

# The Obligations and Possibilities of the Istanbul Convention

**Stop the Backlash - Stop Domestic Violence**

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# Short Intro

- The Istanbul convention entered into force five years ago in 2014 and has now been ratified by 34 States and signed by 11 more, plus the European Union
- 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**.

# What it does – What it is

- 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 gender equality.

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 would **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.
- Gives the **political message, internally and internationally**, that you are 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.
- Becoming part of the community that defines further action at the international level (Committee of the Parties).
- An international instrument may provide additional safeguards in comparison 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.

# The Backlash

Worrying signals have emerged about attempts to backtrack on reforms and measures. This includes attacks on sexual and reproductive health and rights, shrinking resources for women's NGOs and support structures and co-ordinated movements, under the "anti-gender ideology" flag, opposing 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.

# '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 education 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** requires governments to ensure the safety of victims who find themselves at risk at home or are threatened by family members, spouses or intimate partners.
- **We do not steal babies....**

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

- take a more active stance in support of it 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*

# 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...

**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