

**SAFE
FROM FEAR**

**SAFE
FROM
VIOLENCE**

Council of Europe Convention
on preventing and combating
violence against women
and domestic violence CETS No. 210

Handbook for parliamentarians

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



Parliamentary Assembly
Assemblée parlementaire

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Handbook for parliamentarians

Council of Europe Convention
on preventing and combating
violence against women
and domestic violence
(Istanbul Convention)

Document prepared by Hilary Fisher, expert consultant, in co-operation with the Secretariat of the Committee on Equality and Non-Discrimination of the Parliamentary Assembly of the Council of Europe.

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Contents

About the Council of Europe	5
About the Parliamentary Assembly and the Parliamentary Network “Women Free from Violence”	7
Preface by the President of the Parliamentary Assembly	9
Appeal by the General Rapporteur on violence against women	11
The role of parliamentarians in supporting the Convention on preventing and combating violence against women and domestic violence	13
The Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210, Istanbul Convention)	15
Why a Convention	15
What is covered by the Convention	19
Integrated policies and data collection	21
Prevention	23
Protection and support	26
Substantive law	29
Investigation, prosecution, procedural law and protective measures	36
Migration and asylum	38
Monitoring mechanism	40

Relationship with other international instruments	42
Final clauses	42
Postface by the Deputy Secretary General of the Council of Europe	45

Appendices

Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210)	47
List of Parliamentary Assembly resolutions and recommendations on violence against women (2000-2012)	91
List of case law of the European Court of Human Rights on violence against women	93
List of other relevant international instruments and standards	97

About the Council of Europe

The Council of Europe has 47 member states, covering virtually the entire continent of Europe. It seeks to develop common democratic and legal principles based on the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) and other reference texts on the protection of individuals, including women and girls. Since the 1990s, the Council of Europe has actively promoted the protection of women and girls from gender-based violence, namely by adopting Recommendation (2002)5 on the protection of women against violence and by conducting a Europe-wide campaign on violence against women, including domestic violence, in 2006-2008.

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About the Parliamentary Assembly and the Parliamentary Network Women Free from Violence



The parliamentarians who make up the Parliamentary Assembly come from the national parliaments of the Organisation's 47 member states. They meet four times a year to discuss topical issues and ask European governments to take initiatives and report back. These parliamentarians speak on behalf of the 800 million Europeans who elected them.

The Parliamentary Network "Women Free from Violence" was first set up in the context of the Campaign to combat violence against women (2006-2008). Over this period, some 40 national parliaments conducted more than 200 activities throughout Europe to condemn violence against women, raise awareness among parliamentarians and the general public,

amend laws to prevent this scourge, better protect victims and effectively prosecute the perpetrators. With its Resolution 1635 (2008) on combating violence against women: towards a Council of Europe convention, the Assembly decided that the end of the campaign should not mark the end of the Network. On the contrary, they deemed that this innovative and powerful tool would be instrumental in enhancing information sharing among parliamentarians and co-ordinating joint actions.

The Network is composed of members of the parliamentary delegations of member and observer states to the Parliamentary Assembly, as well as of the delegations of partners for democracy. It is chaired by the General Rapporteur on violence against women, who acts as Political Co-ordinator of the Network. Since the entry into force of the Istanbul Convention, the network has set itself the primary objective of contributing to its promotion and also of supporting parliamentarians in monitoring its implementation.

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Preface by the President of the Parliamentary Assembly

On 1 August 2014 the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) entered into force.

This Convention sends out a strong signal, across Europe and beyond, to the millions of women who are victims of violence. It rewards the efforts made over the last few years by the the Council of Europe, including its Parliamentary Assembly, and civil society, which have worked to make this innovative instrument more widely known and to raise awareness that violence against women is everyone's concern.



The Istanbul Convention is groundbreaking in more than one respect. For one thing, it recognises violence against women as a violation of human rights and a form of discrimination. Furthermore, it aims at zero tolerance for this violence by criminalising a whole series of acts: physical violence, sexual violence, forced marriage, female genital mutilation, coerced abortion and harassment.

I wish to congratulate the States that have already ratified the Istanbul Convention and I call on parliamentarians from Council of Europe member states that have not yet signed or ratified to step up their efforts to promote the signature, ratification and implementation of the Istanbul Convention.

I invite you to use this handbook as a practical means of securing a clearer understanding of the Convention. It can be used to guide activities to

promote the Convention, providing the keys to understanding this unique instrument. I would also ask you to follow the work of the Parliamentary Network “Women Free from Violence”, which holds regular meetings in Strasbourg. Since 2006, the members of this Network have been the standard-bearers for combating violence against women, conducting awareness-raising actions in their respective parliaments and among the general public. The entry into force of the Convention would not have been possible without their relentless efforts to promote signatures and ratifications by the member States.

The monitoring committee, the GREVIO, has been set up. National parliaments are invited to participate in the monitoring of the convention, in recognition of the major role that they perform in its implementation. The Parliamentary Assembly will also play its full part in the monitoring, and will keep up its commitment through the unprecedented role of evaluation which this treaty confers on it.

The entry into force of the Istanbul Convention marks an essential milestone in the protection of human rights. It challenges all of us to ensure that the vision of a future without violence becomes a reality as soon as possible, because women victims have already waited too long.

Pedro Agramunt
*President of the Parliamentary Assembly
of the Council of Europe*

Appeal by the General Rapporteur on violence against women

Violence against women, including domestic violence, is one of the most serious forms of human rights violations in Europe. It is one of the most widespread crimes. And yet, social pressure is so strong that many victims accept it as an unavoidable fact of life and refrain from reporting it. Others, who find the courage to ask for the authorities' help, are sometimes sent away without being taken seriously. Others cannot find protection and justice due to weaknesses and loopholes in their countries' legal and policy framework.



I am proud that the Council of Europe has been faithful to its role and mandate as the leading European human rights watchdog by lifting the shroud that, all too often, surrounds violence against women.

I am proud that it has followed up the request repeatedly and consistently made by its Parliamentary Assembly that there should be, in Europe, a legally-binding instrument setting the highest possible standards on preventing, protecting against and prosecuting the most severe and widespread forms of gender-based violence.

I am proud that after 3 years of concerted efforts, this instrument, the now well-known Istanbul Convention, has finally entered into force.

Many of our member States have ratified the Convention after a long and comprehensive process of aligning their legislation and policies with

the requirements of the Convention. Others are at the beginning of this process and their ratification demonstrates a clear political will to fulfil the requirements of the Convention. The Council of Europe will continue to offer support to this process.

It has been a long road but the good work must continue.

Through the GREVIO, an independent expert body, and the Committee of the Parties, a political body composed of official representatives of the States Parties to the Convention, which represent the two main pillars of the monitoring mechanism.

Through the Parliamentary Assembly and national parliaments for which the Convention foresees a strong monitoring role.

And finally, through the Parliamentary Network Women Free from Violence, whose work has been instrumental in catalysing political support for the Convention, and that without the lobbying, pressure and networking of our parliamentarians we would not have achieved the entry into force of our precious gold standard.

We should all unite to ensure that the Istanbul Convention will not only be words but will turn into tangible actions.

We should all unite to eradicate this scourge and enable each and every woman to leave safe from fear, safe from violence.

Sahiba Gafarova
General Rapporteur on violence against women
Political Co-ordinator of the Parliamentary Network
Women Free from Violence

The role of parliamentarians in supporting the Convention on preventing and combating violence against women and domestic violence

Parliamentarians have a crucial role to play in supporting the Convention on preventing and combating violence against women and domestic violence.

As legislators and policy makers, they can move forward the process leading to the signature and the ratification of the Convention. In addition, they will be directly involved in its ratification. Amongst the activities that they can and should undertake are:

- ▶ questioning their governments as regards their support for the Convention;
- ▶ asking information to their governments as regard the stage reached in the process of signature and ratification;
- ▶ organising debates on the Convention at national level, especially within their parliaments;
- ▶ ensuring that all relevant background documents are available at their parliament's documentation centre;
- ▶ taking and supporting initiatives to raise knowledge of the Convention amongst non-governmental organisations and civil society;
- ▶ initiating a public petition in support of the Convention;
- ▶ ensuring that the Convention is translated into national languages;

- ▶ ensuring that the necessary legislative and other measures are adopted and implemented in compliance with the requirements of the Convention.

Irrespective of the Istanbul Convention, parliamentarians can make a major contribution to ending violence against women, in particular by:

- ▶ initiating legislation in the area of violence against women, ensuring that it reflects the highest possible international standards;
- ▶ asking for systematic data collection on violence against women to be conducted, at national level;
- ▶ ensuring that service-providers for victims of violence are allocated sufficient resources.

Finally, as opinion-makers, parliamentarians are in a privileged position to contribute to the evolution of mentalities. To this end, they should:

- ▶ take strong public stands to condemn and reject violence against women, including in the media;
- ▶ lobby for their political parties to include the eradication of violence against women in their political programmes;
- ▶ include a reference to the need to eradicate violence against women in every public speech;
- ▶ organise awareness-raising activities on violence against women, also involving other high profile opinion-makers, such as journalists, writers, people from show-business.

The Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210, “Istanbul Convention”)

Why a Convention

Facts and figures

Significant numbers of women and girls across Council of Europe countries experience violence every day. Women and girls often experience serious forms of violence such as domestic violence, sexual violence, rape, forced marriage and genital mutilation. Violence can also be psychological and consist of verbal abuse, criticism, isolation, threats, harassment and stalking. The fact that it is not physical does not make it less harmful or severe. Perpetrators and victims come from all walks of life. It is not only survivors who suffer; children who witness violence are also traumatised.

Violence against women affects women of all ages and backgrounds, though some are particularly vulnerable. Violence is deeply rooted in the inequality between women and men in society and perpetuated by a culture of intolerance and denial. It is both caused by and is a consequence of the unequal power relations between women and men in society. Discrimination and attitudes towards women that result from the imbalance of power make it difficult for women to leave violent situations. The violence they experience is not always taken seriously by their community or the authorities, making them more vulnerable to further violence and even murder.

Unfortunately, violence against women is often considered a private issue and many women are reluctant to report it or are discouraged from

doing so by their family or community. Underreporting is compounded by failures in investigation, prosecution and sanction. Many cases do not reach court or, when they do, perpetrators receive minimal punishment. Lack of sensitivity towards victims during the investigation and the judicial process often result in re-victimisation. This discourages women from reporting violence, also given that, in the absence of adequate protection, reporting increases the risk of being subjected to further violence.

Domestic violence is a deeply traumatising act of violence. The overwhelming majority of victims are women and girls. Research has shown a link between physical abuse against children and domestic violence against women; however there is little reliable research on other forms of domestic violence such as elder abuse or against men. While some men may experience domestic violence, the frequency and severity of violence is far less than for women, and men may experience violence in response to violence they initiated. In the majority of cases men are the perpetrators.

The financial cost of violence against women is high, with an estimate of 34 billion euros per country across Council of Europe member states annually, as much as 555 euros per capita.¹

The process leading to the Convention

Since the 1990s, the Council of Europe has intensified its activities to combat all forms of violence against women. This engagement culminated in 2002 with the adoption of Recommendation Rec (2002)5 of the Committee of Ministers to member states on the protection of women against violence.²

In 2005, the Action Plan adopted at the end of the Third Summit of Heads of State and Government of the Council of Europe member states set up a Europe-wide campaign on violence against women, including domestic violence.³ Subsequently, a Task Force was set up to support the campaign,

1. www.coe.int/t/dg2/equality/DOMESTICVIOLENCECAMPAIGN/FAQ_en.asp#P59_4532.

2. <https://wcd.coe.int/ViewDoc.jsp?id=280915>.

3. www.coe.int/t/dcr/summit/20050517_plan_action_en.asp.

evaluate progress by member states and recommend future action. From 2006 and 2008, the Council of Europe campaign saw for the first time in Europe governments, parliaments and local and regional authorities campaigning together.

The Task Force's evaluation of national measures taken by member states revealed that much more remained to be done: despite progress, it was clear that existing legislation was often not enforced, services for victims were scarce and underfunded and there was a huge disparity in protection between member states. In its 2008 Final Activity Report, the Task Force recommended the adoption of a Council of Europe comprehensive, legally-binding, human rights instrument to prevent and combat all forms of violence against women.⁴

In response to these findings and recommendations, in December 2008 the Committee of Ministers set up a multi disciplinary Ad Hoc Committee on preventing and combating violence against women and domestic violence (CAHVIO) and instructed it to prepare one or more legally binding instruments in the area of violence against women and domestic violence, with a focus on measures to protect and support the victims of such violence and prosecute the perpetrators.

At its first meeting, CAHVIO decided that one single Convention combining action to prevent and combat all forms of violence against women and domestic violence against all family members would be appropriate. The Convention was drafted by CAHVIO during nine meetings which brought together government representatives and other stakeholders.

The Parliamentary Assembly actively participated in the negotiations through the Chairperson of the then Committee on Equal Opportunities for Women and Men. The draft text was finalised in December 2010 and adopted by the Committee of Ministers on 7 April 2011. The Convention

4. www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/Final_Activity_Report.pdf.

was opened for signature at the ministerial conference in Istanbul on 11 May 2011. It entered into force on 1 August 2014.

