

***Council of Europe Convention on
preventing and combating violence
against women and domestic violence
(Istanbul Convention) -
10 important years***

***Marcella Pirrone – President of
Women against violence Europe (WAVE) network***

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The WAVE NETWORK

- ▶ The WAVE Network, established in 1994 as an informal network, is a legal entity since 2014 and a formal network NGO composed of more than **150 European women's NGOs of 46 European countries** , working in the field of combating violence against women and children.
- ▶ WAVE is the only European network formed by **Women Support Specialist Services (WSSS)** focusing on the elimination of violence against women and children with a feminist approach.
- ▶ The WAVE Network aims to promote and strengthen the **human rights of women and children in general and to prevent violence** against them. It aims at establishing **gender equality** recognizing it as the root of all forms of violence against women.



Violence against women: EU survey

1 in 3

women in the EU has been a victim of physical and/or sexual violence



1 in 3

has experienced physical or sexual violence by an adult during childhood

The large majority of incidents of violence against women do not come to the attention of the police



The COUNCIL OF EUROPE

- ▶ The **Council of Europe** is the continent's leading human rights organisation. It was founded 1949 and includes 47 member states, 27 of which are members of the European Union.
- ▶ Its principles: the rule of law , guarantee of **democracy, fundamental human rights and freedoms.**
- ▶ The best known body of the Council of Europe is the **European Court of Human Rights (ECHR)** which enforces the **European Convention on Human Rights (1950).**
- ▶ Council of Europe **conventions/treaties** are also open for signature to non-member states, thus facilitating equal co-operation with countries outside Europe.



ISTANBUL CONVENTION

- ▶ **The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence**, also known as the **Istanbul Convention**, is the most far-reaching international legal instrument to set out binding obligations to prevent and combat violence against women and end immunity for perpetrators.
- ▶ It was issued on 11.5.2011 and took effect in August 2014.
- ▶ **Thirty-four member states of the Council of Europe** have ratified it, other twelve have signed it – along with **the European Union** – and it is used as a basis for action by many countries outside Europe.
- ▶ **“Istanbul Convention saves lives”** is one of the slogan of the Turkish women movement protesting strongly since 21.3.21, the day the Turkish President decided without Parliament to withdraw from I.C.



ISTANBUL CONVENTION

<https://www.coe.int/en/web/istanbul-convention/home?>

- ▶ The Istanbul Convention recognizes violence against women as a violation of human rights and a form of discrimination against women.
- ▶ Based on a victim-centred approach, it offers practical tools to ensure the protection of women and girls, their safety and empowerment.
- ▶ In essence, it is a renewed call for greater equality between women and men, because it defines violence against women as deeply rooted in the inequality between women and men in society.
- ▶ Over the past 10 years, it has guided states in advancing their legislation and policies in order to prevent and combat violence against women effectively.



GROUNDBREAKING FEATURES OF THE CONVENTION

- ▶ It recognizes **violence against women as a violation of human rights and a form of discrimination**. This means that states are held responsible if they do not respond adequately to such violence.
- ▶ It **criminalizes specific new offences**, such as female genital mutilation, forced marriage, stalking, forced abortion and forced sterilization. This means that states will, for the first time, be obliged to introduce these serious offences into their legal systems.
- ▶ It calls **for the involvement of all relevant state agencies and services** so that violence against women and domestic violence are tackled in a coordinated way.
- ▶ It recognized the **importance and value of civil society and WSSS** , women support specialist services.
- ▶ It is the first international treaty to contain **a definition of gender**, as a socially constructed category of gender.





The Istanbul Convention is based on four pillars

PREVENTION

PROTECTION

PROSECUTION

CO-ORDINATED POLICIES

PREVENTION

If a country has ratified the Istanbul Convention, it will have to take the following measures:



TRAINING OF PROFESSIONALS



PARTICIPATION OF MEDIA AND PRIVATE SECTOR



ROLE OF MEN AND BOYS



AWARENESS-RAISING CAMPAIGNS



PROGRAMMES FOR PERPETRATORS



EDUCATION IN NON-VIOLENCE AND EQUALITY BETWEEN WOMEN AND MEN



PREVENTION

- ▶ **Cultural change:** change attitudes, gender roles and stereotypes that make violence against women acceptable;
- ▶ **Education:** include teaching material on equality issues in the curricula at all levels of education
- ▶ **Training:** train all professionals working with victims;
- ▶ **Awareness raising:** of the different forms of violence and their traumatizing nature;
- ▶ **Comunication:** awareness , competence and correctness in all media
- ▶ **Co-operation with CSOs,** the media and the private sector to reach out to the public.



