



Promoting Gender Equality and the Empowerment of Women in ECA *Advocating for the ratification and implementation of the Istanbul Convention*

WHAT IS THE ISTANBUL CONVENTION?

In 2005, member states of the Council of Europe launched a large-scale campaign on the issue of domestic violence in Europe. The campaign revealed the large scope of the problem in the continent. It highlighted the need for harmonized legal standards to ensure the same level of protection for victims of domestic violence everywhere in Europe. The development of a human rights mechanism to combat and prevent violence against women was recommended to tackle the issue. As the European leading Human Rights institution, the Council of Europe pushed for the elaboration of the Convention on Preventing and Combating Violence against Women and Domestic Violence, also referred to as the Istanbul Convention.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), often described as an international bill of rights for women and the only legally binding global treaty on non-discrimination of women on the basis of their gender, and CEDAW Committee's General Recommendation 19 (1991), on violence against women, form the legal basis for the Istanbul Convention. General Recommendation 19 asks States parties to include in their periodic reports to the Committee statistical data on the incidence of violence against women, information on the provision of services for victims, and legislative and other measures taken to protect women against violence in their everyday lives, including against harassment at the workplace, abuse in the family and sexual violence. CEDAW has been ratified by all member states of the Council of Europe.

The negotiations of the Convention were also inspired by the Beijing Declaration and Platform for Action adopted at the Fourth World Conference of Women in 1995, among other key political declarations related to gender equality and women's empowerment.

The Istanbul Convention was adopted by the Council of Europe Committee of Ministers on 7 April 2011. Following the 10th ratification by Andorra on 22 April 2014, the Convention entered into force on 1 August 2014. It is the first international treaty specifically addressing violence and abuse against women and girls. So far, 46 member states of the Council of Europe (EU and non-EU countries) signed the Convention, and 33 ratified it. The European Union signed the Convention on 13 June 2017 (see annex 1 for details).

The Istanbul Convention is the first international treaty to contain a definition of gender as 'a socially constructed category' that defines "women" and "men" according to socially assigned roles, behaviours, activities and attributes. It firmly establishes the link between achieving gender equality and the eradication of violence against women. Based on this premise, it recognises the structural nature of violence against women and that it is a manifestation of the historically unequal power relations between women and men.



The use of the expression “gender-based violence against women” in this Convention is understood as equivalent to the expression “gender-based violence” used in the CEDAW Committee’s General Recommendation No. 19 (1991) on violence against women and is in line with General Recommendation 35 of CEDAW (2016). This expression is to be understood as aimed at protecting women from violence resulting from gender stereotypes.

The Istanbul Convention is the first legally-binding instrument in Europe in the field of violence against women and domestic violence, and in terms of scope, the most far reaching international treaty to tackle this serious violation of human rights. It aims at zero tolerance for such violence and is a major step forward in making Europe and beyond a safer place.

Content of the Convention

The purpose of the Convention is to protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence. The Convention includes a comprehensive legal and policy framework for the protection and assistance to all victims of violence against women and domestic violence.

- **Prevention** – The Convention has a strong focus on the prevention of violence against women and domestic violence. In this regard, states parties have obligations defined in the Convention such as training professionals in contact with victims or running awareness-raising campaigns regularly. The Convention also calls on all members of society, particularly men and boys, to help end violence against women and domestic violence.
- **Protection** – The Convention also sets measures to protect and support victims. It includes provisions toward the victims to help them easily access services (e.g. free-of-charge helplines, shelters, rape crisis or sexual violence referral centres) and toward perpetrators.
- **Prosecution** – The Convention defines and criminalizes a wide range of forms of violence against women and domestic violence:
 - Physical violence
 - Psychological violence
 - Stalking
 - Sexual violence, including rape
 - Early and forced marriage
 - Female genital mutilation
 - Forced abortion
 - Forced sterilization



- **Integrated Policies** – The Convention asks states parties to develop and implement comprehensive and coordinated policies involving government agencies, NGOs, as well as national, regional and local parliaments and authorities to ensure more effective results.

