



The Istanbul Convention

Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence

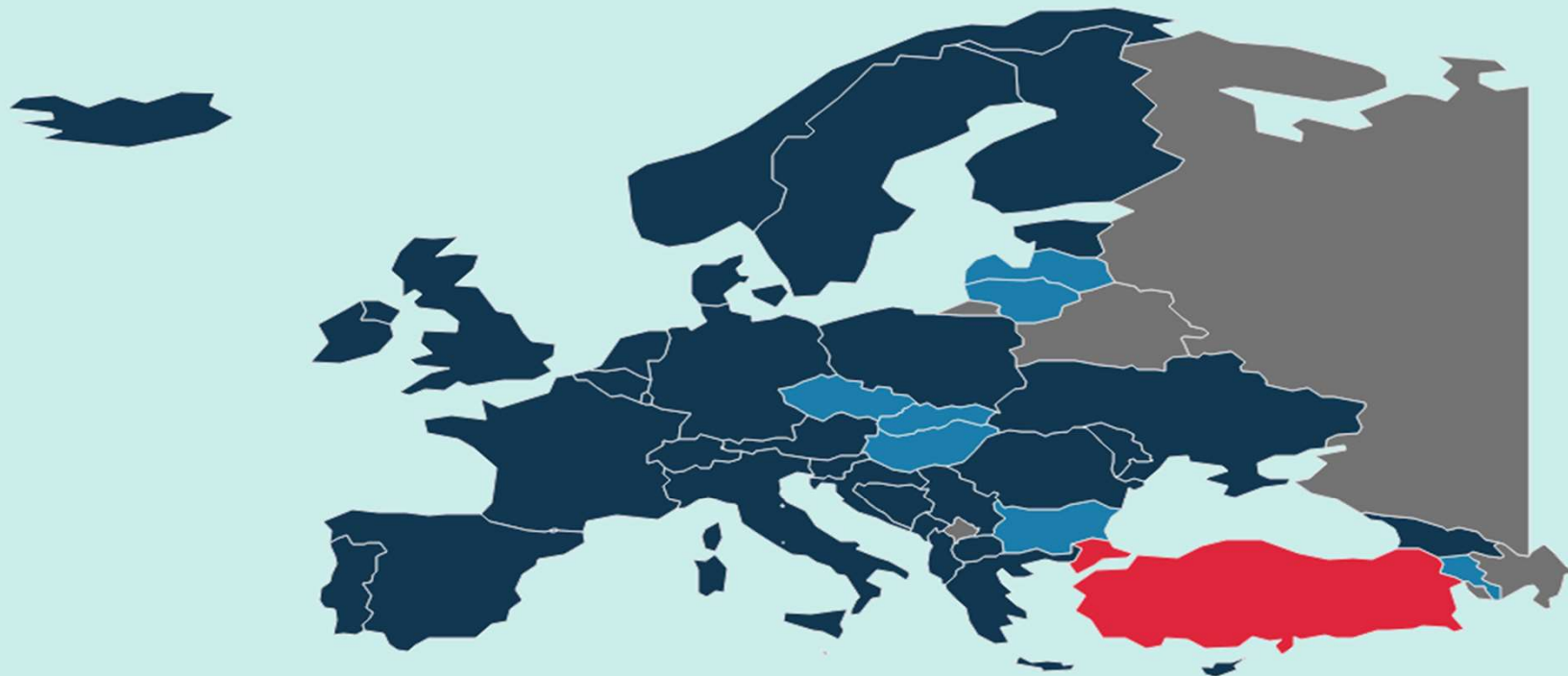
COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Signature and ratification

The Council of Europe's Istanbul Convention on violence against women



● Ratified/In force ● Signed but not ratified ● Not signed ● Withdrawn

*The EU as a whole signed the convention on 13/06/2017, but has not yet ratified it; source = [Council of Europe](#) (last updated 22/07/22)