The added value of the Convention

The Istanbul Convention is a groundbreaking instrument. It is the first international legally-binding instrument potentially open to any country in the world to provide for a comprehensive set of measures to prevent and combat violence against women and domestic violence. It recognises violence against women as both a violation of human rights and a form of discrimination. It also establishes a clear link between achieving equality between women and men and eradicating violence against women. It provides for criminalisation of specific offences such as stalking, forced marriage, female genital mutilation, forced abortion and forced sterilisation.

The Convention also addresses the approach required to tackle violence against women and domestic violence effectively calling for all the relevant agencies, services and non-governmental organisations (NGOs) involved to work together in a co-ordinated way. It establishes a strong and independent monitoring mechanism and affords a specific role for parliamentarians in monitoring the implementation of the Convention at the national level. In addition, the Parliamentary Assembly is invited to regularly take stock of the implementation of such an instrument.

Objectives of the Handbook

Parliamentarians can play a key role nationally in raising awareness on violence against women and domestic violence amongst the general public. At the same time, they can have a direct impact on the legislative framework, by proposing and adopting specific laws on violence against women and monitoring their effective implementation.

This Handbook is a tool to promote greater awareness and understanding among parliamentarians of the Istanbul Convention and assist them in promoting it. It explains the main provisions of the Convention while providing examples of how these can be introduced into national legislation and policy.

The Handbook provides examples of national legislation and measures Council of Europe member states have introduced to address violence against women and domestic violence. They illustrate the types of laws and measures that could be adopted. The examples are not a comprehensive list of all the legislation enacted or measures taken by member states.

What is covered by the Convention

Chapter I of the Convention

Purposes

The Convention provides Parties with a comprehensive framework, policies and measures based on best practice to prevent and combat violence against women and domestic violence. Its main purposes are to:

- ▶ protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence;
- ▶ contribute to the elimination of all forms of discrimination against women, promote equality between women and men and empower women;
- ▶ protect and assist all victims of violence against women and domestic violence;
- ▶ promote international co-operation against these forms of violence;
- ▶ provide support and assistance to organisations and law enforcement agencies to co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence.

Scope

The Convention applies to all forms of violence against women, including domestic violence.

Furthermore, the Parties to the Convention are encouraged to extend its application to male, child and elderly victims of domestic violence.

The Convention applies in times of peace and in situations of armed conflict.

Definitions

The definition of violence against women builds upon definitions set out in Committee of Ministers Recommendation (2002)5, CEDAW General Recommendation 19⁵ and Article 1 of the United Nations Declaration on the Elimination of all forms of violence against women.⁶

- ▶ **violence against women** is defined as a violation of human rights and a form of discrimination against women and includes all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life;
- ▶ **domestic violence** refers to the same types of violence as above but that takes place within the family, domestic unit or between current or former married or unmarried partners regardless of whether the perpetrator currently or has ever lived with the victim. This covers victims and perpetrators of both sexes and includes child and elder abuse as well as intimate partner violence.
- ▶ **gender** is the roles that society give men and women as well as the behaviours, activities and attributes that are considered appropriate for women and men;
- ▶ **gender-based violence against women** is violence that is targeted at women because they are women (such as forced abortion, female genital mutilation) or that women experience much more than men (such as sexual violence, rape, stalking, sexual harassment, domestic violence, forced marriage and forced sterilisation);
- ▶ **victim** refers to both victims of violence against women and domestic violence;
- ▶ **women** include girls under the age of 18.

5. www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm.

6. A/RES/48/104, 20 December 1993.

Freedom from violence, equality and non-discrimination

The Convention promotes and protects the right for everyone to live free from violence and prohibits all forms of discrimination against women, which is a different treatment without objective and reasonable justification. Equality between women and men both in law and practice is central to ending violence against women. Parties are required to:

- ▶ include the principle of equality between women and men in their Constitution or law;
- ▶ prohibit discrimination including through the recourse to sanctions;
- ▶ abolish laws and practices that discriminate against women.

The list of grounds for discrimination included in the Convention (Article 4) draws on Article 14 of the European Convention of Human Rights and its Protocol No. 12. The list is open-ended and includes gender, sexual orientation, gender identity, age, state of health, disability, marital status and migrant or refugee or other status which are all directly relevant to the Convention. Noting that special measures may be necessary to prevent and protect women from violence, these are not considered discrimination under the terms of the Convention.

Integrated policies and data collection

Chapter II of the Convention

Comprehensive and co-ordinated policies

Violence against women and domestic violence are complex phenomena that require wide-ranging measures taken by many different actors and agencies. Experience has shown that successful outcomes are directly linked with actors such as the police, judiciary, social services, health, women's NGOs, child protection agencies and other relevant partners working closely together, in co-ordination. This is why the Convention calls for:

- ▶ a comprehensive set of legislative and policy measures co-ordinated across all sectors;

- ▶ the rights of the victim to be at the centre of all measures;
- ▶ involving all relevant actors, including government agencies, NGOs and national, regional and local parliaments in recognition of the important role of parliamentarians and the different law making powers in Parties with a federal system.

Such co-operation cannot be left to chance. It requires protocols and training to ensure common understanding and approach. National Action Plans that give each agency a particular role to fulfil and include NGOs are an example of how co-operation and co-ordination can be achieved.

In the **United Kingdom**, Multi-Agency Risk Assessment Conferences (MARACs) have been introduced to allow all relevant local agencies to meet regularly and share information about high risk domestic abuse victims (those at risk of murder or serious harm). By bringing all agencies together at a MARAC, a risk focused, co-ordinated safety plan can be drawn up to support the victim. Over 250 MARACs are operating across England, Wales and Northern Ireland managing over 53,000 cases a year (for more information: www.caada.org.uk). In **Austria and Germany**, intervention centres for domestic and sexual violence have been set up to co-ordinate the response of all relevant agencies (shelters, law enforcement, prosecution service, judiciary, witness protection, child protection) to an individual case of domestic or sexual violence (for more information on the intervention centre in Vienna see www.interventionsstelle-wien.at or the Intervention Centre in Berlin www.big-berlin.info).

Non-governmental organisations and civil society

NGOs and civil society play a key role in preventing and combating violence. NGOs run the majority of services for victims of violence and raise awareness activities for change but they are held back by insufficient and insecure funding. The Convention seeks to ensure greater political and financial support for their work. Parties are required to recognise, encourage and support NGOs enabling them to conduct their work in

the best possible way, to set up co-operation between statutory agencies and NGOs and to ensure adequate funding.

Data collection and research

Data collection is essential to understanding the nature and prevalence of violence against women and domestic violence and designing evidence based policies to address it and assess how well they work. The Convention requires Parties to collect statistical data nationally, for example administrative data compiled by services, NGOs and the justice sector. Reporting must include specific details of the victim and perpetrator such as sex, age, and type of violence, the relationship of the perpetrator to the victim and where the offence took place. Parties are also required to support research into the causes and effects of violence and are encouraged to carry out population surveys to establish the extent and frequency of the phenomenon. This information must be made available to the public and the group of experts monitoring the Convention.

*In **Spain**, the 2003 Organic Act on Gender Violence provides for a State Observatory on Violence against Women to collect data and provide advice on gender violence matters (Article 30). This is a collegiate body, attached to the Ministry of Employment and Social Affairs, which provides advice and analysis on gender violence matters, handles institutional collaboration, the preparation of reports and studies, and proposals for action in the sphere. It involves in its functioning the autonomous communities, local authorities, social actors, consumer and user associations, and women's organisations with a nationwide reach, as well as the most representative employers' and trade union organisations.*

Prevention

Chapter III of the Convention

Attitudes, prejudices, gender stereotypes and gender-biased customs or traditions influence patterns of behaviour that contribute to perpetuating violence. To prevent all forms of violence against women and domestic

violence, the Convention requires Parties to adopt a series of measures to be implemented at the national level that:

- ▶ promote changes in attitudes and behaviour;
- ▶ take account of the needs of vulnerable people placing their human rights at the centre;
- ▶ encourage everyone, especially men and boys, to prevent violence;
- ▶ ensure culture, custom or religion are not used as a justification for violence;
- ▶ promote programmes and activities that empower women.

Prevention measures include the following:

- ▶ **Awareness-raising:** Raising public awareness and running campaigns on violence against women and domestic violence is essential. These initiatives help inform the public and enable people to recognise the different forms of violence and speak out against it. Equally important is providing information that let victims know where they can find help and what support is available, such as publicising the national helpline number for victims of all forms of violence against women.

In 2004, in **Turkey**, the largest-circulation newspaper Hürriyet launched a campaign against domestic violence. The campaign provided a unique example of involving a private media institution in efforts to change attitudes and raise awareness of domestic violence in society. It catalysed support and co-operation from local authorities, politicians, religious leaders, opinion-makers and women's NGOs.

From 2006 to 2008, the **Council of Europe** ran a European-wide campaign against domestic violence against women. Around 25 member states transformed it into a national campaign to raise awareness of domestic violence among the public.

In 2008, the Secretary-General of the **United Nations** launched the seven-year campaign "UNite to end violence against women" to mobilise political and financial support behind this objective.

- ▶ **Education:** Attitudes and behaviours are shaped very early in life so it is important to teach children equality and mutual respect in relationships. Parties are encouraged to include teaching material on equality issues at all levels of the curricula in schools and promote these principles in informal educational settings such as community centres and sports facilities.

Switzerland has established a course for use in state schools to address domestic, sexual violence and youth violence. **UNICEF** has initiated a comprehensive educational programme called “Safe and Enabling Schools”, including a major campaign to stop violence amongst children. The purpose of the campaign is to provide a safe environment for all children in primary and secondary school. In Croatia, this campaign has been introduced in more than 400 schools.

- ▶ **Training of professionals:** Training all relevant professionals in prevention and detection of violence, equality, survivor’s needs, prevention of re-victimisation and promotion of inter-agency co-operation.

In **Denmark**, domestic violence has been integrated in the curriculum of medical students, nurses, and candidates in public health science. It is also a topic in the post-graduate training in the medical specialities of Gynaecology, General Practice, and Psychiatry. In the **United Kingdom**, specific training programmes are available for judges dealing with cases of domestic violence. Attending these courses is a requirement to become a specialist domestic violence judge. In **Spain**, the setting up of specialised courts for cases of domestic violence has also provided an opportunity for providing specific training for judges and prosecutors.

- ▶ **Preventive intervention and treatment programmes:** The Convention requires Parties to set up or support treatment programmes for perpetrators of domestic violence and sex offenders aimed at teaching them to adopt non-violent behaviour, take responsibility for their actions and examine their attitudes towards women. When setting up treatment programmes, safety and support

for, and human rights of, survivors must remain the primary concern with programmes working in close co-operation involving specialist support services where possible.

In the **United Kingdom**, the NGO Respect has developed accreditation standards for Domestic Violence Prevention Programmes and Integrated Support Services working with male perpetrators of domestic violence. The EU **Daphne project** “Work with Perpetrators of Domestic Violence in Europe” has developed standards for perpetrator programmes. In **Germany**, the NGO “Munich Information Centre for Men” (Münchner Informationszentrum für Männer e.V.) offers anger management classes, perpetrator programmes for abusive men and male sex offenders as well as counselling on custody issues for parents who seek a divorce as a result of domestic violence.

Protection and support

Chapter IV of the Convention

Providing the best possible protection and support for victims is essential to prevent further violence and assist their physical, psychological and social recovery. The Convention includes a range of protection measures, such as:

- ▶ establishing emergency barring orders to remove perpetrators from the family home and restraining or protection orders;
- ▶ ensuring survivors are informed of their rights and know where and how to get help;
- ▶ providing specialised support services;
- ▶ encouraging reporting of violence by witnesses and professionals;
- ▶ protecting and supporting children who witness violence.

Specialist support services

Central to support for women victims of violence are specialist support services. These services provide a gender sensitive approach that

is tailored to meet the needs of survivors, many of whom suffer from repeated violence and are traumatised. Specific groups of women have particular needs such as young women, migrant women and women with disabilities. Support needs differ depending on the type of violence experienced and specific services are required, such as rape crises and sexual assault centres or women's shelters. Some women have complex needs which also require specialised support. Specialised services must:

- ▶ be immediate, short-term and long-term;
- ▶ spread across the country;
- ▶ be accessible to all survivors and their children (and in a language they understand);
- ▶ have skilled staff and adequate resources and funds;
- ▶ be able to empower survivors.

The **city of Brussels** has set up a special service called "the Office for Police Assistance to Victims", which welcomes victims, their close relatives and witnesses of violence, while at the same time advising and assisting police officers. The staff consists of psychologists and criminologists. In **Sweden**, the National Centre for Battered and Raped Women provides training and practical guidance for health and medical staff in the area of sexual violence and serves as a national resource centre offering expert information on the subject.

Support for victims of sexual violence

Survivors of sexual violence, including rape, require immediate medical care, forensic examination and trauma support as well as long-term psychological counselling from sensitive, well-trained and specialised staff. This requires the provision of sufficient, easily accessible, rape crisis or sexual referral centres for survivors. The Council of Europe Task Force to Combat Violence against women and domestic violence recommended one centre per every 200 000 inhabitants.