A comprehensive approach to violence against women and domestic violence

- **Gender perspective** – The Convention addresses violence against women and domestic violence in the broader context of the achievement of gender equality. Consequently, the Convention requires states parties to implement gender equality policies and to empower women.
- **Migrant women, women asylum-seekers and women refugees** – Women migrating, seeking-asylum or without documents are particularly vulnerable to gender-based violence. The Convention prohibits discrimination on the grounds of migrant or refugee status when it comes to the implementation of its provisions. An entire chapter of the Convention is devoted to women migrants and asylum-seekers, to address the specific aspects linked to their situation.
- **Children** – The Convention includes several provisions addressing children specifically. In the area of protection, children victims of domestic violence or witnesses of violence are being taken into consideration. Convention also recognizes that all children, boys and girls, may become witnesses or victims of violence and advocates for supporting and protecting boys as well as girls, who experience any of the forms of violence covered by the Convention.

Forced marriage is also addressed in the Convention to ensure the criminalization of early marriage.

The Istanbul Convention also contains a range of measures to prevent gender-based violence against girls. This includes provisions on female genital mutilation, forced sterilisation and forced abortion.

Monitoring Mechanism

GREVIO¹, the Group of Experts on Action against Violence against Women and Domestic Violence, is an independent expert body responsible for monitoring the implementation of the Istanbul Convention by the states parties. The members are independent and impartial experts such as judges, academics, social workers and other professionals many of whom also have NGO experience, dealing with matters related to violence against women and domestic violence. States parties to the Convention have to submit a report to GREVIO on legislative and other measures giving effect to the provisions of the Istanbul Convention. This monitoring mechanism functions to ensure that countries live up to their obligations and are held accountable. The Secretariat of the GREVIO can be approached by e-mail at conventionviolence@coe.int

¹ Specific FAQs on GREVIO can be found [here](#)



FREQUENTLY ASKED QUESTIONS ON THE ISTANBUL CONVENTION

1. How does the Istanbul Convention employ the term “gender”?

In the Convention, the term “gender” is defined as “the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men”¹. All too often, gender roles, cultural norms and discriminatory stereotypes establish unequal power relations between men and women and designate women as inferior to men – which can make violence, intimidation and fear more “acceptable”.

While CEDAW, through its General Recommendation 19, (1991) has long defined violence against women as a form of discrimination against women, the Convention is the first international treaty focused exclusively on addressing violence and abuse against women and girls. It is also the first legally binding instrument (treaty) that defines gender as a social construct and obliges states parties to ensure gender equality as a prerequisite to ending violence against women.

The Convention recognizes violence against women as a form of gender-based violence and requires states parties to “protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence” as well as promote “substantive equality between women and men, including by empowering women”.²

2. Does the Istanbul Convention in any way challenge the culture and traditions of countries?

No. The Istanbul Convention only asks states parties to eradicate prejudices, customs and traditions that are based on the perceived inferiority of women and on stereotyped roles of women and men – which can make violence acceptable and prevalent. The Convention specifically asks states parties to ensure that “culture, custom, religion, tradition or so called ‘honour’ shall not be considered as justification for any acts of violence”³. For example, the Convention criminalizes female genital mutilation⁴ and early and forced marriages.⁵

The Istanbul Convention is the first comprehensive European legal framework to prevent and combat violence against women and domestic violence and this constitutes its only agenda. The Convention aims “to protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence.” It recognizes violence against women as a severe violation of human rights based on the understanding that this is a form of gender-

¹ Article 3, [Istanbul Convention](#).