PROTECTION

The safety and needs of victims and witnesses must be at the heart of all protective measures adopted by a country. Their rights include:



RIGHTS AND NEEDS OF CHILD WITNESSES



INFORMATION ON THEIR RIGHTS



FREE TELEPHONE HELPLINES 24/7



SAFE CUSTODY AND VISITATION RIGHTS FOR CHILDREN



PROTECTION OR RESTRAINING ORDERS



EMERGENCY BARRING ORDERS



REPORTING VIOLENCE TO AUTHORITIES



SUPPORT SERVICES



REGIONAL AND INTERNATIONAL COMPLAINT MECHANISMS



SHELTERS



RAPE CRISIS OR SEXUAL VIOLENCE CENTRES



PROTECTION

- ▶ ensure that the **needs and safety of victims** are placed at the heart of all measures;
- ▶ underlines the **importance of women support specialized services (WSSS)**, which are often women-to-women and dedicated to a type of violence;
- ▶ victims should also have **access to general services** such as legal advice/aid, psychological counselling, financial assistance, housing, education, healthcare, social services and assistance in finding employment;
- ▶ set up **shelters** in sufficient numbers and introduce free, round-the-clock telephone helplines;
- ▶ **rape crisis or sexual violence centres** : victims must have access to a nearby easily accessible centre providing immediate medical counselling, trauma care and forensic services.



