

# Sustaining Progress towards Ending Violence against Women and Girls

## Convention on Preventing and Combating Violence against Women and Domestic Violence



COUNCIL OF EUROPE



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**T**he Convention on Preventing and Combating Violence against Women and Domestic Violence (called the “Istanbul Convention” as it was formally opened for signature in that city, in May 2011) is a major human rights treaty of the Council of Europe that addresses violence against women, both as a violation of human rights and as a form of discrimination against women. It covers gender-based violence against women, which refers to violence directed against women because they are women or violence affecting them disproportionately. Such violence is both the cause and the result of inequalities between women and men that lead to women’s subordinate status in society which, in turn, contribute to making violence socially acceptable.

— **A gold standard for addressing violence against women and domestic violence.** The Istanbul Convention breaks new ground by requesting states to criminalise the following forms of gender-based violence against women (or, where applicable, to otherwise sanction): psychological violence, stalking, physical violence, sexual violence (including rape), forced marriage, female genital mutilation, forced abortion, forced sterilisation, and sexual harassment. It also covers domestic violence defined as all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim.

Detailed and practical, the Istanbul Convention offers a roadmap for developing laws, policies and support services to end violence against women and domestic violence. It entered into force in 2014 and it is open to non-member states of the Council of Europe, thereby enabling any country in the world to join its ranks, demonstrating their commitment to uphold the right of women and girls to a life free from violence and to improve the protection of victims.

■ **A source of knowledge and inspiration to advance women's rights to live free from violence.** To support governments in turning good intentions into reality, a monitoring mechanism composed of two bodies is in place to assess how the convention is put into practice by states. Firstly, the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), a specialist body made of 15 independent experts, conducts country-based evaluation procedures, thereby assessing progress in combating violence against women that includes tailor-made guidance for parties. Secondly, the Committee of the Parties, made of representatives of the governments who joined the convention, follows up and reinforces GREVIO's findings by issuing recommendations and conclusions on states' implementation of the convention. These two bodies provide a forum for dialogue with and among governments, enabling the exchange of best practices and synergies to end violence against women. Since 2017, the convention's monitoring mechanism has shown the crucial role of the Istanbul Convention in setting strong legal obligations and driving national changes.

## HOW IS THE ISTANBUL CONVENTION MAKING A DIFFERENCE?





## SETTING STRONG LEGAL OBLIGATIONS TO PREVENT AND COMBAT VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE

Based on a victim-centred approach, the Istanbul convention sets strong legal obligations to ensure the safety, recovery and empowerment of all women and girls subject to gender-based violence. The convention's obligations cover four main areas of action:

### ► Preventing violence against women:

A long-term change in negative attitudes towards women must be promoted, with the aim to prevent violence against women. This is to be achieved through awareness-raising initiatives, educational programmes, training for professionals, preventive intervention and treatment programmes for perpetrators, and the involvement of the private sector and the media.

### ► Protecting victims:

Victims must be supported and protected from further violence, economic dependence as well as from victim blaming practices by professionals. To this end, adequate support services must be available and accessible to all victims, such as shelters, 24/7 telephone helplines free of charge, rape crisis or sexual violence referral centres, and services for child witnesses of violence.

► **Prosecuting perpetrators:**

■ Specific forms of violence must be criminalised or sanctioned, including psychological violence, physical violence, stalking, sexual violence, forced abortion, forced sterilisation, female genital mutilation, and sexual harassment. As explained in GREVIO's first General Recommendation No. 1 on the digital dimension of violence against women, the convention also covers violence perpetrated online or through the use of new technologies. Moreover, no custom, tradition, religion or so-called honour shall be accepted as a justification for such violence. Immediate response from law enforcement must be ensured and victims need to be provided with special protection during the investigation and judicial proceedings.

► **Implementing comprehensive and co-ordinated policies:**

■ Measures to prevent violence against women must be comprehensive and implemented in a co-ordinated way through the allocation of appropriate financial resources, the support of NGOs and civil society, (particularly women's rights NGOs), the creation of national co-ordinating bodies, as well as the collection of comparable data on violence against women by all relevant public sectors.



## DRIVING TANGIBLE CHANGES IN NATIONAL RESPONSES TO VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE

— The evaluation procedures conducted by GREVIO since 2017, as well as their follow up review by the Committee of the Parties, have brought to light the tangible impact which the Istanbul Convention has had on the ground. **Promising developments** in the national responses to violence against women, include:

- ▶ The adoption of **new national policies**, including National Action Plans, that **address violence against women more comprehensively**, based on the approach, definitions and obligations contained in the Istanbul Convention.
- ▶ **The strengthening of data collection on cases of violence against women**, including in the area of criminal justice, by harmonising and providing comparable data from law-enforcement bodies, prosecutors and the judiciary.
- ▶ In the **area of education**, legal and policy changes have led to the amendment of school and university curricula to include the promotion of equality between women and men, and the prevention of violence against women and girls.

