

Violence against Women – the latest updates about the Istanbul Convention

Marceline Naudi

CURRENT REFLECTIONS ON EU GENDER EQUALITY LAW

ERA November 2020



This training session is funded under the 'Rights, Equality and Citizenship Programme 2014-2020' of the European Council

Within the next 30 minutes...

- Short intro to the Convention
- GREVIO
- What the Convention is and what it does
- Concerns...

The Istanbul Convention

Council of Europe Convention on preventing and combating **violence against women** and domestic violence

The Convention

The Convention on preventing and combating violence against women and domestic violence was adopted by the Council of Europe Committee of Ministers on 7 April 2011.

It was opened for signature on 11 May 2011 on the occasion of the 121st Session of the Committee of Ministers in Istanbul (hence known as the Istanbul Convention).

Following its 10th ratification on 22 April 2014, it entered into force on 1 August 2014.

The Istanbul Convention is the result of long discussions, eventually leading to its **unanimous adoption** by all Council of Europe member states. It is based on policies and legislation tried and tested and which have produced positive results at the level of the member states.

Short Introduction

- Ratified by 34 States and signed by 11 more, plus the European Union
- (Tunisia and Kazakhstan have asked to be invited to join the Convention)
- The Istanbul Convention is about preventing and combating **VAW** and **domestic violence**.
- It stems from the recognition that VAW is a **violation of women's human rights**, and that as such, it should not be acceptable in any of the CoE member states.
- VAW - violence that is **directed against women because they are women** and/or that **affects women disproportionately**.

GREVIO

GREVIO is the independent expert body responsible for monitoring the implementation of the Convention.

Article 66 of the Istanbul Convention governs GREVIO membership. It states that GREVIO shall have between **10 (after the 10th ratification) and 15 (after the 25th ratification) members**, depending on the number of Parties to the Convention

GREVIO members must be nationals of the States Parties to the Convention.

The first ten members of GREVIO were elected by the Committee of the Parties at its first meeting of 4 May 2015, for a period of 4 years, renewable once. A further 5 were elected in May 2018. At the end of the 1st 4-year term, April 2019, 6 of the original members were re-elected and a further 4 new members were elected to GREVIO.

GREVIO held its first meeting on 21 - 23 September 2015 in Strasbourg.

In March 2016, GREVIO adopted a questionnaire on legislative and other measures giving effect to the provisions of the Convention. It launched its first evaluation procedure shortly after.

GREVIO - Our work

We have had 22 meetings, with a 23rd planned for February 2021.

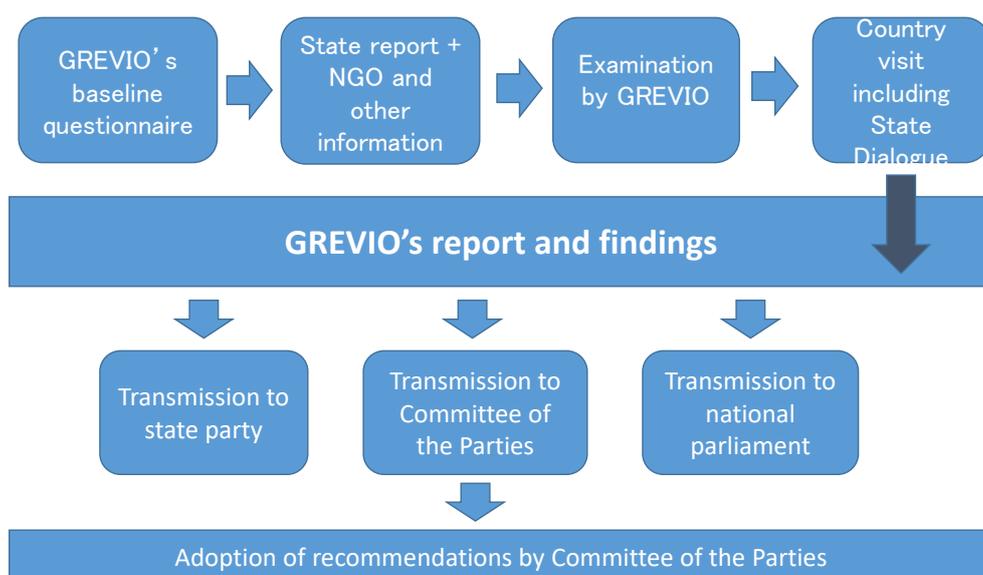
Our first meeting was dedicated to setting up rules of procedure etc., and then we started working on the first baseline questionnaire which we agreed on and adopted at our 5th meeting in March 2016.