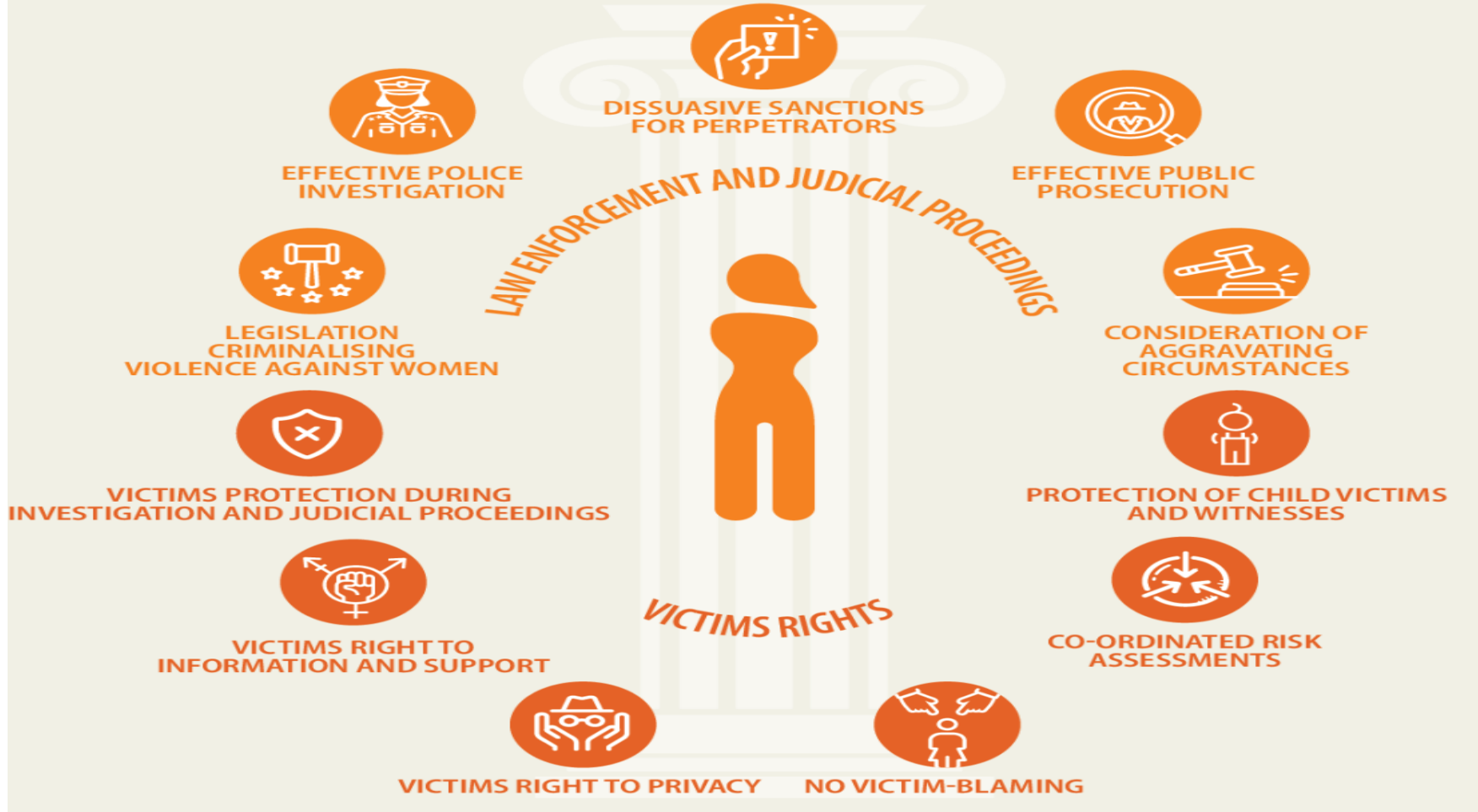
PROTECTION

- ▶ **Emergency barring orders:** these will grant police the power to remove a perpetrator of domestic violence from their home for a specific period of time and order them to stay away from the victim.
- ▶ **Protection or restraining orders:** they should be easily accessible for immediate protection to the victim without any cost.
- ▶ **Safe custody and visitation rights for children:** if there is a history of violence, custody and visitation decisions must prioritize the rights and safety of the child and the victim.
- ▶ **Free telephone helplines 24/7 :** victims must have access to a state-wide 24/7 free and confidential telephone helpline offering them expert advice and pointing them towards relevant services.
- ▶ **Rights and needs of child witnesses:** the best interest of child witnesses of violence must be taken into account and age-appropriate psychosocial counselling provided



PROSECUTION

If a country has ratified the Istanbul Convention, it will have to ensure:



PROSECUTION

The convention requires states parties to criminalise or otherwise sanction the following behaviours:

- ▶ domestic violence (physical, sexual, psychological or economic violence);
- ▶ stalking;
- ▶ sexual violence, including rape;
- ▶ sexual harassment;
- ▶ forced marriage;
- ▶ female genital mutilation;
- ▶ forced abortion and forced sterilisation.

This sends a clear message that violence against women and domestic violence are not private matters.



The Istanbul Convention is based on four pillars

PREVENTION

PROTECTION

PROSECUTION

CO-ORDINATED POLICIES

CO-ORDINATED POLICIES

If a country has ratified the Istanbul Convention,
it will have to undertake the following actions:



RESEARCH AND
DATA COLLECTION



INTER-AGENCY
CO-OPERATION



WHOLE SOCIETAL
RESPONSE



SUPPORT AND WORK WITH
CIVIL SOCIETY AND NGOS



COMPREHENSIVE LEGISLATION
AND GENDER-SENSITIVE POLICIES



CO-ORDINATE ACTION
AND MONITOR IMPLEMENTATION



FUNDING FOR POLICIES
AND SUPPORT SERVICES



HUMAN RIGHTS-BASED
POLICIES



HOW IS THE IMPLEMENTATION OF THE CONVENTION MONITORED?

<https://www.coe.int/en/web/istanbul-convention/grevio>

The convention's monitoring mechanism consists of two pillars:

I) the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent expert body, and

II) the Committee of the Parties, a political body composed of official representatives of the States Parties to the Convention.

Their findings and **recommendations** will help to ensure states' compliance with the convention and guarantee its long-term effectiveness.



The ROLE OF CIVIL SOCIETY in the MONITORING PROCESS

The role of NGOs in the first (baseline) evaluation procedure is crucial.

NGOs active in preventing and combating violence against **women are key actors in the implementation of the Istanbul Convention** which is why, under the Convention, state parties have a legal obligation to recognise, encourage and support their work and to establish effective co-operation with them (Article 9).

NGOs are major partners in **monitoring the implementation** of the Convention, by participating actively to monitoring process and by keeping an eye on concrete application by State of recommendations.



The ROLE OF CIVIL SOCIETY with GREVIO

The Group of Experts on action against violence against women and domestic violence (GREVIO), the independent expert monitoring body established by the Convention, recognises the important role which NGOs play in this field.

NGOs and other members of civil society are vital sources of information. NGOs are therefore strongly encouraged to give their input and share their concerns at any time (**Shadow Reports**).

GREVIO will, whenever possible, invite NGOs working in that country to provide relevant information and will carry out visits to the country being monitored.

GREVIO writes the **First baseline Evaluation Country Report** expressing clear recommendations for the Committee of the Parties.



The COMMITTEE OF THE PARTIES

Since 2018, **the Committee of the Parties** has been adopting – on the basis of GREVIO’s findings - recommendations to states parties to further the implementation of the convention.

States parties are given a period of three years to implement such recommendations and report back to the Committee using a standardised reporting form.

As part of this supervision procedure, non-governmental organisations, civil society and national institutions for the protection of human rights can submit information for the Committee’s consideration.



Mid-term horizontal review provides a panoramic view of the implementation of the Istanbul Convention

<https://rm.coe.int/horizontal-review-study-2021/1680a26325>

- ▶ Through a **comparative assessment of GREVIO baseline evaluation reports** – published so far in respect of 17 states parties – the review offers a comprehensive insight into the measures taken by half of the parties to the Istanbul Convention in order to attain its standards.
- ▶ For each article of the convention, it assesses the common and unique challenges faced by states parties in implementing their obligations.
- ▶ It also puts forward examples of promising practices, highlighting how the Istanbul Convention has impacted states parties' policies, jurisprudence and laws. From this review emerges that the GREVIO evaluations have, in many cases, spurred new impetus for the implementation of the convention.