The Content of the Convention: An approach based on “4 Ps”

Prevention

Preventives measures aiming at changing attitudes and gender roles that make VAW acceptable: campaigns, education, involving men and boys, training of professionals, data collection

Protection

The general obligation to protect victims from further violence and to set up support services for them and their children: counseling, psychological support, shelters, national helpline

Istanbul Convention

Prosecution

The existence of procedures and legislation ensuring the prosecution of perpetrators: criminal offences, appropriate sanctions, swift investigations, risk assessment, protection orders

Integrated Policies

Adoption of policies enabling that all the above measures become part of a coordinated and holistic response to all forms of VAW and domestic violence

Prevention

The drafters of the Convention have stressed that ‘existing patterns of behavior of women and men are influenced by prejudices, gender stereotypes and gender-biased customs or traditions’

Consequently, Parties must **promote long-term change in mentalities and attitudes** to overcome gender stereotypes and to prevent VAW **through five means:**

- Awareness raising (Art. 13)
- Educational programs (Art. 14)
- Training of professionals (Art. 15)
- Preventive intervention and treatment programs for perpetrators (Art.16)
- Participation of the private sector and the media (Art. 17)



Protection



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.**

To achieve this, States must set up services and support infrastructure:

- Victims' access to relevant information (Art. 19)
- Victims' assistance in individual/ collective complaints (Art. 21)
- General Support Services (Art. 20)
- Specialist Support Services (Art. 22) and shelters (Art. 23)
- A telephone helpline free of charge (Art. 24)
- Support services for victims of sexual violence (Art. 25)
- Protection and support for child witness (Art. 26)

Prosecution

To enable criminal investigation and the prosecution of perpetrators of any type of violence covered by the Convention, **even if the victim withdraws the complaint.**

Prosecution is understood to be achieved by:

- **Criminalising and punishing** all the forms of violence covered by the Convention (Chapter V, art. 29 to 48)
- Ensuring the **immediate response of law enforcement agencies** to call for assistance and to dangerous situation. (Chapter VI, art. 49 to 53)
- Providing victims with access to **special protection measures during investigation and judicial proceeding** (Chapter VI, art. 54 to 58)



Integrated Policies

Art.7: States are expected to adopt and implement ‘**integrated policies**’ that is to say policies that are:

- **Comprehensive**: because they encompass a multitude of measures and offer a holistic response to VAW
- **Coordinated**: because they imply cooperation among various official bodies and non-state actors

The elaboration and implementation of these policy should be is ensured through:

- The allocation of appropriate financial resources (Art.8)
- The contribution of NGOs and civil society (Art.9)
- The creation of an official coordinating body (Art.10)
- Data collection and research on VAW (Art. 11)



The Istanbul Convention: an Intersectional lens

- The Principle of non-discrimination

Article 4 ensures that the Istanbul Convention protects ALL women, irrespective of who they are and where they come from. When serving victims of VAW, there shall be no discrimination on the basis of their:



sex, gender, race, colour, language, religion, political opinion, national/social origin, sexual orientation, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, disability, marital status, migrant or refugee status, or other status.

Special measures aiming to prevent VaW and protect women victims shall **not be considered as ‘discrimination’** under the terms of the Convention



Forms of VaW covered by the IC:

- Domestic violence (Art. 2-1)
- Psychological violence (Art.33)
- Stalking (Art. 34)
- Physical violence (Art. 35)
- Sexual violence, including rape (Art. 36)
- Forced marriage (Art. 37)
- Female genital mutilation (Art. 38)
- Forced abortion and forced sterilisation (Art. 39)
- Sexual harassment (Art. 40)

Obligation for Parties

(Articles 12-5 and 42-1):

- To ensure that *culture, custom, religion, tradition or so-called "honour" are not considered as justification* for any of the acts of violence covered by the Convention
- "This covers, in particular, *claims that the victim has transgressed cultural, religious, social or traditional norms or customs of appropriate behaviour*" (Art. 42-1).

