



WOMEN AGAINST VIOLENCE EUROPE

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WAVE Fact sheet

Istanbul Convention

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Coming into force on 1 August 2014, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)¹ represents a milestone in the fight against violence against women at the European level. It is the first legally binding instrument to cover all forms of violence against women: physical, sexual, psychological, economic, as well as sexual harassment and stalking. It contains detailed measures in areas of the “5Ps”: Policy, Prevention, Protection, Provision and Prosecution. On the European level, sustained efforts have been invested in raising awareness among stakeholders of the need to sign and ratify the Istanbul Convention. WAVE is committed to contribute to and promote the swift ratification and implementation of the Convention in the whole of Europe.

Standards for the support of women victims of violence and their children in the Istanbul Convention

The Istanbul Convention establishes fundamental principles in the area of service provision to survivors. Core principles and standards include:

- **Non-discrimination**

Article 4, §3 guarantees all victims of violence and domestic violence the right to protection and support “without discrimination on any ground such as sex, gender, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, age, state of health, disability, marital status, migrant or refugee status, or other status.” Thus, the right of all victims of gender-based violence is enshrined in the Convention.

- **Comprehensive and coordinated policies, guaranteeing a holistic approach**

Article 7, §1 states that support for women victims of violence must be integrated in comprehensive and coordinated policies, which includes applying a holistic approach.

- **Victim-centered and rights-based approach**

Article 7, §2 states that all policies, including service provision for survivors of violence, must keep the rights of the victim at their core; consideration for victim’s rights and needs must also be applied by all institutions and agencies dealing with victims.

- **Gender-specific approach**

Article 18, §3 recognizes violence against women as gender-based violence. As such, all measures to eliminate violence against women must be implemented using a gendered understanding of the violence experienced by women, its specific dynamics and consequences, and should focus on victims’ empowerment.

¹ Council of Europe Convention on Preventing and Combating Violence against Women, and Domestic Violence. Website: <http://www.coe.int/en/web/istanbul-convention>, 28 December 2015.

- **Empowerment and economic independence**

Article 18, §3 asserts that services for women victims of violence must be capable of providing empowering support, which ensures that the victim's rights and needs are not only acknowledged, but also met. This requires that women survivors of violence who seek help be provided with support, without being judged, patronized or put under pressure. In addition, survivors must be guaranteed autonomy, respect, confidentiality, and given the knowledge and ability to make their own decisions. Independent women's organizations that work in partnership with the State and use a human rights approach to service provision often provide most effective and empowering support.

- **Avoiding secondary victimization**

Article 18, §2 requires that support services avoid any form of secondary victimization, in addition to protecting victims from such risk when seeking help and protection from other institutions and services.

- **Pro-active support for victims**

Article 23 of the Convention emphasizes the need for pro-active support by women's shelters, to reach out to women survivors.

- **Specialist support for women victims of violence and their children**

Article 22, §2 states that "Parties shall provide or arrange for specialist women's support services to all women victims of violence and their children". The Explanatory Report to the Convention further clarifies the text of Article 22, §2 as Parties having to "set up or arrange for a well-resourced specialist support sectorⁱ." Article 20 of the Convention also indicates that general services play an important role in assisting victims and referring them to appropriate services, as well as ensuring that the professionals working at these services are knowledgeable and well-trained.

- **Support for children experiencing or witnessing gender-based violence**

Children are always affected by violence against their mother, as witnesses, and also as direct victims, since men who perpetrate violence in the relationship are often also abusive towards the children. Article 26, §1 states that all necessary measures must be taken "to ensure that in the provision of protection and support services to victims, due account is taken of the rights and needs of child witnesses [...]". In addition, Article 31, §2 further states that Parties must "ensure that the exercise of any visitation or custody rights does not jeopardize the rights and safety of the victim or children."

- **Services for women survivors of violence in armed conflict**

Article 2, §3 stipulates that the Istanbul Convention applies "in times of peace and in situations of armed conflict." It is widely known that rates of violence in conflict and post-conflict settings are high, and that sexual violence is used as a "weapon of war". Therefore, the article requires that certain measures be put in place to prevent violence against women, and support survivors in conflict-affected areas, as well as within facilities for refugees.

- **Principles to be applied in work with perpetrators**

The Convention requires that the rights of the victim always remain at the center of measures. As such, in the specific area of preventive intervention and treatment programmes, Article 16, §3 stipulates that "Parties [...] ensure that the safety of, support for and the human rights of victims are of primary concern and that, where appropriate, these programmes are set up and implemented in close co-ordination with specialist support services for victims." This principle lays the ground for an integrated approach to working with perpetrators, and is against isolated programmes.

Availability and accessibility of specialist women's support services

The Convention requires services to be easily accessible. This includes services that are effectively accessible by women or children with disabilities, including adapted infrastructures and outreach to victims with specific disabilities, such as hearing and visual impairment. Accessibility also means that all groups of women are admitted to services without discrimination on any grounds. The principle of accessibility further requires that women in all regions of the country, including rural areas, have access to services.

Article 22 of the Convention requires that “immediate, short- and long-term specialist support services” be accessible to “any victim subjected to any of the acts of violence covered by the scope of [the] Convention”, provided in an “adequate geographical distribution” and that “all women victims and their children” be provided such services. The Convention requires that such specialist women’s support services shall be provided to all women victims of violence and their children.