We started the Evaluations straight after that and have been working on them ever since.

Evaluations are carried out on a country-by-country basis. The procedure is triggered by GREVIO when we send out the questionnaire to the state parties concerned. We try to gather as much information as possible and try to ensure that the process is dialogue oriented.

According to the timetable, it will take GREVIO approximately a year and a half to complete the full procedure for each country, from sending the questionnaire to publishing the GREVIO report.

First evaluation Procedure



To date...

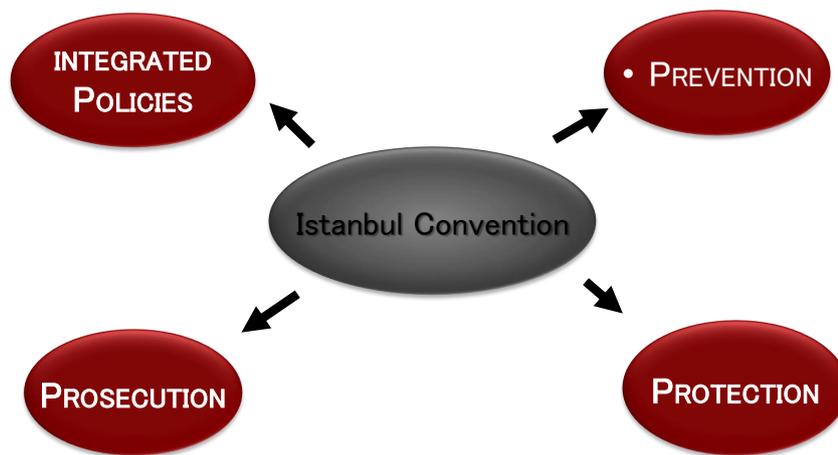
GREVIO has completed evaluations and issued their baseline reports for 17 states party to the convention.

Another 6 have started the evaluation process

Other than evaluations...?

- Issued our first activity report that covered the 1st four years of our work – working on our second...
- Working on our first general recommendation – a working group has been set up to look at the digital dimension of violence against women
- Form part of the Platform Platform of Independent Expert Mechanisms on Discrimination and Violence against Women (EDVAW Platform)
- Constantly advocate
- Very active during Covid-19 pandemic

Holistic approach to combating violence against women



Cornerstones of the Istanbul Convention

- addresses all forms of violence against women and domestic violence
- **preventing** violence,
- **protecting** its victims and
- **prosecuting** the perpetrators,
- together with the requirement to co-ordinate any such measures through **comprehensive policies**,
- and at heart, it is a renewed call for **greater equality between women and men**.
- The underlying message of the Convention is that **every single form of gender-based violence against women must be responded to in a swift and professional manner that puts the rights and needs of victims, their safety and their empowerment, at the centre**.

What it does – What it is

- Aims at equipping states party with necessary tools and solutions
- Offers guidelines on how to develop effective integrated **policies** and laws to **prevent** such violence, **protect** victims and their children and offer them means of legal address, and **hold perpetrators to account (prosecute) – 4 P's.**
- Ensure responses to violence address **all forms and manifestations of violence against women and domestic violence**
- Aims also at guaranteeing that **no victim** is left without protection, including in particular more vulnerable victims and victims at risk of additional discrimination.
- the first **legally binding** instrument dealing with VAW and DV in Europe
- **principal objective: to combat violence against women and domestic violence, to make this a legal obligation and a political priority, by recognising that violence against women and domestic violence are unacceptable.**
- And at heart, it is a renewed call for equality between women and men.

Who does the Convention cover?