Since the 1980s, the **United Kingdom** has set up Sexual assault (referral) centres (SACs/SARCs), which strive to ensure high quality forensic responses and provide short-term counselling for recent sexual assault victims. **Norway** has set up service centres for victims of rape and sexual violence in every county. These are linked to inter-municipal emergency clinics. **Sweden** has set up a National Centre for Battered and Raped Women, which carries out medical examinations and provides treatment and support to victims.

Protection and support for child witnesses

Children in families where there is violence are usually aware of it and may also experience abuse themselves, which both cause significant harm. Services that support victims of violence against women and domestic violence must take into account the needs of children who have witnessed the violence and provide psycho-social counselling tailored to their needs. Any support provided must be in the best interests of the child.

Sweden's Action Plan on violence against women refers to the United Nations Convention on the Rights of the Child to highlight the fact that children who "only" witness violence against adults close to them are also entitled to protection.

Reporting by professionals

The majority of incidents of violence against women go unreported. Violence often happens behind closed doors and victims suffer in silence. This is a major challenge to protecting victims, preventing further violence and prosecuting perpetrators. Professionals working with victims, such as doctors, psychologists and social workers are often aware that violence has happened and are concerned it will happen again, but professional rules of confidentiality prevent them from reporting it. The Convention provides for the possibility for rules of confidentiality to be lifted to enable professionals to choose to report serious incidents of violence when they believe it has occurred and will occur again.

In **Spain**, the Law on Court Orders for the Protection of Victims of Domestic Violence places an obligation on public and private social service institutions and bodies that become aware of incidents of domestic violence to report them to the duty magistrate or public prosecutor, with a view to instituting proceedings for the adoption of a protection order.

Substantive law

Chapter V of the Convention

The Convention introduces a range of civil and criminal law measures to fill existing gaps in legislation which many victims of the various forms of violence against women and domestic violence encounter when seeking justice. These gaps range from compensation schemes that are lacking and issues around custody rights to the fact that many forms of violent behaviour are not considered a crime in many member states.

Civil lawsuits and remedies

The objective of this provision is to provide for civil law remedies that allow courts to stop a particular conduct and enable victims to apply for court orders, such as injunctions, barring orders, restraining orders or non-molestation orders. These orders are important protective measures as they prevent the perpetrator for example from approaching the victims in their home and surrounding area. In cases of domestic violence these orders can give the victim longer term protection not available under emergency protection orders.

The state is responsible for the protection of women against all forms of violence and domestic violence. It is the state's responsibility to ensure that state authorities thoroughly prevent, investigate and punish acts of violence. If the authorities have failed to adequately support and protect victims then civil law remedies must be provided to address this failure.

In the case ***Bevacqua and S. v. Bulgaria***, the applicant claimed she was regularly battered by her husband, left him and filed for

divorce, taking their three-year-old son with her. However, she maintained that her husband continued to beat her. She spent four days in a shelter for abused women with her son but was allegedly warned that she could face prosecution for abducting the boy, leading to a court order for shared custody, which, she stated, her husband did not respect. Pressing charges against her husband for assault allegedly provoked further violence. Her requests for interim custody measures were not treated as priority and she finally obtained custody only when her divorce was pronounced more than a year later. The following year she was again battered by her ex-husband and her requests for a criminal prosecution were rejected on the ground that it was a “private matter” requiring a private prosecution. The **European Court of Human Rights** found a violation of Article 8 (right to respect for family life) given the Bulgarian authorities’ failure to adopt the measures necessary to punish and control the applicant’s husband. The Court also stressed that considering the dispute to be a “private matter” was incompatible with the authorities’ obligation to protect the applicant’s family life.

Compensation

The Convention sets out the right to compensation for damages suffered as a result of any of the covered offences. It is primarily the perpetrator who is liable for damages and restitution, with the Parties having a subsidiary obligation to do so in situations where the victim has sustained serious bodily injury or impairment of health.

The subsidiary obligation for the state to compensate does not preclude Parties from claiming regress for compensation awarded from the perpetrator as long as due regard is paid to the victim’s safety.

In 1976, **Germany** introduced the Law on the Compensation of Victims of Violent Crime which guarantees victims of violent crime such as rape, sexual assault, physical assault and murder

compensation for the consequences of the violence they experienced (medical costs, psychological counseling, inability to work, etc.).

Custody, visitation rights and safety

Perpetrators of violence have used access visits to their children to attack the victim again and serious violence and even murder have resulted. All legal measures to protect victims should be consistent. For example, if perpetrators are prevented from having access to the victim through the civil court, they should not be given access to the victim by the family court. Thus, the Convention ensures that significant incidents of violence are taken into account when deciding visitation and custody rights of children, in the best interest of the child.

Forms of violence

The Convention asks the Parties to criminalise a wide range of forms of violence, including:

- ▶ **Psychological violence:** intentionally intimidating, harassing or threatening someone over a period of time causing them trauma. In intimate relationships, psychological violence can often be followed by physical and sexual violence.

In **France**, the offence of psychological violence was introduced in the criminal code in 2010. This crime can be punished with severe sanctions, ranging from three years of detention to 75,000 euros fines.

- ▶ **Stalking:** repeatedly threatening someone by following, engaging in unwanted communication or informing them they are being observed intentionally causing them to fear for their safety. This could include damaging property, targeting victim's family, friends or pets or spreading false information on the internet.

While psychological violence and stalking should in principle be criminalised, the Convention allows for reservation to give flexibility to Parties whose legal systems provide for non-criminal sanctions for these types of

behaviour. However non-criminal sanctions must be applied and these must be sufficient to punish the perpetrator and deter them from this behaviour in the future.

In **Italy**, stalking became a criminal offence in 2009. It can be punished with imprisonment, ranging from six months to four years. If the perpetrator is a former spouse or someone who used to be in an intimate relation with the victim, the sanction can be raised to up to six years' imprisonment. The same applies if the victim is a minor.

Sexual violence, including rape: any sexual act intentionally performed on someone without their consent. This includes penetration of any part of the body with any part of the perpetrators body or with an object. Sexual violence offences often go unpunished with victims not believed if they cannot show they tried to resist the attack. To address this gap, the Convention requires that the circumstances in which the act took place must be considered when assessing if consent was given, regardless of whether the victim put up any physical resistance. This provision also criminalises rape in marriage, between partners or between former spouses or partners.

The Declaration on the Elimination of Violence against Women, adopted by the General Assembly of the **United Nations** in 1993, explicitly mentions marital rape as a form of violence against women.

- ▶ **Sexual harassment:** any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment. Again, the Convention allows Parties to opt for a non-criminal sanction for this type of behaviour, meaning a civil or administrative law sanction.
- ▶ **Forced marriage:** the act of intentionally using physical or psychological threats to force an adult or a child to marry or taking an adult or a child to another country in order to force them to enter into a marriage.

In the **United Kingdom**, campaigning by the NGO Southall Black Sisters resulted in the development of police guidelines on forced marriages and improvements in the response of the UK Foreign and Commonwealth Office to cases of British nationals being forced into marriage abroad. The Criminal Code of **Bulgaria** makes it an offence to force another person to enter into marriage as well as to abduct a woman for the purpose of forcing her to enter into marriage.

- ▶ **Female genital mutilation (FGM):** includes all procedures that intentionally alter or injure female genital organs for non-medical reasons. This causes irreparable permanent damage and is usually conducted without the victims consent. Criminal sanctions are also imposed in the Convention on anyone assisting the perpetrator to perform FGM.

In **Austria**, until 2001, causing bodily harm was not punishable if done with the consent of the injured Party. As a result, the practice of female genital mutilation was not punishable if the girl's parent or guardian gave legal consent. With an amendment to the criminal code, Austria ensured that consent cannot be given to 'a mutilation or wounding of the genitals that is intended to bring about a permanent impairment of sexual sensation'.

- ▶ **Forced abortion and forced sterilisation:** include performing an abortion on a woman without her prior and informed consent; and performing surgery which has the purpose or effect of terminating a woman's capacity to naturally reproduce, without her prior and informed consent or understanding.

Aiding or abetting and attempt

Anyone who intentionally assists, encourages or supports someone to carry out the crimes of psychological, physical or sexual violence, stalking, forced marriage, FGM or forced abortion and forced sterilisation is also guilty of a criminal act under the Convention. This provision covers offences under criminal, administrative and civil law. It is also an offence

to intentionally attempt to commit physical or sexual violence, forced marriage, FGM, or forced abortion and forced sterilisation.

Unacceptable justifications for crimes, including crimes committed in the name of so-called "honour"

To address the root causes of violence against women and tackling attitudes that perpetuate violence, the Convention enshrines the principle that criminal behaviour is not acceptable under any circumstances. Culture, religion, tradition or other personal reason for criminal behaviour cannot be accepted as a defence for violence against women or domestic violence and these grounds must not be used by the judiciary as a reason when interpreting the law. Acts of violence on these grounds are often carried out by children too young to face prosecution encouraged by an adult member of the family or community. To address this gap, Parties must hold anyone who instigates such crimes liable to a criminal offence.

Jurisdiction

Principles of jurisdiction similar to those in other Council of Europe Conventions apply to ensure that:

- ▶ Parties are required to punish the perpetrators of criminal offences in their territory, on board a ship flying its flag or aircraft registered under its laws or if a national or person usually living in their territory has committed the offence.
- ▶ Parties are encouraged to try and prosecute any offences committed against their nationals or persons habitually residing in their territory when they are abroad, in order to protect them.
- ▶ any national who commits offences of sexual violence, forced marriage, FGM or forced abortion and forced sterilisation is punished by Parties even when the offence is committed abroad. This is regardless of whether these offences are criminalised in the country where they took place or whether a complaint was made by the victim or investigated by the authorities in that country.

- ▶ the perpetrator living in their territory is prosecuted by the Party if he is not extradited to the country where the offence was committed or where the victim is from.

Sanctions and measures

Parties are required to ensure that sanctions imposed for offences covered by the Convention reflect the seriousness of the violence. Sanctions must be “effective, proportionate and dissuasive” and can include imprisonment or withdrawal of parental rights if the best interests of the child, this may include the safety of the victim, cannot be guaranteed in any other way.

Aggravating circumstances

The Convention provides for tougher sentencing in certain circumstances, for example if the offence was committed by a close family member, repeatedly, against a particularly vulnerable person, against or in the presence of a child, where the offence was committed by several people, was committed with extreme violence, with the use or threat of a weapon, causes severe harm to the victim and where the perpetrator has a previous conviction for a similar offence.

In **Spain**, following the adoption of the Organic Act on Gender Violence, Article 148 of the Criminal Code was amended to increase the sanction if acts of assault are directed against the (former) spouse or someone with whom the aggressor had an equivalent relationship, irrespective of cohabitation. In **Belgium**, the criminal code does not provide for a specific offence of domestic violence. However, if physical violence is committed by a current or former spouse or partner, it is considered as a more serious crime, and punished with more severe sanctions.

Prohibition of mandatory alternative dispute resolution processes or sentencing

Alternative methods for resolving a dispute in cases where violence has occurred is forbidden as the process of mediation can never be

equal between the victim and the perpetrator. If violence covered by the Convention has occurred it is a criminal offence and must be prosecuted as such. If the perpetrator is ordered to pay a fine Parties must ensure that this does not lead indirectly to financial hardship for the victim. Victims are often members of the same family as the perpetrator and any fine may impact on the family income or alimony payments.

Investigation, prosecution, procedural law and protective measures

Chapter VI of the Convention

Risk assessment and risk management

Many victims are threatened with serious violence or even death by the perpetrator, particularly when they leave or when the perpetrator faces prosecution. To provide protection for the victim at all stages of the investigation an assessment of the level of danger a particular victim faces must be taken by all the relevant authorities in working together and a plan put in place to manage the risk. The assessment must also establish if the perpetrator owns, or has access to firearms. In these cases, Parties could adopt measures that allowed for the immediate confiscation of any firearms and ammunition to protect the victim.

In the **United Kingdom**, Multi-Agency Risk Assessment Conferences for very-high-risk victims (MARACs) meet once a month to exchange information and take action to prevent harm to victims and their children. They link together various authorities and service providers, such as the police, the probation service, local authorities, health and housing authorities, shelters and support services. MARACs draw up individual plans to enhance the victims' safety. These conferences are essential to identify and fill gaps in information.

Emergency barring orders

To provide immediate protection for the victim, the Convention provides for the removal of the perpetrator of domestic violence from their home,

putting physical distance between them to prevent further violence. Removing the perpetrator, even if they are the owner of the residence, prevents further trauma to the victim, who would otherwise be forced to leave their home, often with their children, for their own safety. It is up to Parties to decide which authority is given the power to issue barring orders, but the safety of the victim or person at risk must remain the priority.