- ▶ The **expansion of the range of available support services for women victims of violence**, such as the creation or improvement of the accessibility of **national helplines**, the deployment of new **support services for victims of sexual violence**, as well as increased **funding for specialised support services, including shelters**.
- ▶ The introduction of **specific criminal offenses**, or the amendment of existing ones, to prosecute **stalking, sexual harassment, forced marriage, female genital mutilation, forced abortion, and forced sterilisation** more adequately.
- ▶ The **amendment of legislation on sexual violence** to be based on the **lack of freely given consent to a sexual act**, which allows to prosecute cases that could not be criminalised under prior legislation which required evidence of the use of force or threat by the perpetrators.
- ▶ The adoption of **new measures prohibiting perpetrators from approaching the victims**, including new laws on emergency barring orders allowing law enforcement to temporarily evict perpetrators of domestic violence from a shared residence; laws offering longer-term protection orders to victims of domestic violence, forced marriage or other forms of violence; as well as the monitoring of such protective measures through electronic devices.
- ▶ The appointment of **specialist law enforcement units, prosecutors, and judges** to investigate and prosecute cases of **domestic violence or sexual violence**.





## **GUIDING GOVERNMENTS TO BUILD EFFICIENT MEASURES TO END VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE**

— Bringing to light promising practices and challenges in its implementation, the Istanbul Convention and its monitoring mechanism are central to guiding governments to build effective measures to respond to violence against women. GREVIO's evaluation procedure is based on a process of constructive dialogue with government representatives, relevant professionals and practitioners, and civil society. As a result, GREVIO's findings are followed up and reviewed by the Committee of the Parties, which provides a concrete roadmap to reinforce national action in this field.

Some of the most common gaps in the implementation of the Istanbul Convention identified by GREVIO are the need to:

- ▶ address the **absence of comprehensive measures** tackling all forms of violence against women, beyond domestic violence;
- ▶ expand the **scope, geographic distribution, and funding of specialist support services** for women victims, including shelters and other services run by women's rights NGOs;
- ▶ address physical, communication, cultural or administrative **barriers to access protection, support, and justice** faced by **women at risk of multiple discrimination**, particularly women with disabilities, migrant and refugee women, lesbian, bisexual, transgender and intersex (LBTI) women and women from ethnic or national minorities;
- ▶ **systematically train all relevant professionals** on preventing and detecting violence against women, as well as on victims' needs and rights;
- ▶ ensure the **systematic collection of comparable administrative and judicial data** disaggregated by gender and covering all forms of violence against women;
- ▶ identify and **address the reasons for not recording all reports of violence against women, or for low rates of prosecutions and convictions** in cases of violence against women;
- ▶ ensure that courts take into **consideration incidents of violence against women when determining child custody and visitation rights**;
- ▶ ensure the **effective implementation of protection orders** and their availability for all women victims of violence, **irrespective of related legal proceedings**.



## ENABLING INTERNATIONAL SYNERGIES IN ADDRESSING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE

— The Istanbul Convention and its monitoring mechanisms **promote collective action and knowledge exchange** to prevent and combat violence against women and domestic violence. At national level, **GREVIO's evaluation procedures** allow for discussions among state representatives and civil society on both positive developments and challenges in implementing the convention. An innovation of the convention is the obligation for national authorities to invite **parliaments to participate in the monitoring process**, and to submit GREVIO's evaluation reports to them. As a promising practice, debates on GREVIO's findings have taken place between parliamentarians and government representatives in many countries.

— The meetings of the **Committee of the Parties** facilitate **peer-to-peer exchanges** on GREVIO's findings and recommendations, while providing national authorities with a forum to discuss challenges in implementing the Istanbul Convention, and to tap into the experience of other countries. Moreover, the Council of Europe **Parliamentary Assembly** and the **Conference of International Non-Governmental Organisations of the Council of Europe** regularly take stock of the implementation of the Istanbul Convention.

— Internationally, GREVIO co-operates with the United Nations and other regional independent expert mechanisms on violence against women and women's rights, through the **Platform of Independent Expert Mechanisms on Discrimination and Violence against Women (EDVAW)**, which aims at supporting the co-ordination and improvement of the implementation of international legal obligations to end violence against women.

The Council of Europe Istanbul Convention on preventing and combating violence against women and domestic violence: preventing violence, protecting victims and prosecuting perpetrators to tackle this serious violation of human rights.

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