Chapter VII - Migration and Asylum

- Art. 59: **Residence status**

- Autonomous residence permits and suspension of expulsion proceedings

- Art. 60: **Gender-based asylum claims**

- GBV against women recognised as a form of persecution (Geneva Convention) and as form of serious harm (compl./subsidiary protection); gender-sensitive interpretation of grounds for persecution; gender-sensitive reception procedures and support services for asylum-seekers, gender guidelines and gender-sensitive asylum procedures

- Art. 61: ***Non-refoulement***

- Respect this principle and ensure that victims of VaW in need of protection are not returned to a country where they would be at risk

Possibility of reservations: Art. 59 - Currently by 11 Parties (not Spain): ARM, CYP, LIE, MAL, MONA, NORTH M., MOL, ROM, SLOV, CH, UK.

The Istanbul Convention monitoring mechanism: a two-pillar system

GREVIO:

- **monitors the implementation** of the Convention **on a country-by-country basis**
- may adopt appropriate, **general recommendations** on themes and concepts of the Convention
- may open a **special inquiry procedure**

Committee of the Parties:

- **follows up on GREVIO** reports/findings and **adopts recommendations to Parties** concerned and supervises their implementation by adopting **conclusions**
- it is responsible for the **election of GREVIO members**



Implementation: state of play

Mid-Term Horizontal Review of GREVIO reports



Mid-term
Horizontal Review
of GREVIO baseline
evaluation reports

” Group of Experts
on Action
against Violence
against Women and
Domestic Violence
(GREVIO)

- published in May 2021 on the occasion of the 10th anniversary of the opening for signature of the Istanbul Convention
- offers an overview of the level of implementation in the 17 state parties evaluated until December 2020
- shows promising practices as well as shortcomings and challenges

GREVIO report on Spain (2020)

Recomendations - Art. 59: GREVIO strongly encourages the Spanish authorities to:

- review the **evidential thresholds for the granting of temporary residence permits for all categories of migrant women in Spain** (EU citizens, citizens of the EEA, third-country citizens and irregular migrant women) with a view to **removing those that are excessively high**, such as the requirement of a criminal conviction of the abuser;
- ensure that **all victims of forced marriage** are granted the right to regain any residence permits lost on account of having been forced into marriage abroad.

GREVIO report on Spain (2020)

- Art. 60

GREVIO urges the Spanish authorities to take measures to ensure women asylum seekers' **swift access to the asylum** procedure irrespective of whether they arrive at sea or by land (border crossing points), while at the same time ensuring the **gender-sensitivity of the ordinary and accelerated asylum procedure.**

In particular by:

- stepping up the human and financial resources of all those involved in the asylum procedure (police and OAR) to ensure adequate premises, trained staff and quality same-sex interpreters for all relevant languages

GREVIO report on Spain (2020)

- Art. 60 (*cont.*)

- introduce **systematic vulnerability screening for women and girls upon arrival** to identify international protection needs and make referrals to specialist services with a view **to enabling women to disclose experiences of gender-based persecution** and pay attention to country-specific reasons that can prevent women from reporting VaW to authorities in their countries.
- GREVIO **encourages** the authorities to **collect data on the annual numbers of asylum applications based on gender-related persecution**, and the numbers of such applications granted and rejected.

GREVIO report on Spain (2020)

- Art. 60 (*cont.*)

GREVIO urged the Spanish authorities to **ensure safe and adequate accommodation for all women and girls expressing their intention to seek asylum and ensure their access to specialist NGOs experienced in assisting victims of GBV**, either by embedding such services in accommodation arrangements or by otherwise ensuring de facto access, in order to reduce their risk of further victimisation and re-traumatisation.