Restraining or protection orders

Parties must ensure that orders are available to victims of all forms of violence covered by the Convention, to restrain the perpetrator and protect any contact with the victim for a specific period of time. To ensure immediate protection these orders must be:

- ▶ affordable;
- ▶ available for immediate protection;
- ▶ obtainable regardless of whether the perpetrator faces other legal proceedings;
- ▶ allowed during subsequent legal proceedings;
- ▶ available at the request of only one Party;
- ▶ issued without prejudicing the rights of the defendant to a fair trial.

The Protection of Violence within the Family Act in **Austria** grants the police the right to evict the perpetrator of domestic violence from the common home for a period of ten days, as a preventing measure, without the victim's consent or request (ex officio). Within 24 hours, the police should send a report to an intervention centre, which offers the victim comprehensive counselling. One of the aims of this counselling is to enable the victim to make an informed decision as to whether or not to apply to a family court for a long-term protection order, lasting up to three months. Beneficiaries of these protection orders include not only spouses and partners but also a wide range of potential victims, such as all persons living together in a family-type arrangement.

Measures of protection

To ensure judicial proceedings respect victims' rights and avoid their facing further trauma during the judicial process Parties are required to introduce a range of protection measures including:

- ▶ ensuring the victim, their families and witnesses are safe from intimidation and retaliation;
- ▶ providing information on the whereabouts of the perpetrator to victims in particular danger;
- ▶ providing information on available services, the progress of the investigation and outcome of their case;
- ▶ the opportunity to be heard and supply evidence, to testify without being in the presence of the perpetrator and to have their privacy and identity protected;
- ▶ providing victims with language support free of charge when they are Party to the proceedings or giving evidence.

Migration and asylum

Chapter VII of the Convention

Migrant and refugee women are particularly vulnerable to violence. Thus, the Convention prohibits discrimination on the grounds of migrant or refugee status when it comes to implementing its provisions. It also requires that measures are taken to prevent such violence and support victims while taking into account the needs of vulnerable persons.

Residence status

The majority of Council of Europe member states require spouses or partners to remain married or together for a period of time before they are granted resident status in their own right. As a result many migrant and refugee women are afraid of leaving violent situations because they risk losing their residence status. The Convention establishes the possibility of independent residency status for migrant women who are victims of

victims of violence and enables migrant victims forced into marriage in another country to regain their residence status.

The Convention allows Parties to reserve the right not to apply the provisions regarding residency status or only to apply them in specific cases or conditions.

Gender-based asylum claims

Women seeking asylum have specific protection concerns and worries that are different to those of men. Women may be unable or unwilling to disclose violence they have experienced, such as rape, during a refugee determination process that does not respect cultural sensitivities. They are often exposed to sexual harassment and sexual exploitation and are unable to protect themselves. To address the particular issues linked to women asylum-seekers, the Convention establishes the obligation to:

- ▶ recognise gender-based violence against women as a form of persecution within the meaning of the 1951 Refugee Convention;
- ▶ ensure that a gender-sensitive interpretation be given when establishing refugee status;
- ▶ introduce gender-sensitive procedures, guidelines and support services in the asylum process to allow for differences between women and men to be taken into account.

This provision and the provision of non-refoulement (below) are compatible with, and do not go beyond the 1951 Convention relating to the Status of Refugees and Article 3 of the European Convention of Human Rights as interpreted by the European Court of Human Rights.

In 2002, the **United Nations High Commissioner for Refugees (UNHCR)** issued Guidelines on International Protection: Gender-Related Persecution within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocoll relating to the Status of Refugees. The Guidelines are intended to provide legal interpretative guidance for governments, legal practitioners, decision-makers

and the judiciary, as well as UNHCR staff carrying out refugee status determination in the field.

Non-refoulement

The Convention establishes the obligation to ensure victims who need international protection, regardless of status, are not returned to countries where they are at risk or may be subjected to torture or inhuman or degrading treatment or punishment. The principle of *non-refoulement* is a well established principle of asylum and of international refugee protection.

Monitoring mechanism

Chapter IX of the Convention

To ensure the Convention is implemented effectively by the Parties a monitoring mechanism is set up. It is composed of two bodies:

- ▶ **Group of experts on action against violence against women and domestic violence** – a technical body called the GREVIO, composed of between 10 and 15 independent experts on human rights, gender equality, violence against women and domestic violence or assistance to and protection of victims. This group is made up from nationals of the Parties to the Convention and has multidisciplinary and geographical balance. Its role will be to measure the extent to which the Parties have implemented the Convention. The first 10 members of the GREVIO were elected in May 2015: Feride Acar (Turkish), Biljana Brankovic (Serbian), Francoise Brié (French), Helena Maria Carvallho Martins Leitao (Portuguese), Gemma Gallego (Spanish), Simona Lanzoni (Italian), Rosa Logar (Austrian), Iris Luarasi (Albanian), Marceline Naudi (Maltese), Vesna Ratkovic (Montenegrin).
- ▶ **Committee of the Parties** – a political body composed of representatives of the Parties to the Convention who elects the members of the GREVIO from candidates nominated by the Parties.

Procedure

The GREVIO will receive reports from Parties to the Convention based on a questionnaire it will prepare. It may also receive information from NGOs and civil society, national institutions for the protection of human rights, the Council of Europe Commissioner for Human Rights, the Parliamentary Assembly and other specialised bodies of the Council of Europe or set up by other international instruments, such as the CEDAW Committee. If the information provided to it is not sufficient or if a particular issue requires immediate attention, the GREVIO can conduct a country visit in co-operation with the national authorities of the country concerned.

Based on the information received the GREVIO will draft a report for comment by the Party concerned. These comments will be taken into account in the final report and GREVIO will submit conclusions to the Committee of the Parties. The Committee of the Parties may adopt recommendations based on the GREVIO's conclusions, for the Party concerned to implement with a date to show compliance.

General recommendations

The GREVIO may adopt recommendations that are not specific to any Party, but deal with issues of concern that are addressed to all States Parties and offer clear guidance on the effective implementation of the provisions in the Convention.

Parliamentary involvement in monitoring

National parliaments are invited to participate in monitoring the Convention in recognition of the important role they play in its implementation and States Parties are required to submit GREVIO reports to them for consultation.

For the first time in a Council of Europe treaty, the Parliamentary Assembly is invited to regularly examine its implementation. This provision recognises the important role the Parliamentary Assembly has played in placing the issue of violence against women on the political agenda of the

Council of Europe and member states and its longstanding commitment to the issue.

Relationship with other international instruments

Chapter X of the Convention

This provision covers the relationship between the Convention and any other international instruments to ensure that they coexist harmoniously. The Convention does not interfere with rights and obligations arising from provisions in international instruments on matters which the Convention also covers, such as, the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols and the United Nations Convention on the Elimination of All Forms of Discrimination Against Women and its Optional Protocol. The Convention is designed to strengthen the protection and support for victims of violence against women and domestic violence

Parties to the Convention are positively encouraged to work together through bilateral or multilateral agreements on matters covered by the Convention to strengthen its provisions or improve its application.

Final clauses

Chapter XII of the Convention

Entry into force

The Convention is open for signature by the member states of the Council of Europe, the non-member states which have participated in its elaboration (Canada, the Holy See, Japan, Mexico and the United States) and the European Union.

Its entry into force required its ratification by ten states.

Accession

After its entry into force, any non-member state of the Council of Europe may be invited to accede to the Convention.

Reservations

Parties may issue reservations only to articles for which this is expressly allowed and for a maximum period of five years, renewable only once. The possibility of making reservations should enable as many states as possible to ratify the Convention, while taking more time to adapt their legislation on specific matters.

Reservations are possible in respect to:

- ▶ Article 30 (Compensation), paragraph 2;
- ▶ Article 44 (Jurisdiction), paragraphs 1.e, 3 and 4;
- ▶ Article 55 (*Ex parte* and *ex officio* proceedings), paragraph 1 in respect of Article 35 regarding minor offences;
- ▶ Article 58 (Statute of limitation) in respect of Articles 37, 38 and 39;
- ▶ Article 59 (Residence status).

Parties can also reserve the right to apply non-criminal sanctions to Article 33 (psychological violence) and Article 34 (stalking).

Reservations should be made when the Convention is signed or ratified and can be withdrawn through a declaration to the Secretary General of the Council of Europe.

After five years reservations lapse unless they are renewed. If a Party decides to renew its reservations it is required to inform the GREVIO of the reasons.

Postface by the Deputy Secretary General of the Council of Europe

The entry into force of the Istanbul Convention, for which we have all been striving, finally took place on 1 August 2014. The drafting, adoption, signature, ratification and entry into force of the Istanbul Convention are the fruits of a collective effort, which has mobilised resources and the energy of all those involved in combating violence against women: the Council of Europe and its different bodies and structures, national authorities, other international organisations, including the United Nations, NGOs, civil society, and, of course, national parliaments.



All these institutions, and the people running them, firmly believe that this convention provides an effective response to the distress suffered by the victims of violence. Before it had even come into force, the Istanbul Convention had become the authoritative instrument in this field, not only in our member states but across the world. From the very moment it was adopted, the convention fostered an unprecedented awareness of the unacceptable character of violence against women and domestic violence.

The Istanbul Convention is based on the understanding that violence against women is a form of gender-based violence that is committed against women because they are women and that women are more affected than men by the violence in question. As human rights are at stake here, states have a duty to tackle all the forms of violence involved

and take steps to prevent it, protect the victims and prosecute the perpetrators. We must be clear: there can be no real equality between women and men if women experience gender-based violence on a large scale and state agencies and institutions turn a blind eye.

The entry into force of the convention is therefore to be welcomed but our efforts must continue. First of all, we must ensure that the convention is implemented. The GREVIO, the group of experts set up by the Istanbul Convention, will play a key role in this respect. The Parliamentary Assembly will also play an essential new role: for the first time ever national parliaments and the Parliamentary Assembly are given some responsibility in monitoring a Council of Europe convention. Finally, it will be necessary to make sure that other countries join the list of states which have ratified the convention.

With this Handbook, parliamentarians are given a practical tool for publicising the Istanbul Convention more widely and explaining its provisions and the reasons why they are so important. It is essential on the road towards achieving our common goal: that of ensuring that every woman can live free from violence.

Gabriella Battaini-Dragoni
*Deputy Secretary General
of the Council of Europe*

Appendix I

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

(CETS No. 210)

Istanbul, 11 May 2011

Preamble

The member States of the Council of Europe and the other signatories hereto,

Recalling the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, 1950) and its Protocols, the European Social Charter (ETS No. 35, 1961, revised in 1996, ETS No. 163), the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197, 2005) and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201, 2007);

Recalling the following recommendations of the Committee of Ministers to member States of the Council of Europe: Recommendation Rec(2002)5 on the protection of women against violence, Recommendation CM/Rec(2007)17 on gender equality standards and mechanisms, Recommendation CM/Rec(2010)10 on the role of women and men in conflict prevention and resolution and in peace building, and other relevant recommendations;

Taking account of the growing body of case law of the European Court of Human Rights which sets important standards in the field of violence against women;

Having regard to the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the United Nations Convention on the Elimination of All Forms of Discrimination Against Women ("CEDAW", 1979) and its Optional Protocol (1999) as well as General Recommendation No. 19 of the CEDAW Committee on violence against women, the United Nations Convention on the Rights of the Child (1989) and its Optional Protocols (2000) and the United Nations Convention on the Rights of Persons with Disabilities (2006);

Having regard to the Rome Statute of the International Criminal Court (2002);

Recalling the basic principles of international humanitarian law, and especially the Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War (1949) and the Additional Protocols I and II (1977) thereto;

Condemning all forms of violence against women and domestic violence;

Recognising that the realisation of *de jure* and *de facto* equality between women and men is a key element in the prevention of violence against women;

Recognising that violence against women is a manifestation of historically unequal power relations between women and men, which have led to domination over, and discrimination against, women by men and to the prevention of the full advancement of women;

Recognising the structural nature of violence against women as gender-based violence, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men;

Recognising, with grave concern, that women and girls are often exposed to serious forms of violence such as domestic violence, sexual harassment, rape, forced marriage, crimes committed in the name of so-called "honour" and genital mutilation, which constitute a serious violation of the human rights of women and girls and a major obstacle to the achievement of equality between women and men;

Recognising the ongoing human rights violations during armed conflicts that affect the civilian population, especially women in the form of widespread or systematic rape and sexual violence and the potential for increased gender-based violence both during and after conflicts;

Recognising that women and girls are exposed to a higher risk of gender-based violence than men;

Recognising that domestic violence affects women disproportionately, and that men may also be victims of domestic violence;

Recognising that children are victims of domestic violence, including as witnesses of violence in the family;

Aspiring to create a Europe free from violence against women and domestic violence,

Have agreed as follows:

Chapter I – Purposes, definitions, equality and non-discrimination, general obligations

Article 1 – Purposes of the Convention

1. The purposes of this Convention are to:
 - a protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence;
 - b contribute to the elimination of all forms of discrimination against women and promote substantive equality between women and men, including by empowering women;
 - c design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence;
 - d promote international co-operation with a view to eliminating violence against women and domestic violence;
 - e provide support and assistance to organisations and law enforcement agencies to effectively co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence.
- 2 In order to ensure effective implementation of its provisions by the Parties, this Convention establishes a specific monitoring mechanism.