- The Convention covers women and girls, from any background, regardless of their age, race, religion, social origin, association with a national minority, migrant status, sexual orientation, etc.
- The Convention recognises that there are groups of women and girls that are often at greater risk of experiencing violence, and states need to ensure that their specific needs are taken into account.
- The Convention recognises that domestic violence affects women disproportionately.

VAW and domestic violence is everywhere and it cannot be effectively fought by denying its existence

- requires measures to be taken on various fronts: the law, the judiciary, police, social services, NGOs, finances, education, media etc.; and to make sure that all these fronts are followed in a coordinated and consistent way.
- All Council of Europe countries adhered to this principle when they joined the **consensus** at the moment of the adoption of the Convention, back in 2011, and then almost all (45) **reaffirmed this commitment**, through their signing of the convention over the last few years, and almost 75% (34) ratified, expressing their consent to be **bound by the treaty**.

Advantages of Ratification

- Through ratification states **increase their chances of pursuing these aims successfully** by engaging in the monitoring procedure and co-operating with other states party for the purposes of identifying solutions to this societal scourge.
- Ratification gives the **political message, internally and internationally**, that a state is committed to eradicating VAW.
- Share experiences and good practices from the implementation and application of the Convention with the state parties, which can be seen to be an added value in itself, because we can all learn from each other.
- Become part of the community that defines further action at the international level (Committee of the Parties).
- An international instrument provides additional safeguards in relation to the national framework, and sometimes the necessary stimulus to progress with the necessary reforms.
- The GREVIO monitoring also results in a comprehensive evaluation of laws and policies on violence against women at the national level.

laws have been changed, new services have been set up, policies have been revised

- adopting legislation that defines stalking and sexual harassment where there was none;
- ensuring that rape is defined by lack of consent, rather than proof of force;
- the setting up of “coordinated community responses” so that victims are referred to the multidisciplinary teams;
- creating 24/7 helplines that can refer women to the counselling services that they need;
- opening publicly-funded shelters where none existed before;
- introducing violence against women into the curricula of a range of relevant university degrees;
- providing specific training for judges, prosecutors and other lawyers to improve women’s access to protection and remedies.
- progress in data collection - including disaggregated data.

European challenges

- Male-oriented or gender-neutral laws not taking into account the realities of women
- Different levels of protection and support
- Insufficient funding of services
- Lack of multi-agency co-operation
- Protection and support services not meeting the needs of victims
- Negative and discriminatory attitudes towards women victims from the police, judiciary or social services.
- Problem with segregated data

The 'Backlash'

Worrying signals have emerged about attempts to backtrack on reforms and measures. This includes attacks on women's human rights, shrinking resources for women's NGOs and support structures. Co-ordinated movements, under the "anti-gender ideology" flag, have opposed progress on gender equality and women's human rights, as well as LGBTIQ+ rights, on the basis of misconceptions and false narratives. The Istanbul Convention has been particularly targeted by such attacks, which have delayed its ratification in some member States.

Concerns...

There is a worrying trend in some of the signatories to the Convention of misrepresenting the aims of the Istanbul Convention. The fact that it defines gender as "socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men" is being used to deflect from its original aims, i.e. the protection of women from violence by men, and is used to present it as a document that would radically alter sexuality, family life and education. We are seeing similar discussions erupting in non-EU member states as well.

- It is important to use every opportunity to dispel such myths and to explain what the Istanbul Convention really is about: to **protect women from violence**, and not just domestic violence, **which they experience because they are women**.
- <https://rm.coe.int/istanbul-convention-factsheet-/168077da2c>

- The convention places the obligation to **prevent and combat violence against women within the wider framework of achieving equality between women and men**. Hence there is reference to the relations between women and men, and the roles and attributes assigned to them.
- Research has shown that certain roles or stereotypes reproduce unwanted and harmful practices and contribute to make violence against women acceptable. They can limit the development of the natural talents and abilities of girls and boys, women and men, their educational and professional preferences and experiences, as well as life opportunities in general.
- To overcome such gender roles, Article 12 (1) refers to the eradication of prejudices, customs, traditions and other practices which are based on the **idea of the inferiority of women** or on stereotyped gender roles as a general obligation to prevent violence.

