



## Preface

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Violence against women is a structural and global phenomenon that knows no social, economic or national boundaries. Recognising the seriousness of the phenomenon and its impact on victims and on society, as well as the need for harmonised legal standards to ensure that victims benefit from the same level of protection everywhere in Europe, the Council of Europe decided in 2009 to draft a legally binding treaty in this field. The Istanbul Convention was drafted over the course of just over two years and was opened for signature on 11 May 2011 in Istanbul, the city after which it is often named. Following its 10th ratification the treaty entered into force on 1 August 2014.

By May 2019, the convention had been ratified by 34 Council of Europe member states and signed by all other member states, with the exception of Azerbaijan and the Russian Federation. It has also been signed by one international organisation, the European Union. Reservations to this convention were made by 22 states parties. Five states parties adopted declarations, one of which, by Poland, had been objected to by six states parties. Further ratifications are awaited, and certain states that are not Council of Europe members are already considering acceding to the convention, as allowed under this legal instrument.

Since its entry into force, the convention has garnered significant support at all levels: national, regional and local governments, the public, parliaments, other national, regional and international human rights organisations, civil society organisations, the media and academia. It has been awarded national and international prizes for its vision to keep women and girls safe from violence.

Drawing on international and European standards and case law, as well as best practices and lessons learned at national level, the convention is the most advanced and comprehensive international legal instrument in this field to date. It aims to “protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence”. It applies to “all forms of violence against women, including domestic violence, which affects women disproportionately”.

Referred to by the United Nations as the “gold standard” of legislation on gender-based violence, the convention is the first treaty to provide a legally binding definition of violence against women as a violation of human rights and a form of discrimination against women, and to integrate the due diligence standard by defining it as the obligation of states “to prevent, investigate, punish and provide reparation for acts of violence perpetrated by non-state actors”.

The convention is also the first international treaty that establishes a comprehensive set of legally binding obligations to ensure a holistic response to all forms of violence against women, including domestic violence. It combines detailed provisions concerning preventing violence, protecting and supporting victims and prosecuting perpetrators with the obligation to develop a set of comprehensive policies that are to be implemented in a co-ordinated manner.

In order to ensure the adoption and implementation of adequate policies to fight violence against women in a comprehensive and co-ordinated manner, the convention requires the states parties to allocate appropriate financial and human resources and to provide for a specific institutional set-up, including national co-ordinating bodies, data collection and research, NGO involvement and multi-institutional co-operation.

As concerns the prevention of violence, the convention expressly links violence against women and domestic violence to harmful gender stereotypes. The measures articulated in the convention are firmly based on the premise that violence against women cannot be eradicated without investing in greater equality between women and men and that, in turn, only real equality between women and men and a change in power dynamics and attitudes can truly prevent violence against women. The convention aims therefore at changing attitudes and eliminating stereotypes not only at the level of individuals but also at the level of institutions, by placing the obligation on states parties to conduct regular awareness-raising campaigns, introduce teaching material at all levels of education, regularly train all professionals in contact with victims, including legal professionals and the police, set up perpetrator programmes, and involve the private sector and the media as partners in tackling violence.

To overcome the various consequences of violence, the convention stresses the need to support, assist and protect victims from any further act of violence, secondary victimisation and economic dependence by setting up specialist support

services for victims and their children that are able to provide medical assistance and psychological and legal counselling, as well as providing shelters in sufficient numbers, rape crisis or sexual violence referral centres and introducing round-the-clock telephone helplines.

The convention provides for the prosecution of perpetrators of any type of violence covered by the convention. In this respect the states parties are obliged to criminalise and punish all the forms of violence against women covered by the convention, including physical, sexual and psychological violence, stalking, sexual harassment, female genital mutilation, forced marriage, forced abortion and forced sterilisation and to take a range of measures to ensure the effective investigation of any allegation of violence against women and domestic violence.

Given the transnational nature of some of the forms of violence against women (such as forced marriage), the convention takes a “cross-border approach”. It requires states parties to extend their jurisdiction to cover crimes committed abroad by their nationals, and even make it possible to prosecute their residents. Conversely, the convention creates the framework for greater access to justice for nationals or residents of parties who become victims of crimes of violence against women while abroad.

The convention requires states parties to ensure that gender-based violence may be recognised as a form of persecution when establishing refugee status or international subsidiary protection for women who may be fleeing from rape as used as a weapon of war, female genital mutilation or a life of domestic violence.

Of particular relevance in the international context is the fact that the convention applies not only in times of peace but also in situations of armed conflict.

The convention sets up a monitoring mechanism to assess how its provisions are put into practice and to provide guidance to states parties. This monitoring mechanism consists of two pillars: the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent expert body, and the Committee of the Parties, a political body composed of official representatives of the states parties to the convention.

The monitoring mechanism of the convention represents a unique platform for progress both at national and international levels. It generates very valuable data, advice and support thanks to the in-depth analysis of the various national contexts and the mobilisation of expertise and exchange of good practices. Devising strategies for tackling problems and developing solutions, the monitoring process offers a vital forum for co-ordinating and setting a global agenda to eliminate violence against women, of which this report aims to provide an overview.