Article 2 – Scope of the Convention

1. This Convention shall apply to all forms of violence against women, including domestic violence, which affects women disproportionately.
2. Parties are encouraged to apply this Convention to all victims of domestic violence. Parties shall pay particular attention to women victims of gender-based violence in implementing the provisions of this Convention.
3. This Convention shall apply in times of peace and in situations of armed conflict.

Article 3 – Definitions

For the purpose of this Convention:

- a. “violence against women” is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life;
- b. “domestic violence” shall mean all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim;
- c. “gender” shall mean the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men;
- d. “gender-based violence against women” shall mean violence that is directed against a woman because she is a woman or that affects women disproportionately;
- e. “victim” shall mean any natural person who is subject to the conduct specified in points a and b;
- f. “women” includes girls under the age of 18.

Article 4 – Fundamental rights, equality and non-discrimination

1. Parties shall take the necessary legislative and other measures to promote and protect the right for everyone, particularly women, to live free from violence in both the public and the private sphere.
2. Parties condemn all forms of discrimination against women and take, without delay, the necessary legislative and other measures to prevent it, in particular by:
 - embodying in their national constitutions or other appropriate legislation the principle of equality between women and men and ensuring the practical realisation of this principle;
 - prohibiting discrimination against women, including through the use of sanctions, where appropriate;
 - abolishing laws and practices which discriminate against women.
3. The implementation of the provisions of this Convention by the Parties, in particular measures to protect the rights of victims, shall be secured without discrimination on any ground such as 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.
4. Special measures that are necessary to prevent and protect women from gender-based violence shall not be considered discrimination under the terms of this Convention.

Article 5 – State obligations and due diligence

1. Parties shall refrain from engaging in any act of violence against women and ensure that State authorities, officials, agents, institutions and other actors acting on behalf of the State act in conformity with this obligation.
2. Parties shall take the necessary legislative and other measures to exercise due diligence to prevent, investigate, punish and provide reparation for acts of violence covered by the scope of this Convention that are perpetrated by non-State actors.

Article 6 – Gender-sensitive policies

Parties shall undertake to include a gender perspective in the implementation and evaluation of the impact of the provisions of this Convention and to promote and effectively implement policies of equality between women and men and the empowerment of women.

Chapter II – Integrated policies and data collection

Article 7 – Comprehensive and co-ordinated policies

1. Parties shall take the necessary legislative and other measures to adopt and implement State-wide effective, comprehensive and co-ordinated policies encompassing all relevant measures to prevent and combat all forms of violence covered by the scope of this Convention and offer a holistic response to violence against women.
2. Parties shall ensure that policies referred to in paragraph 1 place the rights of the victim at the centre of all measures and are implemented by way of effective co-operation among all relevant agencies, institutions and organisations.
3. Measures taken pursuant to this article shall involve, where appropriate, all relevant actors, such as government agencies, the national, regional and local parliaments and authorities, national human rights institutions and civil society organisations.

Article 8 – Financial resources

Parties shall allocate appropriate financial and human resources for the adequate implementation of integrated policies, measures and programmes to prevent and combat all forms of violence covered by the scope of this Convention, including those carried out by non-governmental organisations and civil society.

Article 9 – Non-governmental organisations and civil society

Parties shall recognise, encourage and support, at all levels, the work of relevant non-governmental organisations and of civil society active in

combating violence against women and establish effective co-operation with these organisations.

Article 10 – Co-ordinating body

1. Parties shall designate or establish one or more official bodies responsible for the co-ordination, implementation, monitoring and evaluation of policies and measures to prevent and combat all forms of violence covered by this Convention. These bodies shall co-ordinate the collection of data as referred to in Article 11, analyse and disseminate its results.
2. Parties shall ensure that the bodies designated or established pursuant to this article receive information of a general nature on measures taken pursuant to Chapter VIII.
3. Parties shall ensure that the bodies designated or established pursuant to this article shall have the capacity to communicate directly and foster relations with their counterparts in other Parties.

Article 11 – Data collection and research

1. For the purpose of the implementation of this Convention, Parties shall undertake to:
 - a. collect disaggregated relevant statistical data at regular intervals on cases of all forms of violence covered by the scope of this Convention;
 - b. support research in the field of all forms of violence covered by the scope of this Convention in order to study its root causes and effects, incidences and conviction rates, as well as the efficacy of measures taken to implement this Convention.
2. Parties shall endeavour to conduct population-based surveys at regular intervals to assess the prevalence of and trends in all forms of violence covered by the scope of this Convention.
3. Parties shall provide the group of experts, as referred to in Article 66 of this Convention, with the information collected pursuant to this

article in order to stimulate international co-operation and enable international benchmarking.

4. Parties shall ensure that the information collected pursuant to this article is available to the public.

Chapter III – Prevention

Article 12 – General obligations

1. Parties shall take the necessary measures to promote changes in the social and cultural patterns of behaviour of women and men with a view to eradicating prejudices, customs, traditions and all other practices which are based on the idea of the inferiority of women or on stereotyped roles for women and men.
2. Parties shall take the necessary legislative and other measures to prevent all forms of violence covered by the scope of this Convention by any natural or legal person.
3. Any measures taken pursuant to this chapter shall take into account and address the specific needs of persons made vulnerable by particular circumstances and shall place the human rights of all victims at their centre.
4. Parties shall take the necessary measures to encourage all members of society, especially men and boys, to contribute actively to preventing all forms of violence covered by the scope of this Convention.
5. Parties shall ensure that culture, custom, religion, tradition or so-called “honour” shall not be considered as justification for any acts of violence covered by the scope of this Convention.
6. Parties shall take the necessary measures to promote programmes and activities for the empowerment of women.

Article 13 – Awareness-raising

1. Parties shall promote or conduct, on a regular basis and at all levels, awareness-raising campaigns or programmes, including in co-operation with national human rights institutions and equality bodies, civil society and non-governmental organisations, especially

women's organisations, where appropriate, to increase awareness and understanding among the general public of the different manifestations of all forms of violence covered by the scope of this Convention, their consequences on children and the need to prevent such violence.

2. Parties shall ensure the wide dissemination among the general public of information on measures available to prevent acts of violence covered by the scope of this Convention.

Article 14 – Education

1. Parties shall take, where appropriate, the necessary steps to include teaching material on issues such as equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, gender-based violence against women and the right to personal integrity, adapted to the evolving capacity of learners, in formal curricula and at all levels of education.
2. Parties shall take the necessary steps to promote the principles referred to in paragraph 1 in informal educational facilities, as well as in sports, cultural and leisure facilities and the media.

Article 15 – Training of professionals

1. Parties shall provide or strengthen appropriate training for the relevant professionals dealing with victims or perpetrators of all acts of violence covered by the scope of this Convention, on the prevention and detection of such violence, equality between women and men, the needs and rights of victims, as well as on how to prevent secondary victimisation.
2. Parties shall encourage that the training referred to in paragraph 1 includes training on co-ordinated multi-agency co-operation to allow for a comprehensive and appropriate handling of referrals in cases of violence covered by the scope of this Convention.

Article 16 – Preventive intervention and treatment programmes

1. Parties shall take the necessary legislative or other measures to set up or support programmes aimed at teaching perpetrators of domestic violence to adopt non-violent behaviour in interpersonal relationships with a view to preventing further violence and changing violent behavioural patterns.
2. Parties shall take the necessary legislative or other measures to set up or support treatment programmes aimed at preventing perpetrators, in particular sex offenders, from re-offending.
3. In taking the measures referred to in paragraphs 1 and 2, Parties shall 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.

Article 17 – Participation of the private sector and the media

1. Parties shall encourage the private sector, the information and communication technology sector and the media, with due respect for freedom of expression and their independence, to participate in the elaboration and implementation of policies and to set guidelines and self-regulatory standards to prevent violence against women and to enhance respect for their dignity.
2. Parties shall develop and promote, in co-operation with private sector actors, skills among children, parents and educators on how to deal with the information and communications environment that provides access to degrading content of a sexual or violent nature which might be harmful.

Chapter IV – Protection and support

Article 18 – General obligations

1. Parties shall take the necessary legislative or other measures to protect all victims from any further acts of violence.

2. Parties shall take the necessary legislative or other measures, in accordance with internal law, to ensure that there are appropriate mechanisms to provide for effective co-operation between all relevant state agencies, including the judiciary, public prosecutors, law enforcement agencies, local and regional authorities as well as non-governmental organisations and other relevant organisations and entities, in protecting and supporting victims and witnesses of all forms of violence covered by the scope of this Convention, including by referring to general and specialist support services as detailed in Articles 20 and 22 of this Convention.
3. Parties shall ensure that measures taken pursuant to this chapter shall:
 - be based on a gendered understanding of violence against women and domestic violence and shall focus on the human rights and safety of the victim;
 - be based on an integrated approach which takes into account the relationship between victims, perpetrators, children and their wider social environment;
 - aim at avoiding secondary victimisation;
 - aim at the empowerment and economic independence of women victims of violence;
 - allow, where appropriate, for a range of protection and support services to be located on the same premises;
 - address the specific needs of vulnerable persons, including child victims, and be made available to them.
4. The provision of services shall not depend on the victim's willingness to press charges or testify against any perpetrator.
5. Parties shall take the appropriate measures to provide consular and other protection and support to their nationals and other victims entitled to such protection in accordance with their obligations under international law.

Article 19 – Information

Parties shall take the necessary legislative or other measures to ensure that victims receive adequate and timely information on available support services and legal measures in a language they understand.

Article 20 – General support services

1. Parties shall take the necessary legislative or other measures to ensure that victims have access to services facilitating their recovery from violence. These measures should include, when necessary, services such as legal and psychological counselling, financial assistance, housing, education, training and assistance in finding employment.
2. Parties shall take the necessary legislative or other measures to ensure that victims have access to health care and social services and that services are adequately resourced and professionals are trained to assist victims and refer them to the appropriate services.

Article 21 – Assistance in individual/collective complaints

Parties shall ensure that victims have information on and access to applicable regional and international individual/collective complaints mechanisms. Parties shall promote the provision of sensitive and knowledgeable assistance to victims in presenting any such complaints.

Article 22 – Specialist support services

1. Parties shall take the necessary legislative or other measures to provide or arrange for, in an adequate geographical distribution, immediate, short- and long-term specialist support services to any victim subjected to any of the acts of violence covered by the scope of this Convention.
2. Parties shall provide or arrange for specialist women's support services to all women victims of violence and their children.

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.

Article 26 – Protection and support for child witnesses

1. Parties shall take the necessary legislative or other measures 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 of all forms of violence covered by the scope of this Convention.
2. Measures taken pursuant to this article shall include age-appropriate psychosocial counselling for child witnesses of all forms of violence covered by the scope of this Convention and shall give due regard to the best interests of the child.

Article 27 – Reporting

Parties shall take the necessary measures to encourage any person witness to the commission of acts of violence covered by the scope of this

Convention or who has reasonable grounds to believe that such an act may be committed, or that further acts of violence are to be expected, to report this to the competent organisations or authorities.

Article 28 – Reporting by professionals

Parties shall take the necessary measures to ensure that the confidentiality rules imposed by internal law on certain professionals do not constitute an obstacle to the possibility, under appropriate conditions, of their reporting to the competent organisations or authorities if they have reasonable grounds to believe that a serious act of violence covered by the scope of this Convention, has been committed and further serious acts of violence are to be expected.

Chapter V – Substantive law

Article 29 – Civil lawsuits and remedies

1. Parties shall take the necessary legislative or other measures to provide victims with adequate civil remedies against the perpetrator.
2. Parties shall take the necessary legislative or other measures to provide victims, in accordance with the general principles of international law, with adequate civil remedies against State authorities that have failed in their duty to take the necessary preventive or protective measures within the scope of their powers.

Article 30 – Compensation

1. Parties shall take the necessary legislative or other measures to ensure that victims have the right to claim compensation from perpetrators for any of the offences established in accordance with this Convention.
2. Adequate State compensation shall be awarded to those who have sustained serious bodily injury or impairment of health, to the extent that the damage is not covered by other sources such as the perpetrator, insurance or State-funded health and social provisions. This

3. does not preclude Parties from claiming regress for compensation awarded from the perpetrator, as long as due regard is paid to the victim's safety.
4. Measures taken pursuant to paragraph 2 shall ensure the granting of compensation within a reasonable time.

Article 31 – Custody, visitation rights and safety

1. Parties shall take the necessary legislative or other measures to ensure that, in the determination of custody and visitation rights of children, incidents of violence covered by the scope of this Convention are taken into account.
2. Parties shall take the necessary legislative or other measures to ensure that the exercise of any visitation or custody rights does not jeopardise the rights and safety of the victim or children.

Article 32 – Civil consequences of forced marriages

Parties shall take the necessary legislative or other measures to ensure that marriages concluded under force may be voidable, annulled or dissolved without undue financial or administrative burden placed on the victim.

Article 33 – Psychological violence

Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of seriously impairing a person's psychological integrity through coercion or threats is criminalised.