² Article 1, *ibid.*

³ Article 12, *ibid.*

⁴ Article 38, *ibid.*

⁵ Article 37, *ibid.*



based violence that is committed against women because they are women¹. As such, the Convention is aligned and consistent with key global human-rights treaties, particularly CEDAW, the Convention on the Rights of the Child and the Convention on the Rights of People with Disabilities.²

3. Does the Convention oppose family values or oblige states parties to define the term “family” in a certain way?

No, the Convention does not define the concept of “family” or require states parties to define ‘family’ in any particular way. There are four references to the term “family” in the text of the convention, as below:

- Recognizing that “children are victims of domestic violence, including as witnesses of violence in the family,”³
- Defining domestic violence as “all acts of physical, sexual, psychological or economic violence that occur within the family”⁴
- Regarding “the offence committed against a former or current spouse or partner as recognised by internal law, by a member of the family as an aggravating circumstance in the determination of the sentence”.⁵
- Requesting states parties to ensure that “victims are informed, at least in cases where the victims and the family might be in danger, when the perpetrator escapes or is released temporarily or definitively”⁶

The Convention does not attempt to redefine the concept of family nor does it force women or men to live certain ways. If women want to be stay-at-home mothers while their husbands work, the Convention raises no objection.

4. Does the Istanbul Convention enforce changes in national constitutions?

No, the Istanbul Convention does not aim at changing national Constitutions and constitutional issues are not addressed by the Convention. The Convention is an international legal instrument which follows the rules of international law. When the Convention is signed and ratified by a country, its provisions become part of the national law and the state party becomes legally bound by it. Its major objective is to ensure that states parties take necessary and effective “legislative and other measures to exercise due diligence to prevent, investigate, punish and provide

¹ Article 1 and 3.

² Preamble, *ibid.*

³ Preamble, *ibid.*

⁴ Article 3, *ibid.*

⁵ Article 46, *ibid.*

⁶ Article 56, *ibid.*



reparation for acts of violence”.¹ As this is a legally-binding document, states parties are held accountable to respond adequately to violence against women and domestic violence.

5. Does the Convention oblige states parties to have sexual orientation and gender identity education at schools?

No, the Istanbul Convention does not require children to be educated on sexual orientation or gender identity. The education that the Convention does require is to end discriminatory stereotypes based on the idea that women are inferior to men – and that it is acceptable for them to be “controlled” or even “disciplined” by their husbands or male relatives.

For example, Article 14 of the Convention requires states parties to include teaching material on non-stereotyped gender roles in school curriculum (such as girls as scientists and boys as nurses) and to empower girls and boys to pursue options in life not limited to traditional roles for men (for example solely as breadwinners) and for women (solely as mothers and carers). But this Article does not imply that states parties should include teaching material on sexual orientation and gender identity.

6. Does the Istanbul Convention legally require states parties to recognize a “third gender” under domestic law?

No, the Convention does not oblige states parties to legally recognise a third sex under domestic law and the terms “third gender” or “third sex” do not exist in the Convention. The Convention, as almost all other international human rights treaties, simply requires states parties to avoid discriminating against individuals on the basis of several factors, including “sex, gender, race, colour, language, religion, political or other opinion, national or social origin, 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”².

7. Does the Convention promote same-sex marriage?

No, the Convention does not address the issue of same sex marriage in its provisions. The Convention only recognizes forced marriage as a form of violence and criminalizes it³.

¹ Article 5, *ibid.*

² Article 4, *ibid.*

³ Article 37, *ibid.*



8. Does the Istanbul Convention promote abortion?

No, the Convention does not address the issue of abortion and related policies. The Convention only recognizes forced sterilization and forced abortion as specific acts of violence against women and criminalizes them¹.

9. Does the Istanbul Convention call for a new "refugee status" for transgender or intersex persons?

No, it does not. Under Article 60, the Convention asks for gender-sensitive asylum procedures that offer the space to women to open up and explain the reasons why they are fleeing, because their stories and experiences, if related to gender-based violence, might qualify them for refugee status under the 1951 convention relating to the status of refugees.