Articles 23-25 of the Convention subsequently introduces required specialized support services for women survivors of violence and their children, and criteria for service provision:

Article 23 – Shelters: “Parties shall take the necessary legislative or other measures to provide for the setting-up of appropriate, easily accessible shelters in sufficient numbers to provide safe accommodation for and to reach out pro-actively to victims, especially women and their children.”

Article 24 – Telephone helplines: „Parties shall take the necessary legislative or other measures to set up state-wide round-the-clock (24/7) telephone helplines free of charge to provide advice to callers, confidentially or with due regard for their anonymity, in relation to all forms of violence covered by the scope of this Convention.”

Article 25 – Support for victims of sexual violence: “Parties shall take the necessary legislative or other measures to provide for the setting up of appropriate, easily accessible rape crisis or sexual violence referral centres for victims in sufficient numbers to provide for medical and forensic examination, trauma support and counselling for victims.”

Availability of women’s support services

The Explanatory Report of the Convention refers to the recommendations on service provision set in the 2008 *Final Activity Report* of the Council of Europe Task Force to Combat Violence against Women, including Domestic Violence, referred to in the Explanatory Report of the Istanbul Convention²:

- 1 shelter place per 10,000 inhabitants
- 1 rape crisis center available per 200,000 women, covering all geographic regions
- 1 women’s counseling center available per 50,000 women.

Women’s support services should also be specialized to meet the particular needs of groups such as black and minority ethnic or migrant women, including undocumented migrant women. Where such special centers cannot be set up, centers should have specially trained staff able to meet the needs of all women victims of all forms of violence, including women with special vulnerabilities and special needs.

² Council of Europe. (2008). Council of Europe Task Force to Combat Violence against Women, including Domestic Violence (EG-TFV) – Final Activity Report. p.51; quoted in: 2011 Council of Europe Convention on Preventing and Combating Violence against Women, and Domestic Violence – Explanatory Report. p.80.

As the 2014 WAVE Report³ shows, only few countries in Europe meet the existing minimum standards on service provision, and considerable efforts are needed in upcoming years to guarantee the right to specialist support for all women victims of violence and their children.

Status of signatures and ratifications of the Istanbul Convention⁴

As of 31st of December 2015

- **19 countries ratified** the Convention:

Albania, Andorra, Austria, Bosnia&Herzegovina, Denmark, Finland, France, Italy, Malta, Monaco, Montenegro, Netherlands, Poland, Portugal, Serbia, Slovenia, Spain, Sweden, Turkey.

- **20 countries signed:**

Belgium, Croatia, Cyprus, Estonia, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Lithuania, Luxembourg, Macedonia, Norway, Romania, San Marino, Slovakia, Switzerland, Ukraine, UK.

- **8 countries have not signed and ratified yet:**

Armenia, Azerbaijan, Bulgaria, Czech Republic, Latvia, Liechtenstein, Moldova, Russia.

On a positive note, activities to encourage States to sign and ratify the Convention are going on in several countries.

The number of signatures and ratifications of the Istanbul Convention represents a major success, and it shows the importance of the Convention for European countries. However, ratification of the Convention by EU Member States (12 countries out of 28) is still unsatisfactory and should be encouraged in 2016.

Monitoring by GREVIO

Articles 66-68 of the Convention outline the monitoring mechanism of the Istanbul Convention, which aims to assess and improve the implementation of the Convention by Parties. It consists of two bodies: A political body, *the Committee of the Parties*, which will be composed of representatives of the Parties to the Istanbul Convention. An independent expert body, *the Group of Experts on Action against Violence against Women and Domestic Violence* (GREVIO) is initially composed of a minimum of 10 members.

GREVIO Committee

10 independent experts, nominated by countries which are parties to the Convention, were elected on the 4th of May 2015 as the first GREVIO Committee for a four year term. They are (in alphabetical order): Feride Acar (Turkey), Biljana Brankovic (Serbia), Françoise Brié (France), Helena Maria Carvallho Martins Leitao (Portugal), Gemma Gallego (Spain). Simona Lanzoni (Italy), Rosa Logar (Austria), Iris Luarasi (Albania), Marceline Naudi (Malta), Vesna Ratkovic (Montenegro).

The task of GREVIO will be to monitor the implementation of the Convention by the Parties by various methods such as gathering information from party states, consulting women's NGOs and other civil society organizations, country visits and other means.⁵ GREVIO may also adopt general recommendations on themes and concepts of the Convention. One important innovation of the Istanbul Convention is the obligation to involve national parliaments in the Convention monitoring

³ WAVE (2015): WAVE Report 2014 on Specialized Women's Support Services and New Tools for Combatting Gender-Based Violence in Europe, Vienna.

<http://www.wave-network.org/content/wave-publications>, 15 Dec 2015

⁴ Council of Europe. Chart of signatures and ratifications of the Istanbul Convention by member states of the Council of Europe; website: <http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures>, 27 December 2015.

⁵ 2011 Council of Europe Convention on Preventing and Combating Violence against Women, and Domestic Violence. Article 68.1.

process, and in reporting to the GREVIO. The Convention also foresees a significant role for the Parliamentary Assembly of the Council of Europe in overseeing the implementation of the Convention.

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