‘Gender’

- **gender equality** - refers to the *relations* between women and men, their *roles* and *attributes* in society.
- definition of the term “gender” as the “socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men” in order to emphasise the extent that **inequalities, stereotypes and violence originate, come out from, flow from attitudes and perceptions of how women and men *are and should be* in society**
- Unfortunately, prejudices, stereotypes, customs, and traditions still, at times, favour men in many settings, both in the private and public sphere, in political life, at work, in educational systems, in reporting crimes to the police, or even when in court. This makes it all the more difficult for women to disclose experiences of violence and have their rights respected.
- The gendered nature of VAW means that violence against women and domestic violence cannot be addressed without looking at gender equality issues. Each is a cause and consequence of the other...

What the Convention is NOT...

- The Convention does **not require an adaptation of the national legal systems to incorporate the use of the term “gender”**.
- It **does not set new standards in relation to gender identity** and sexual orientation, including in relation to the legal recognition of same-sex couples, nor does it in any way require the recognition of a “third gender”.
- It **does not regulate family life and/or family structures**; it does not contain a definition of “family”, nor does it promote any particular type of family setting. It **does** require governments to ensure the safety of victims who find themselves at risk at home or who are threatened by family members, spouses or intimate partners.
- **We do not steal babies....**

- The objective of the convention is not to regulate family life and/or family structures. The convention **requires governments to ensure the safety of victims who find themselves in dangerous situations at home or are threatened by family members, spouses or intimate partners**, which unfortunately is the most common form of violence.
- The convention does seek to **change mentalities to move away from gender stereotypes and sexist attitudes**.
- The Istanbul Convention is the result of long discussions, eventually leading to its unanimous adoption by all Council of Europe member states. It is based on policies and legislation tried and tested and which have produced positive results at the level of the member states.

Human Rights and Equality require Gendered Understanding

- One thing which is clear through the convention is that Human rights and equality, and human rights and a gendered understanding go hand in hand...
- In today's unequal world we can't protect Human rights without striving for equality – we can't ensure women's human rights without having a gendered understanding...
- Our society still treats us differently, as women, as men – so the impact of everything is experienced differently – the effects are different – and therefore until such time that we have truly achieved equality, the measures, actions, policies, legislation must be understood and devised through a gendered lens...

So I repeat...

- For the first time ever in our history, the convention makes it clear that violence against women and domestic violence can no longer be considered as a private matter but that states have an obligation to **prevent violence, protect victims and punish the perpetrators**. This will help victims all over Europe and elsewhere.
- The convention also gives an important **political signal** to society as a whole that **violence against women and domestic violence are unacceptable**.
- The convention also seeks to **change mentalities to move away from gender stereotypes and sexist attitudes**, towards equality.

Istanbul Convention

This is the first legally binding instrument to provide for comprehensive measures addressing the prevention of violence against women, the protection of victims, the prosecution of perpetrators and integrated policies.

we cannot be passive in the face of what is happening...

- *take a more active stance in support of the convention and to show with facts what the Convention is about and the real change it can produce*
- *we need stronger and more vocal political engagement from governments who are supportive of the cause defended by the Istanbul Convention, to lead by example, and to show that the cause of violence against women is not an imposition from an abstract entity called "Europe" but something that is relevant for the women of each country.*
- *continue to work towards trying to eradicate gender stereotypes that reproduce unwanted and harmful practices and contribute to make violence against women acceptable*

It is in speaking with one voice that the growing attacks on women's right to be free from all forms of violence – especially in the name of misconceived traditional values – can be countered most effectively. Please join us.

Thank you

contact and information

Secretariat of the Group of Experts against Violence against Women and Domestic Violence (GREVIO)
Violence against Women Division

Council of Europe
F - 67075 Strasbourg

- E-mail: conventionviolence@coe.int
- Tel.: 03 88 41 2000
- Fax: 03 90 21 56 48
- **For more information :** <http://www.coe.int/en/web/istanbul-convention>