USE OF I.C., GREVIO REPORTS AND RECOMMENDATIONS

Positive effects for the advocacy and support work of CSO and WSSS and ultimately for all women, their children – society:

- ▶ **Capacity building and empowerment and recognition** of their competence in general and in support of cases in front of social and health services, tribunals, all professionals.
- ▶ **Increase of credibility of wome**, minor risk of victim blaming, better risk assessment, no “indirect” mediation, consideration of child’s witnessed violence in custody decision.
- ▶ **Creation of a common ground and understanding of VAWG** for networking and better cooperation with other service providers.



USE OF I.C., GREVIO REPORTS AND RECOMMENDATIONS

- ▶ **Communication – education – trainings**
- ▶ **Integrated policies:** IC standards, and requirements
- ▶ **International Courts: ECHR** – last case 27.5.21- Decision in **case J.L. –Italy** which quoted a lot GREVIO Report; the European court of human rights has condemned an Italian court for “reproducing sexist stereotypes” after it referred to a woman’s red underwear and bisexuality as signs of her “ambivalent attitude towards sex” when acquitting six men accused of gang-rape.



POLITICAL ATTACKS TO I.C. - BACKLASH AGAINST WOMEN'S RIGHTS

- ▶ **Turkey** isn't alone in distancing itself from the Convention, there is growing defiance to the treaty by right-wing governments:
Poland, Hungary, Slovakia, Bulgaria, Lithuania, Latvia, Slovenia
- ▶ **Radical right movements** : Europe is seeing an alarming rise of radical right forces and religious integralism (orthodox and catholic) , in the name of *“traditional christian values for the family”*.
- ▶ **2019 Verona : World Family Conference (Ordo Iuris, etc.)** where as alternative to I.C. a draft of international **“Family Convention”** was presented.



WHY IS THE CONVENTION NOW CONTROVERSIAL?

Opponents of I.C. use discourse based on false narratives and assumptions about implications of convention (i.e. gay marriage, identity confusion by use of “gender”) and strengthen the backdrop of a general “backlash” in the area of gender equality and women’s right in Europe (and the world?).

The Council of Europe is investing a lot of effort to dispel misconceptions around the Convention , with evidence-based messages on the positive impact on women’s and children lives, increasing its commitment in counteracting the disproportionate effect that violence has on women — as well as the historical inequality between women and men.



Quoting Hillary Margolis, Human Rights Watch's senior researcher on women's rights:

"In a lot of ways, this convention has become a victim of this broader attempt to be used for political gains; to **demonize women's rights and LGBT rights**. It's distorting the convention to create a panic around the idea that families are under attack and values and national systems are under attack — when, of course, that is entirely untrue."



WHAT NEXT?

- **EU COMMISSION PRESIDENT URSULA VAN DER LEYEN**

has announced that by end of 2021 the Commission will propose a different legislative instrument (Directive?) in order to strengthen I.C. and absorb its principles and values; at least for EU countries. Civil society can participate to this process by participating at public consultations.

EU accession: after having signed I.C., now it is under exam in the EU Court of Justice how – in terms of compatibility of EU laws - accession is possible.



“The Istanbul Convention is a lifeline for women and girls and an essential component of the human rights framework in Europe” (M.Naudi)

“Act against rape! Use the Istanbul Convention!” (EWL campaign).

“Istanbul Convention saves lives!” (Turkish activists)

For experts and activists in this field it is important that countries — no matter their governments' political leanings — remain engaged with the treaty to end violence against women, even if tangible achievements aren't immediately evident.



Dubravka Šimonovic, the United Nations Special Rapporteur on violence against women, claimed in her last speech at the 11.5. CoE Conference for a stronger and more effectful **joint use of all regional international instruments** (soft laws - treaties) for a common effort against VAWG :

- ▶ **The Convention on the Elimination of All Forms of Discrimination against Women** (adopted by the United Nations General Assembly in 1979) with its monitoring body of independent experts:
- ▶ **The Committee on the Elimination of Discrimination against Women (CEDAW),**
- ▶ **The Declaration on the Elimination of Violence against Women** (adopted by the United Nations General Assembly in 1993)
- ▶ **The Convention of Belém do Pará** (the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, 1995)
- ▶ **Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention, 2011)**
- ▶ **The Maputo Protocol** (Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, 2005)



***Thank you for your attention!
Looking forward to your questions.***

***Marcella Pirrone – President of
Women against violence Europe (WAVE) network***