GREVIO report on Spain (2020)

- Art. 61

With a view to reducing the risk of non-refoulement for women asylum seekers in Spain, GREVIO urged the Spanish authorities to ensure that vulnerability assessments of asylum-seeking women are carried out in such a manner that allows their identification as victims of violence against women and in need of international protection.

CoP Recommendation to Spain (Dec. 2020) - Report due by 15 Dec. 2023

Recommends immediate action to (para. 14):

“**ensure swift access to the asylum procedure** and to **safe and adequate accommodation** for any woman seeking asylum irrespective of whether they arrive at sea or by land, while at the same time **ensuring the gender-sensitivity of the ordinary and the accelerated asylum procedure** as well as the **screening for vulnerabilities**, such as experiences or risk of gender-based violence”

Next evaluation round (in 2024)

Theme: “***Building trust by delivering support, protection and justice***” – New Questionnaire:

- **access to healthcare** for migrant, refugee and asylum-seeking women
- are they **specialist support services** for them?
- measures in place to **facilitate the identification and care of victims of VaW in closed reception facilities for asylum-seekers** and to respond to their safety and protection needs
- any **measures to encourage reporting VaW** by migrant and asylum-seeking women?
- emerging trends on **access to asylum and international protection for women victims of VaW?**

Other relevant CoE tool:

CM Recommendation on Protecting the rights of migrant, refugee and asylum-seeking women and girls (adopted in May 2022)

- **Codifies in a single document “best” measures** from existing CoE standards, monitoring activities, UN standards and policy documents, etc.
- Focus on the **protection of rights** and the fight against all forms of **discrimination** and **violence against women**
- Looks at the range of relevant public policies: **migration, asylum and integration policies**
- **Includes ALL** migrant, refugee and asylum-seeking women and girls with an intersectional perspective: girls, women with disabilities, undocumented migrant women, victims of violence, etc.

Issues covered in the 2022 Rec.

- Non-discrimination** and the needs of **girls**
- Empowerment and access to all relevant **information**
- Access to reporting** in cases of violence for undocumented migrant women
- Facilitate **access to justice** including access to legal aid
- Data protection**: confidentiality, security and protection of personal data
- Cooperation and support to **civil society** that defend & support migrant women
- Collection of age and sex-disaggregated **data**

Key provisions on “Arrival”:

- **Transit and reception facilities:**

concrete recommendations

(safety, hygiene facilities, separate sleeping areas...)

- Access to **complaint/reporting mechanisms**

concerning violence or other violation of rights

- Regular **independent monitoring** of facilities

- Address the **special needs** of women with disability, older, pregnant women, victims of violence

- **Training** of staff & presence of **female staff**

- **Gender-sensitive asylum** standards, practices and procedures

Provisions on “Residence and integration”

- Access to **health** services, including mental health and sexual and reproductive health & rights
- **Social services:** no discrimination in access to housing and social assistance
- Access to compulsory education, higher **education**, vocational training, lifelong learning, language training and retraining
- Facilitate the **recognition** of existing vocational and academic qualifications and work experience
- Promote access to **employment** and eliminate all forms of labour exploitation and discrimination including domestic workers
- Encourage **removal of barriers to work for all** migrant women

Provisions on “Detention & returns”

- **Age- and gender sensitive approach** to all aspects of deprivation of liberty (infrastructure, assistance, presence of women among staff etc.)
- **Administrative detention** in the context of migration as **last resort**
- **Unaccompanied or separated girls** should not, as a general rule, be detained
- **Voluntary returns** are the preferred option & in safety and dignity
- **Non-refoulement** from a gender sensitive perspective = no removal to a country where women’s life would be at risk

**Violence against Women Division
Secretariat of the Istanbul Convention monitoring
mechanism**

Council of Europe

<http://www.coe.int/web/istanbul-convention>

<http://www.coe.int/equality> (Gender Equality Division)

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**INTERNATIONAL DAY
FOR THE ELIMINATION
OF VIOLENCE
AGAINST WOMEN**

#IstanbulConventionSavesLives



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