Article 34 – Stalking

Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of repeatedly engaging in threatening conduct directed at another person, causing her or him to fear for her or his safety, is criminalised.

Article 35 – Physical violence

Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of committing acts of physical violence against another person is criminalised.

Article 36 – Sexual violence, including rape

1. Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalised:
 - engaging in non-consensual vaginal, anal or oral penetration of a sexual nature of the body of another person with any bodily part or object;
 - engaging in other non-consensual acts of a sexual nature with a person;
 - causing another person to engage in non-consensual acts of a sexual nature with a third person.
2. Consent must be given voluntarily as the result of the person's free will assessed in the context of the surrounding circumstances.
3. Parties shall take the necessary legislative or other measures to ensure that the provisions of paragraph 1 also apply to acts committed against former or current spouses or partners as recognised by internal law.

Article 37 – Forced marriage

1. Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of forcing an adult or a child to enter into a marriage is criminalised.
2. Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of luring an adult or a child to the territory of a Party or State other than the one she or he resides in with the purpose of forcing this adult or child to enter into a marriage is criminalised.

Article 38 – Female genital mutilation

Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalised:

- a. excising, infibulating or performing any other mutilation to the whole or any part of a woman's labia majora, labia minora or clitoris;
- b. coercing or procuring a woman to undergo any of the acts listed in point a;
- c. inciting, coercing or procuring a girl to undergo any of the acts listed in point a.

Article 39 – Forced abortion and forced sterilisation

Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalised:

- a. performing an abortion on a woman without her prior and informed consent;
- b. performing surgery which has the purpose or effect of terminating a woman's capacity to naturally reproduce without her prior and informed consent or understanding of the procedure.

Article 40 – Sexual harassment

Parties shall take the necessary legislative or other measures to ensure that any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment, is subject to criminal or other legal sanction.

Article 41 – Aiding or abetting and attempt

1. Parties shall take the necessary legislative or other measures to establish as an offence, when committed intentionally, aiding or abetting the commission of the offences established in accordance with Articles 33, 34, 35, 36, 37, 38.a and 39 of this Convention.
2. Parties shall take the necessary legislative or other measures to establish as offences, when committed intentionally, attempts to

commit the offences established in accordance with Articles 35, 36, 37, 38.a and 39 of this Convention.

Article 42 – Unacceptable justifications for crimes, including crimes committed in the name of so-called “honour”

1. Parties shall take the necessary legislative or other measures to ensure that, in criminal proceedings initiated following the commission of any of the acts of violence covered by the scope of this Convention, culture, custom, religion, tradition or so-called “honour” shall not be regarded as justification for such acts. This covers, in particular, claims that the victim has transgressed cultural, religious, social or traditional norms or customs of appropriate behaviour.
2. Parties shall take the necessary legislative or other measures to ensure that incitement by any person of a child to commit any of the acts referred to in paragraph 1 shall not diminish the criminal liability of that person for the acts committed.

Article 43 – Application of criminal offences

The offences established in accordance with this Convention shall apply irrespective of the nature of the relationship between victim and perpetrator.

Article 44 – Jurisdiction

1. Parties shall take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance with this Convention, when the offence is committed:
 - a. in their territory; or
 - b. on board a ship flying their flag; or
 - c. on board an aircraft registered under their laws; or
 - d. by one of their nationals; or
 - e. by a person who has her or his habitual residence in their territory.

2. Parties shall endeavour to take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance with this Convention where the offence is committed against one of their nationals or a person who has her or his habitual residence in their territory.
3. For the prosecution of the offences established in accordance with Articles 36, 37, 38 and 39 of this Convention, Parties shall take the necessary legislative or other measures to ensure that their jurisdiction is not subordinated to the condition that the acts are criminalised in the territory where they were committed.
4. For the prosecution of the offences established in accordance with Articles 36, 37, 38 and 39 of this Convention, Parties shall take the necessary legislative or other measures to ensure that their jurisdiction as regards points d and e of paragraph 1 is not subordinated to the condition that the prosecution can only be initiated following the reporting by the victim of the offence or the laying of information by the State of the place where the offence was committed.
5. Parties shall take the necessary legislative or other measures to establish jurisdiction over the offences established in accordance with this Convention, in cases where an alleged perpetrator is present on their territory and they do not extradite her or him to another Party, solely on the basis of her or his nationality.
6. When more than one Party claims jurisdiction over an alleged offence established in accordance with this Convention, the Parties involved shall, where appropriate, consult each other with a view to determining the most appropriate jurisdiction for prosecution.
7. Without prejudice to the general rules of international law, this Convention does not exclude any criminal jurisdiction exercised by a Party in accordance with its internal law.

Article 45 – Sanctions and measures

1. Parties shall take the necessary legislative or other measures to ensure that the offences established in accordance with this

Convention are punishable by effective, proportionate and dissuasive sanctions, taking into account their seriousness. These sanctions shall include, where appropriate, sentences involving the deprivation of liberty which can give rise to extradition.

2. Parties may adopt other measures in relation to perpetrators, such as:
 - monitoring or supervision of convicted persons;
 - withdrawal of parental rights, if the best interests of the child, which may include the safety of the victim, cannot be guaranteed in any other way.

Article 46 – Aggravating circumstances

Parties shall take the necessary legislative or other measures to ensure that the following circumstances, insofar as they do not already form part of the constituent elements of the offence, may, in conformity with the relevant provisions of internal law, be taken into consideration as aggravating circumstances in the determination of the sentence in relation to the offences established in accordance with this Convention:

- a. the offence was committed against a former or current spouse or partner as recognised by internal law, by a member of the family, a person cohabiting with the victim or a person having abused her or his authority;
- b. the offence, or related offences, were committed repeatedly;
- c. the offence was committed against a person made vulnerable by particular circumstances;
- d. the offence was committed against or in the presence of a child;
- e. the offence was committed by two or more people acting together;
- f. the offence was preceded or accompanied by extreme levels of violence;
- g. the offence was committed with the use or threat of a weapon;
- h. the offence resulted in severe physical or psychological harm for the victim;

- i. the perpetrator had previously been convicted of offences of a similar nature.

Article 47 – Sentences passed by another Party

Parties shall take the necessary legislative or other measures to provide for the possibility of taking into account final sentences passed by another Party in relation to the offences established in accordance with this Convention when determining the sentence.

Article 48 – Prohibition of mandatory alternative dispute resolution processes or sentencing

1. Parties shall take the necessary legislative or other measures to prohibit mandatory alternative dispute resolution processes, including mediation and conciliation, in relation to all forms of violence covered by the scope of this Convention.
2. Parties shall take the necessary legislative or other measures to ensure that if the payment of a fine is ordered, due account shall be taken of the ability of the perpetrator to assume his or her financial obligations towards the victim.

Chapter VI – Investigation, prosecution, procedural law and protective measures

Article 49 – General obligations

1. Parties shall take the necessary legislative or other measures to ensure that investigations and judicial proceedings in relation to all forms of violence covered by the scope of this Convention are carried out without undue delay while taking into consideration the rights of the victim during all stages of the criminal proceedings.
2. Parties shall take the necessary legislative or other measures, in conformity with the fundamental principles of human rights and having regard to the gendered understanding of violence, to ensure the effective investigation and prosecution of offences established in accordance with this Convention.

Article 50 – Immediate response, prevention and protection

1. Parties shall take the necessary legislative or other measures to ensure that the responsible law enforcement agencies respond to all forms of violence covered by the scope of this Convention promptly and appropriately by offering adequate and immediate protection to victims.
2. Parties shall take the necessary legislative or other measures to ensure that the responsible law enforcement agencies engage promptly and appropriately in the prevention and protection against all forms of violence covered by the scope of this Convention, including the employment of preventive operational measures and the collection of evidence.

Article 51 – Risk assessment and risk management

1. Parties shall take the necessary legislative or other measures to ensure that an assessment of the lethality risk, the seriousness of the situation and the risk of repeated violence is carried out by all relevant authorities in order to manage the risk and if necessary to provide co-ordinated safety and support.
2. Parties shall take the necessary legislative or other measures to ensure that the assessment referred to in paragraph 1 duly takes into account, at all stages of the investigation and application of protective measures, the fact that perpetrators of acts of violence covered by the scope of this Convention possess or have access to firearms.

Article 52 – Emergency barring orders

Parties shall take the necessary legislative or other measures to ensure that the competent authorities are granted the power to order, in situations of immediate danger, a perpetrator of domestic violence to vacate the residence of the victim or person at risk for a sufficient period of time and to prohibit the perpetrator from entering the residence of or contacting the victim or person at risk. Measures taken pursuant to this article shall give priority to the safety of victims or persons at risk.

Article 53 – Restraining or protection orders

1. Parties shall take the necessary legislative or other measures to ensure that appropriate restraining or protection orders are available to victims of all forms of violence covered by the scope of this Convention.
2. Parties shall take the necessary legislative or other measures to ensure that the restraining or protection orders referred to in paragraph 1 are:
 - available for immediate protection and without undue financial or administrative burdens placed on the victim;
 - issued for a specified period or until modified or discharged;
 - where necessary, issued on an *ex parte* basis which has immediate effect;
 - available irrespective of, or in addition to, other legal proceedings;
 - allowed to be introduced in subsequent legal proceedings.
3. Parties shall take the necessary legislative or other measures to ensure that breaches of restraining or protection orders issued pursuant to paragraph 1 shall be subject to effective, proportionate and dissuasive criminal or other legal sanctions.

Article 54 – Investigations and evidence

Parties shall take the necessary legislative or other measures to ensure that, in any civil or criminal proceedings, evidence relating to the sexual history and conduct of the victim shall be permitted only when it is relevant and necessary.

Article 55 – Ex parte and ex officio proceedings

1. Parties shall ensure that investigations into or prosecution of offences established in accordance with Articles 35, 36, 37, 38 and 39 of this Convention shall not be wholly dependant upon a report or complaint filed by a victim if the offence was committed in whole or in part on its territory, and that the proceedings may continue even if the victim withdraws her or his statement or complaint.

2. Parties shall take the necessary legislative or other measures to ensure, in accordance with the conditions provided for by their internal law, the possibility for governmental and non-governmental organisations and domestic violence counsellors to assist and/or support victims, at their request, during investigations and judicial proceedings concerning the offences established in accordance with this Convention.

Article 56 – Measures of protection

1. Parties shall take the necessary legislative or other measures to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations and judicial proceedings, in particular by:
 - a. providing for their protection, as well as that of their families and witnesses, from intimidation, retaliation and repeat victimisation;
 - b. ensuring 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;
 - c. informing them, under the conditions provided for by internal law, of their rights and the services at their disposal and the follow-up given to their complaint, the charges, the general progress of the investigation or proceedings, and their role therein, as well as the outcome of their case;
 - d. enabling victims, in a manner consistent with the procedural rules of internal law, to be heard, to supply evidence and have their views, needs and concerns presented, directly or through an intermediary, and considered;
 - e. providing victims with appropriate support services so that their rights and interests are duly presented and taken into account;
 - f. ensuring that measures may be adopted to protect the privacy and the image of the victim;

- g. ensuring that contact between victims and perpetrators within court and law enforcement agency premises is avoided where possible;
 - h. providing victims with independent and competent interpreters when victims are parties to proceedings or when they are supplying evidence;
 - i. enabling victims to testify, according to the rules provided by their internal law, in the courtroom without being present or at least without the presence of the alleged perpetrator, notably through the use of appropriate communication technologies, where available.
2. A child victim and child witness of violence against women and domestic violence shall be afforded, where appropriate, special protection measures taking into account the best interests of the child.

Article 57 – Legal aid

Parties shall provide for the right to legal assistance and to free legal aid for victims under the conditions provided by their internal law.

Article 58 – Statute of limitation

Parties shall take the necessary legislative and other measures to ensure that the statute of limitation for initiating any legal proceedings with regard to the offences established in accordance with Articles 36, 37, 38 and 39 of this Convention, shall continue for a period of time that is sufficient and commensurate with the gravity of the offence in question, to allow for the efficient initiation of proceedings after the victim has reached the age of majority.

Chapter VII – Migration and asylum

Article 59 – Residence status

1. Parties shall take the necessary legislative or other measures to ensure that victims whose residence status depends on that of the

- spouse or partner as recognised by internal law, in the event of the dissolution of the marriage or the relationship, are granted in the event of particularly difficult circumstances, upon application, an autonomous residence permit irrespective of the duration of the marriage or the relationship. The conditions relating to the granting and duration of the autonomous residence permit are established by internal law.
2. Parties shall take the necessary legislative or other measures to ensure that victims may obtain the suspension of expulsion proceedings initiated in relation to a residence status dependent on that of the spouse or partner as recognised by internal law to enable them to apply for an autonomous residence permit.
 3. Parties shall issue a renewable residence permit to victims in one of the two following situations, or in both:
 - a. where the competent authority considers that their stay is necessary owing to their personal situation;
 - b. where the competent authority considers that their stay is necessary for the purpose of their co-operation with the competent authorities in investigation or criminal proceedings.
 4. Parties shall take the necessary legislative or other measures to ensure that victims of forced marriage brought into another country for the purpose of the marriage and who, as a result, have lost their residence status in the country where they habitually reside, may regain this status.