¹ Article 39, *ibid.*



Annex 1: State of Ratification of the Istanbul Convention (as of July 2020)

Country	Signature	Ratification	Entry into force
Albania	19/12/2011	04/02/2013	01/08/2014
Andorra	22/02/2013	22/04/2014	01/08/2014
Armenia	18/01/2018		
Austria	11/05/2011	14/11/2013	01/08/2014
Azerbaijan			
Belgium	11/09/2012	14/03/2016	01/07/2016
Bosnia and Herzegovina	08/03/2013	07/11/2013	01/08/2014
Bulgaria	21/04/2016		
Croatia	22/01/2013	12/06/2018	01/10/2018
Cyprus	16/06/2015	10/11/2017	01/03/2018
Czech Republic	02/05/2016		
Denmark	11/10/2013	23/04/2014	01/08/2014
Estonia	02/12/2014	26/10/2017	01/02/2018
Finland	11/05/2011	17/04/2015	01/08/2015
France	11/05/2011	04/07/2014	01/11/2014
Georgia	19/06/2014	19/05/2017	01/09/2017
Germany	11/05/2011	12/10/2017	01/02/2018
Greece	11/05/2011	18/06/2018	01/10/2018
Hungary	14/03/2014		
Iceland	11/05/2011	26/04/2018	01/08/2018
Ireland	05/11/2015	08/03/2019	01/07/2019
Italy	27/09/2012	10/09/2013	01/08/2014
Latvia	18/05/2016		
Liechtenstein	10/11/2016		
Lithuania	07/06/2013		
Luxembourg	11/05/2011	07/08/2018	01/12/2018
Malta	21/05/2012	29/07/2014	01/11/2014
Monaco	20/09/2012	07/10/2014	01/02/2015
Montenegro	11/05/2011	22/04/2013	01/08/2014
Netherlands	14/11/2012	18/11/2015	01/03/2016
North Macedonia	08/07/2011	23/03/2018	01/07/2018
Norway	07/07/2011	05/07/2017	01/11/2017
Poland	18/12/2012	27/04/2015	01/08/2015
Portugal	11/05/2011	05/02/2013	01/08/2014
Republic of Moldova	06/02/2017		
Romania	27/06/2014	23/05/2016	01/09/2016
Russian Federation			
San Marino	30/04/2014	28/01/2016	01/05/2016
Serbia	04/04/2012	21/11/2013	01/08/2014
Slovak Republic	11/05/2011		



UNITED NATIONS
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*Issue Based Coalition on Gender
July 2020*

Slovenia	08/09/2011	05/02/2015	01/06/2015
Spain	11/05/2011	10/04/2014	01/08/2014
Sweden	11/05/2011	01/07/2014	01/11/2014
Switzerland	11/09/2013	14/12/2017	01/04/2018
Turkey	11/05/2011	14/03/2012	01/08/2014
Ukraine	07/11/2011		
United Kingdom	08/06/2012		
European Union	13/06/2017		



Annex 2: Key Sources

1. Bridget O'Loughlin (Executive Secretary of the Istanbul Convention at the Council of Europe), Opinion piece: "Istanbul Convention: clearing away the fog of misconceptions", *EUobserver*, 8 March 2018: <https://euobserver.com/opinion/141235>.
2. Council of Europe Convention on preventing and combating violence against women and domestic violence, April 2010: <https://rm.coe.int/168008482e>.
3. Council of Europe Factsheet on the Istanbul Convention: <https://rm.coe.int/istanbul-convention-factsheet/168078ec5c>.
4. [General Leaflet on the Istanbul Convention](#)
5. [Overview – Istanbul Convention](#)
6. [Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence](#)
7. [12 steps to comply with the Council of Europe Convention on preventing and combatting violence against women and domestic violence](#)
8. [A global tool to prevent and combat violence against women and girls](#)
9. Council of Europe website: <https://www.coe.int/en/web/portal>.
10. [Joint statement by the Special Rapporteur and the EDVAW Platform of women's rights mechanisms on Covid-19 and the increase in violence and discrimination against women](#)