your country now?

*Do courts and law enforcement apply mediation and alternative dispute resolutions for an offender and a victim?*

5

**The perpetrator's parental rights may be limited if domestic violence is committed in the presence of a child or against the child itself.**

According to the Istanbul Convention, the state may adopt measures in relation to perpetrators, such as withdrawal of parental rights, if it is in the best interests of the child which may include the safety of the victim, and could not have been guaranteed in any other way. Other sanctions could include monitoring or supervision of convicted persons.

### How does it work in your country now?

*Is committing domestic violence in the presence of a child or against a child a ground for deprivation or limitation of parental rights? Are there any case exceptions?*

6

**Migrant women will also benefit from protection from any form of violence, including domestic violence. Asylum-seeking women who claim asylum on the basis of gender-based violence will be able to tell their story through a procedure that is sensitive to the traumatic nature of their experiences.**

Migrant women will be able to separate from their abusive partner or husband without losing their right to remain in the country or risking deportation. It will further be compulsory that migrant and asylum seeking women have access to support services and shelters irrespective of their residence status. It will be required that asylum seeking women have the opportunity to be interviewed in a trauma-sensitive manner by a female asylum case manager with the help of a trained female interpreter.

## How does it work in your country now?

*Is attention paid to the protection of migrant women or asylum-seeking women who have suffered domestic violence? Do experiences of gender-based violence in the country of origin give rise to international protection?*

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