Article 60 – Gender-based asylum claims

1. Parties shall take the necessary legislative or other measures to ensure that gender-based violence against women may be recognised as a form of persecution within the meaning of Article 1, A (2), of the 1951 Convention relating to the Status of Refugees and as a form of serious harm giving rise to complementary/subsidiary protection.

2. Parties shall ensure that a gender-sensitive interpretation is given to each of the Convention grounds and that where it is established that the persecution feared is for one or more of these grounds, applicants shall be granted refugee status according to the applicable relevant instruments.
3. Parties shall take the necessary legislative or other measures to develop gender-sensitive reception procedures and support services for asylum-seekers as well as gender guidelines and gender-sensitive asylum procedures, including refugee status determination and application for international protection.

Article 61 – Non-refoulement

1. Parties shall take the necessary legislative or other measures to respect the principle of non-refoulement in accordance with existing obligations under international law.
2. Parties shall take the necessary legislative or other measures to ensure that victims of violence against women who are in need of protection, regardless of their status or residence, shall not be returned under any circumstances to any country where their life would be at risk or where they might be subjected to torture or inhuman or degrading treatment or punishment.

Chapter VIII – International co-operation

Article 62 – General principles

1. Parties shall co-operate with each other, in accordance with the provisions of this Convention, and through the application of relevant international and regional instruments on co-operation in civil and criminal matters, arrangements agreed on the basis of uniform or reciprocal legislation and internal laws, to the widest extent possible, for the purpose of:
 - a. preventing, combating and prosecuting all forms of violence covered by the scope of this Convention;
 - b. protecting and providing assistance to victims;

- c. investigations or proceedings concerning the offences established in accordance with this Convention;
 - d. enforcing relevant civil and criminal judgments issued by the judicial authorities of Parties, including protection orders.
2. Parties shall take the necessary legislative or other measures to ensure that victims of an offence established in accordance with this Convention and committed in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their State of residence.
3. If a Party that makes mutual legal assistance in criminal matters, extradition or enforcement of civil or criminal judgments imposed by another Party to this Convention conditional on the existence of a treaty receives a request for such legal co-operation from a Party with which it has not concluded such a treaty, it may consider this Convention to be the legal basis for mutual legal assistance in criminal matters, extradition or enforcement of civil or criminal judgments imposed by the other Party in respect of the offences established in accordance with this Convention.
4. Parties shall endeavour to integrate, where appropriate, the prevention and the fight against violence against women and domestic violence in assistance programmes for development provided for the benefit of third States, including by entering into bilateral and multilateral agreements with third States with a view to facilitating the protection of victims in accordance with Article 18, paragraph 5.

Article 63 – Measures relating to persons at risk

When a Party, on the basis of the information at its disposal, has reasonable grounds to believe that a person is at immediate risk of being subjected to any of the acts of violence referred to in Articles 36, 37, 38 and 39 of this Convention on the territory of another Party, the Party that has the information is encouraged to transmit it without delay to the latter for the purpose of ensuring that appropriate protection measures are taken. Where applicable, this information shall include details on existing protection provisions for the benefit of the person at risk.

Article 64 – Information

1. The requested Party shall promptly inform the requesting Party of the final result of the action taken under this chapter. The requested Party shall also promptly inform the requesting Party of any circumstances which render impossible the carrying out of the action sought or are likely to delay it significantly.
2. A Party may, within the limits of its internal law, without prior request, forward to another Party information obtained within the framework of its own investigations when it considers that the disclosure of such information might assist the receiving Party in preventing criminal offences established in accordance with this Convention or in initiating or carrying out investigations or proceedings concerning such criminal offences or that it might lead to a request for co-operation by that Party under this chapter.
3. A Party receiving any information in accordance with paragraph 2 shall submit such information to its competent authorities in order that proceedings may be taken if they are considered appropriate, or that this information may be taken into account in relevant civil and criminal proceedings.

Article 65 – Data Protection

Personal data shall be stored and used pursuant to the obligations undertaken by the Parties under the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108).

Chapter IX – Monitoring mechanism

Article 66 – Group of experts on action against violence against women and domestic violence

1. The Group of experts on action against violence against women and domestic violence (hereinafter referred to as “GREVIO”) shall monitor the implementation of this Convention by the Parties.
2. GREVIO shall be composed of a minimum of 10 members and a maximum of 15 members, taking into account a gender and geographical

- balance, as well as multidisciplinary expertise. Its members shall be elected by the Committee of the Parties from among candidates nominated by the Parties for a term of office of four years, renewable once, and chosen from among nationals of the Parties.
3. The initial election of 10 members shall be held within a period of one year following the entry into force of this Convention. The election of five additional members shall be held following the 25th ratification or accession.
 4. The election of the members of GREVIO shall be based on the following principles:
 - a. they shall be chosen according to a transparent procedure from among persons of high moral character, known for their recognised competence in the fields of human rights, gender equality, violence against women and domestic violence, or assistance to and protection of victims, or having demonstrated professional experience in the areas covered by this Convention;
 - b. no two members of GREVIO may be nationals of the same State;
 - c. they should represent the main legal systems;
 - d. they should represent relevant actors and agencies in the field of violence against women and domestic violence;
 - e. they shall sit in their individual capacity and shall be independent and impartial in the exercise of their functions, and shall be available to carry out their duties in an effective manner.
 5. The election procedure of the members of GREVIO shall be determined by the Committee of Ministers of the Council of Europe, after consulting with and obtaining the unanimous consent of the Parties, within a period of six months following the entry into force of this Convention.
 6. GREVIO shall adopt its own rules of procedure.
 7. Members of GREVIO, and other members of delegations carrying out the country visits as set forth in Article 68, paragraphs 9 and 14, shall enjoy the privileges and immunities established in the appendix to this Convention.

Article 67 – Committee of the Parties

1. The Committee of the Parties shall be composed of the representatives of the Parties to the Convention.
2. The Committee of the Parties shall be convened by the Secretary General of the Council of Europe. Its first meeting shall be held within a period of one year following the entry into force of this Convention in order to elect the members of GREVIO. It shall subsequently meet whenever one third of the Parties, the President of the Committee of the Parties or the Secretary General so requests.
3. The Committee of the Parties shall adopt its own rules of procedure.

Article 68 – Procedure

1. Parties shall submit to the Secretary General of the Council of Europe, based on a questionnaire prepared by GREVIO, a report on legislative and other measures giving effect to the provisions of this Convention, for consideration by GREVIO.
2. GREVIO shall consider the report submitted in accordance with paragraph 1 with the representatives of the Party concerned.
3. Subsequent evaluation procedures shall be divided into rounds, the length of which is determined by GREVIO. At the beginning of each round GREVIO shall select the specific provisions on which the evaluation procedure shall be based and send out a questionnaire.
4. GREVIO shall define the appropriate means to carry out this monitoring procedure. It may in particular adopt a questionnaire for each evaluation round, which shall serve as a basis for the evaluation procedure of the implementation by the Parties. This questionnaire shall be addressed to all Parties. Parties shall respond to this questionnaire, as well as to any other request of information from GREVIO.
5. GREVIO may receive information on the implementation of the Convention from non-governmental organisations and civil society, as well as from national institutions for the protection of human rights.

6. GREVIO shall take due consideration of the existing information available from other regional and international instruments and bodies in areas falling within the scope of this Convention.
7. When adopting a questionnaire for each evaluation round, GREVIO shall take due consideration of the existing data collection and research in the Parties as referred to in Article 11 of this Convention.
8. GREVIO may receive information on the implementation of the Convention from the Council of Europe Commissioner for Human Rights, the Parliamentary Assembly and relevant specialised bodies of the Council of Europe, as well as those established under other international instruments. Complaints presented to these bodies and their outcome will be made available to GREVIO.
9. GREVIO may subsidiarily organise, in co-operation with the national authorities and with the assistance of independent national experts, country visits, if the information gained is insufficient or in cases provided for in paragraph 14. During these visits, GREVIO may be assisted by specialists in specific fields.
10. GREVIO shall prepare a draft report containing its analysis concerning the implementation of the provisions on which the evaluation is based, as well as its suggestions and proposals concerning the way in which the Party concerned may deal with the problems which have been identified. The draft report shall be transmitted for comments to the Party which undergoes the evaluation. Its comments shall be taken into account by GREVIO when adopting its report.
11. On the basis of all the information received and the comments by the Parties, GREVIO shall adopt its report and conclusions concerning the measures taken by the Party concerned to implement the provisions of this Convention. This report and the conclusions shall be sent to the Party concerned and to the Committee of the Parties. The report and conclusions of GREVIO shall be made public as from their adoption, together with eventual comments by the Party concerned.
12. Without prejudice to the procedure of paragraphs 1 to 8, the Committee of the Parties may adopt, on the basis of the report and conclusions of GREVIO, recommendations addressed to this Party (a)

concerning the measures to be taken to implement the conclusions of GREVIO, if necessary setting a date for submitting information on their implementation, and (b) aiming at promoting co-operation with that Party for the proper implementation of this Convention.

13. If GREVIO receives reliable information indicating a situation where problems require immediate attention to prevent or limit the scale or number of serious violations of the Convention, it may request the urgent submission of a special report concerning measures taken to prevent a serious, massive or persistent pattern of violence against women.
14. Taking into account the information submitted by the Party concerned, as well as any other reliable information available to it, GREVIO may designate one or more of its members to conduct an inquiry and to report urgently to GREVIO. Where warranted and with the consent of the Party, the inquiry may include a visit to its territory.
15. After examining the findings of the inquiry referred to in paragraph 14, GREVIO shall transmit these findings to the Party concerned and, where appropriate, to the Committee of the Parties and the Committee of Ministers of the Council of Europe together with any comments and recommendations.

Article 69 – General recommendations

GREVIO may adopt, where appropriate, general recommendations on the implementation of this Convention.

Article 70 – Parliamentary involvement in monitoring

1. National parliaments shall be invited to participate in the monitoring of the measures taken for the implementation of this Convention.
2. Parties shall submit the reports of GREVIO to their national parliaments.
3. The Parliamentary Assembly of the Council of Europe shall be invited to regularly take stock of the implementation of this Convention.

Chapter X – Relationship with other international instruments

Article 71 – Relationship with other international instruments

1. This Convention shall not affect obligations arising from other international instruments to which Parties to this Convention are Parties or shall become Parties and which contain provisions on matters governed by this Convention.
2. The Parties to this Convention may conclude bilateral or multilateral agreements with one another on the matters dealt with in this Convention, for purposes of supplementing or strengthening its provisions or facilitating the application of the principles embodied in it.

Chapter XI – Amendments to the Convention

Article 72 – Amendments

1. Any proposal for an amendment to this Convention presented by a Party shall be communicated to the Secretary General of the Council of Europe and forwarded by her or him to the member States of the Council of Europe, any signatory, any Party, the European Union, any State invited to sign this Convention in accordance with the provisions of Article 75, and any State invited to accede to this Convention in accordance with the provisions of Article 76.
2. The Committee of Ministers of the Council of Europe shall consider the proposed amendment and, after having consulted the Parties to this Convention that are not members of the Council of Europe, may adopt the amendment by the majority provided for in Article 20.d of the Statute of the Council of Europe.
3. The text of any amendment adopted by the Committee of Ministers in accordance with paragraph 2 shall be forwarded to the Parties for acceptance.
4. Any amendment adopted in accordance with paragraph 2 shall enter into force on the first day of the month following the expiration

of a period of one month after the date on which all Parties have informed the Secretary General of their acceptance.

Chapter XII – Final clauses

Article 73 – Effects of this Convention

The provisions of this Convention shall not prejudice the provisions of internal law and binding international instruments which are already in force or may come into force, under which more favourable rights are or would be accorded to persons in preventing and combating violence against women and domestic violence.

Article 74 – Dispute settlement

1. The Parties to any dispute which may arise concerning the application or interpretation of the provisions of this Convention shall first seek to resolve it by means of negotiation, conciliation, arbitration or by any other methods of peaceful settlement accepted by mutual agreement between them.
2. The Committee of Ministers of the Council of Europe may establish procedures of settlement to be available for use by the Parties in dispute if they should so agree.

Article 75 – Signature and entry into force

1. This Convention shall be open for signature by the member States of the Council of Europe, the non-member States which have participated in its elaboration and the European Union.
2. This Convention is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.
3. This Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date on which 10 signatories, including at least eight member States of the Council of Europe, have expressed their consent to be bound by the Convention in accordance with the provisions of paragraph 2.

4. In respect of any State referred to in paragraph 1 or the European Union, which subsequently expresses its consent to be bound by it, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of its instrument of ratification, acceptance or approval.

Article 76 – Accession to the Convention

1. After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may, after consultation of the Parties to this Convention and obtaining their unanimous consent, invite any non-member State of the Council of Europe, which has not participated in the elaboration of the Convention, to accede to this Convention by a decision taken by the majority provided for in Article 20.d of the Statute of the Council of Europe, and by unanimous vote of the representatives of the Parties entitled to sit on the Committee of Ministers.
2. In respect of any acceding State, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 77 – Territorial application

1. Any State or the European Union may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.
2. Any Party may, at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration and for whose international relations it is responsible or on whose behalf it is authorised to give undertakings. In respect of such territory, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.

3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General of the Council of Europe. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.

Article 78 – Reservations

1. No reservation may be made in respect of any provision of this Convention, with the exceptions provided for in paragraphs 2 and 3.
2. Any State or the European Union may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, declare that it reserves the right not to apply or to apply only in specific cases or conditions the provisions laid down in:
 - Article 30, paragraph 2;
 - Article 44, paragraphs 1.e, 3 and 4;
 - Article 55, paragraph 1 in respect of Article 35 regarding minor offences;
 - Article 58 in respect of Articles 37, 38 and 39;
 - Article 59.
3. Any State or the European Union may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, declare that it reserves the right to provide for non-criminal sanctions, instead of criminal sanctions, for the behaviours referred to in Articles 33 and 34.
4. Any Party may wholly or partly withdraw a reservation by means of a declaration addressed to the Secretary General of the Council of Europe. This declaration shall become effective as from its date of receipt by the Secretary General.

Article 79 – Validity and review of reservations

1. Reservations referred to in Article 78, paragraphs 2 and 3, shall be valid for a period of five years from the day of the entry into force of this Convention in respect of the Party concerned. However, such reservations may be renewed for periods of the same duration.
2. Eighteen months before the date of expiry of the reservation, the Secretariat General of the Council of Europe shall give notice of that expiry to the Party concerned. No later than three months before the expiry, the Party shall notify the Secretary General that it is upholding, amending or withdrawing its reservation. In the absence of a notification by the Party concerned, the Secretariat General shall inform that Party that its reservation is considered to have been extended automatically for a period of six months. Failure by the Party concerned to notify its intention to uphold or modify its reservation before the expiry of that period shall cause the reservation to lapse.
3. If a Party makes a reservation in conformity with Article 78, paragraphs 2 and 3, it shall provide, before its renewal or upon request, an explanation to GREVIO, on the grounds justifying its continuance.

Article 80 – Denunciation

1. Any Party may, at any time, denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.
2. Such denunciation shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of the notification by the Secretary General.

Article 81 – Notification

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, the non-member States which have participated in its elaboration, any signatory, any Party, the European Union, and any State invited to accede to this Convention of:

- a. any signature;

- b. deposit of any instrument of ratification, acceptance, approval or accession;
- c. any date of entry into force of this Convention in accordance with Articles 75 and 76;
- d. any amendment adopted in accordance with Article 72 and the date on which such an amendment enters into force;
- e. any reservation and withdrawal of reservation made in pursuance of Article 78;
- f. any denunciation made in pursuance of the provisions of Article 80;
- g. any other act, notification or communication relating to this Convention.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at Istanbul, this 11th day of May 2011, in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to the non-member States which have participated in the elaboration of this Convention, to the European Union and to any State invited to accede to this Convention.

Appendix – Privileges and immunities (Article 66)

1. This appendix shall apply to the members of GREVIO mentioned in Article 66 of the Convention, as well as to other members of the country visit delegations. For the purpose of this appendix, the term “other members of the country visit delegations” shall include the independent national experts and the specialists mentioned in Article 68, paragraph 9, of the Convention, staff members of the Council of Europe and interpreters employed by the Council of Europe accompanying GREVIO during its country visits.

2. The members of GREVIO and the other members of the country visit delegations shall, while exercising their functions relating to the preparation and the carrying out of country visits, as well as the follow-up thereto, and travelling in connection with those functions, enjoy the following privileges and immunities:
 - a. immunity from personal arrest or detention and from seizure of their personal baggage, and immunity from legal process of every kind in respect of words spoken or written and all acts performed by them in their official capacity;
 - b. exemption from any restrictions on their freedom of movement on exit from and return to their country of residence, and entry into and exit from the country in which they exercise their functions, and from alien registration in the country which they are visiting or through which they are passing in the exercise of their functions.
3. In the course of journeys undertaken in the exercise of their functions, the members of GREVIO and the other members of the country visit delegations shall, in the matter of customs and exchange control, be accorded the same facilities as those accorded to representatives of foreign governments on temporary official duty.
4. The documents relating to the evaluation of the implementation of the Convention carried by members of GREVIO and other members of the country visit delegations shall be inviolable insofar as they concern the activity of GREVIO. No stoppage or censorship shall be applied to the official correspondence of GREVIO or to official communications of members of GREVIO and other members of the country visit delegations.
5. In order to secure for the members of GREVIO and the other members of the country visit delegations complete freedom of speech and complete independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

6. Privileges and immunities are granted to the persons mentioned in paragraph 1 of this appendix in order to safeguard the independent exercise of their functions in the interests of GREVIO and not for their personal benefit. The waiver of immunities of the persons mentioned in paragraph 1 of this appendix shall be made by the Secretary General of the Council of Europe in any case where, in his or her opinion, the immunity would impede the course of justice and where it can be waived without prejudice to the interests of GREVIO.

Appendix II

List of Parliamentary Assembly resolutions and recommendations on violence against women (2000-2016)

- ▶ Resolution 2101 (2016) on Systematic collection of data on violence against women
- ▶ Resolution 2084 (2015) on Promoting best practices in tackling violence against women
- ▶ Resolution 2027 (2014) Focusing on the perpetrators to prevent violence against women
- ▶ Resolution 1983 (2014) on Prostitution, human trafficking and modern slavery in Europe
- ▶ Resolution 1962 (2013) on Stalking
- ▶ Resolution 1861 (2012) on promoting the Council of Europe Convention on preventing and combating violence against women and domestic violence
- ▶ Resolution 1852 (2011) on psychological violence
- ▶ Resolution 1853 (2011) on protection orders for victims of domestic violence
- ▶ Opinion 280 (2011) on the draft convention on preventing and combating violence against women and domestic violence
- ▶ Resolution 1765 and Recommendation 1940 (2010) on gender-related claims for asylum
- ▶ Resolution 1714 and Recommendation 1905 (2010) on children who witness domestic violence

- ▶ Resolution 1697 and Recommendation 1891 (2009) on migrant women: at particular risk of domestic violence
- ▶ Resolution 1691 and Recommendation 1887 (2009) on rape of women, including marital rape
- ▶ Resolution 1681 and Recommendation 1881 (2009) on the urgent need to combat so-called “honour crimes”
- ▶ Resolution 1670 and Recommendation 1873 (2009) on sexual violence against women in armed conflicts
- ▶ Resolution 1662 and Recommendation 1868 (2009) on action to combat gender-based human rights violations, including abduction of women and girls
- ▶ Resolution 1654 and Recommendation 1861 (2009) on feminicides
- ▶ Resolution 1635 and Recommendation 1847 (2008) on combating violence against women: towards a Council of Europe convention
- ▶ Resolution 1582 and Recommendation 1817 (2007) on parliaments united in combating domestic violence against women: mid-term assessment of the campaign
- ▶ Recommendation 1777 (2007) on sexual assaults linked to “date-rape drugs”
- ▶ Resolution 1512 and Recommendation 1759 (2006) on parliaments united in combating domestic violence against women
- ▶ Recommendation 1723 (2005) on forced marriages and child marriages
- ▶ Recommendation 1681 (2004) on the campaign to combat violence against women in Europe
- ▶ Resolution 1327 (2003) on so-called “honour crimes”
- ▶ Recommendation 1582 (2002) on domestic violence against women
- ▶ Resolution 1247 (2001) on female genital mutilation
- ▶ Recommendation 1450 (2000) on violence against women in Europe

Appendix III

List of case law of the European Court of Human Rights on violence against women

Domestic violence

- ▶ M.G. v. Turkey, 22 March 2016
- ▶ Civek v. Turkey, 23 February 2016
- ▶ Wasiewska v. Poland, 2 December 2014 (decision on the admissibility)
- ▶ Rumor v. Italy, 27 May 2014
- ▶ Eremia and Others v. the Republic of Moldova, 28 May 2013
- ▶ D.P. v. Lithuania, 22 October 2013
- ▶ Valiulienė v. Lithuania, 26 March 2013
- ▶ E.M. v. Romania, 30 October 2012
- ▶ Irene Wilson v. the United Kingdom, 23 October 2012
- ▶ Kowal v. Poland, 18 September 2012
- ▶ Kaluczka v. Hungary, 24 April 2012
- ▶ Y.C. v. the United Kingdom, 13 March 2012
- ▶ Hajduová v. Slovakia, 30 November 2010
- ▶ A. v. Croatia, 14 October 2010
- ▶ N. v. Sweden, 20 July 2010
- ▶ E.S. and Others v. Slovakia, 15 September 2009
- ▶ Opuz v. Turkey, 2 June 2009
- ▶ Branko Tomasić and Others v. Croatia, 15 January 2009
- ▶ Bevacqua and S. v. Bulgaria, 12 June 2008
- ▶ Kontrová v. Slovakia, 31 May 2007

III-treatment in detention

- ▶ Juhnke v. Turkey, 22 July 2003

Police violence

- ▶ Afet Süreyya Eren v. Turkey, 20 October 2015
- ▶ Dilek Aslan v. Turkey, 20 October 2015
- ▶ İzci v. Turkey, 23 July 2013
- ▶ B. S. v. Spain, 24 July 2012
- ▶ Yazgül Yılmaz v. Turkey, 1 February 2011
- ▶ Maslova and Nalbandov v. Russia, 24 January 2008
- ▶ Y.F. v. Turkey, 22 July 2003
- ▶ Aydin v. Turkey, 25 September 1997

Rape and sexual abuse

- ▶ Y. v. Slovenia, 28 May 2015
- ▶ I.P. v. Republic of Moldova, 28 April 2015
- ▶ S.Z. v. Bulgaria, 3 March 2015
- ▶ M.A. v. Slovenia and N.D. v. Slovenia, 15 January 2015
- ▶ O’Keeffe v. Ireland, 28 January 2014
- ▶ W. v. Slovenia, 23 January 2014
- ▶ P. and S. v. Poland, 30 October 2012
- ▶ M. and Others v. Italy and Bulgaria, 31 July 2012
- ▶ I.G. v. the Republic of Moldova, 15 May 2012
- ▶ P.M. v. Bulgaria, 24 January 2012
- ▶ Maslova and Nalbandov v. Russia, 24 January 2008
- ▶ M.C. v. Bulgaria, 4 December 2003
- ▶ Aydin v. Turkey, 25 September 1997
- ▶ X and Y v. the Netherlands, 26 March 1985

Risks of ill-treatment in case of expulsion

/Female genital mutilation

- ▶ Omeredo v. Austria, 20 September 2011
- ▶ Izevbekhai v. Ireland, 17 May 2011
- ▶ Collins and Akaziebie v. Sweden, 8 March 2007

/Honour crime

- ▶ A.A. and Others v. Sweden, 28 June 2012

/Risk of trafficking or re-trafficking

- ▶ O.G.O. v. the United Kingdom, 18 February 2014
- ▶ F.A. v. the United Kingdom, 10 September 2013
- ▶ V.F. v. France, 29 November 2011
- ▶ L.R. v. the United Kingdom, 14 June 2011

/Social exclusion

- ▶ N. v. Sweden, 20 July 2010

Trafficking in human beings

- ▶ L.E. v. Greece, 21 January 2016
- ▶ Rantsev v. Cyprus and Russia, 7 January 2010

Violence by private individuals

- ▶ Ebcin v. Turkey, 1 February 2011
- ▶ Sandra Janković v. Croatia, 5 March 2009

Source: www.echr.coe.int

Appendix IV

List of other relevant international instruments and standards

- ▶ Council of Europe Recommendation Rec(2002)5 of the Committee of Ministers to member states on the protection of women against violence
- ▶ United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol
- ▶ General Recommendation No. 19 of the CEDAW Committee on violence against women
- ▶ United Nations Convention on the Rights of the Child and its Optional Protocols
- ▶ United Nations General Assembly Declaration on the Elimination of Violence against Women
- ▶ Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belem do Para)
- ▶ Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol)

Why support the Istanbul Convention?

- ▶ as a political stand, to give a clear and incontrovertible sign that, as legislators, we consider violence against women as a crime and a human rights violation, and we are not prepared to condone it, justify it or minimise it;
- ▶ because it excludes that culture, custom, religion or so-called “honour” can be used as a justification for any act of violence;
- ▶ because it aims at changing attitudes and gender stereotypes that make violence against women acceptable;
- ▶ because it will be effective in tackling violence against women as it is based on a coordinated approach, in which prevention, protection, prosecution and integrated policies are all taken into account;
- ▶ because it covers all forms of violence against women, and can also apply to other victims of domestic violence including children, men and the elderly;
- ▶ because it aims at guaranteeing minimum standards, while leaving the possibility for states to maintain or introduce more protective standards;
- ▶ because its implementation will be monitored by a strong and independent mechanism;
- ▶ because as an additional guarantee of its effective implementation, it provides for national parliaments to be involved in the monitoring procedure;
- ▶ because strong political and legal action to eradicate violence against women is necessary and long overdue.

The members of the Parliamentary Network *Women Free from Violence*

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