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

Report[1]
Committee on Equal Opportunities for Women and Men
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Summary

Violence against women is a serious crime, a form of discrimination and a human rights violation which impairs or nullifies the enjoyment of other human rights and makes equal opportunities for women and men impossible to achieve.

The Council of Europe Convention on preventing and combating violence against women and domestic violence is the most far-reaching binding instrument in the world providing a comprehensive framework to prevent violence against women, protect its victims, prosecute the perpetrators and set up a wide range of measures to address this scourge in all its complexity.

In order for this convention to save and change the lives of millions of victims and make a tangible contribution to improving the respect of human rights and the status of women, in Europe and beyond, it needs to enter into force as soon as possible and be ratified by as many states as possible.

1. Reference to committee: Doc. 12656, Reference 3788 of 24 June 2011.

Contents **Page**

A. Draft resolution 3
B. Explanatory memorandum by Mr Mendes Bota, rapporteur 5
1. Introduction 5
2. A unique instrument in the world 6
3. A strong political message 6
4. The strengths of the convention as a legal instrument 7
4.1. The extent of its material and personal scope 7
4.2. A strong emphasis on victim protection 7
4.3. High standards in the area of prosecution 8
4.4. A holistic approach including prevention and integrated policies 8
4.5. A strong, independent and innovative monitoring mechanism 8
5. How to promote the convention 9
5.1. At intergovernmental level 9
5.2. At parliamentary level 9
5.3. Reinforcing the partnership with civil society and non-governmental organisations 10
5.4. Reinforcing the Council of Europe's overall visibility in the area of gender equality 10
6. Where it should be promoted 11
6.1. In Europe 11
6.2. Worldwide 11
7. Conclusions and recommendations 11

A. Draft resolution[2]

1. Violence against women is a serious crime, a form of discrimination and a human rights violation which impairs or nullifies the enjoyment of other human rights and makes equal opportunities for women and men impossible to achieve.

2. The Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210) is the most far-reaching binding instrument in the world providing a comprehensive framework to prevent violence against women, protect its victims, prosecute the perpetrators and set up a wide range of measures to address this scourge in all its complexity.

3. The Parliamentary Assembly commends the convention for the strong political messages that it conveys, namely that changes in mentality should be promoted in society, with a view to eradicating prejudices which are based on the so-called "inferiority" of women or on stereotyped roles for women and men; that states have a responsibility to prevent, stop and sanction violence against women, whether it happens in the family or outside; and that violence against women can never be justified or excused on the basis of any cultural, historical or religious argument.

4. In addition, the Assembly praises the convention as a legal instrument setting high and progressive standards, particularly as regards its broad personal and material scope, its victim-centred approach, the obligation of criminalisation, effective investigation and prosecution of the forms of violence covered by the convention, and its strong, independent and innovative monitoring mechanism.

5. The Assembly is convinced that the Council of Europe Convention on preventing and combating violence against women and domestic violence can save and change the lives of millions of victims and make a tangible contribution to improving the respect of human rights and the status of women, in Europe and beyond.

6. For this to happen, however, the convention needs to be signed and ratified by a sufficient number of Council of Europe member states to enable it to enter into force; subsequently, it needs to be signed and ratified or acceded to by as many states as possible and effectively implemented.

7. While welcoming the ratification of the convention by Turkey, which symbolically took place on the eve of the International Day on the elimination of violence against women this year, the Assembly calls on the other Council of Europe member states which have signed the convention – Austria, Finland, France, Germany, Greece, Iceland, Luxembourg, Montenegro, Norway, Portugal, the Slovak Republic, Slovenia, Spain, Sweden, "the former Yugoslav Republic of Macedonia" and Ukraine – to take prompt measures, if necessary relying on the advice and expertise provided by the Council of Europe, to adapt their national legislation to the convention and accelerate the ratification process.

8. The Assembly also calls on the Council of Europe member states which have not yet signed the convention to do so and rapidly proceed to ratification.

9. It also asks the Council of Europe member states to:

9.1. refrain from making reservations to the convention;

9.2. apply the convention not only to women but also to other victims of domestic violence, as allowed by Article 2.2;

9.3. organise awareness-raising campaigns to enhance the knowledge of the phenomenon of violence against women in society at large;

9.4. support activities aimed at providing information about the convention, including ensuring its translation into national languages;

9.5. make voluntary contributions in support of the work undertaken by the Council of Europe to promote the convention and facilitate its signature and ratification.

2. Draft resolution adopted unanimously by the committee on 8 December 2011.

10. As regards the potential impact of the convention beyond the member states of the Council of Europe, the Assembly:

10.1. encourages UN Women and the Inter-Parliamentary Union, in the light of their universal outreach capacity and their commitment to the eradication of violence against women, to promote the convention as an instrument which could be acceded to also by non-Council of Europe member states, or which could inspire the strengthening of national legal frameworks in the area of violence against women;

10.2. encourages other regional parliamentary assemblies to take a similar position;

10.3. calls on Council of Europe observer states and the European Union to sign and ratify the convention;

10.4. encourages the parliaments enjoying the status of partner for democracy to promote accession to the convention by their states.

11. The Assembly calls on the parliaments of the Council of Europe member states to:

11.1. urge their governments to sign the convention;

11.2. organise or promote parliamentary debates and hearings on the convention;

11.3. play a proactive role in the context of the ratification process;

11.4. promote and conduct activities to raise awareness about the convention amongst the general public, practitioners, non-governmental organisations and civil society.

12. As regards its own work, the Assembly:

12.1. decides to enlarge the Network of contact parliamentarians committed to combating violence against women to include also contact parliamentarians appointed by the parliaments enjoying the status of partner for democracy;

12.2. considers that a general rapporteur on violence against women could ensure the Assembly's external representation in this area, take stock of relevant developments and report back to the Assembly. Such a general rapporteur should also ensure the political coordination of the Network of contact parliamentarians committed to combating violence against women.

13. Finally, the Assembly calls on the Secretary General of the Council of Europe to appoint a Council of Europe Special Envoy on Gender Equality, to continue to provide political impetus to the Council of Europe's work in this area, ensure the visibility of the Organisation at the highest political level and represent it with relevant high-level external interlocutors.

B. Explanatory memorandum by Mr Mendes Bota, rapporteur

1. Introduction

1. It has taken a long period of reflection and a well thought-out process for the Council of Europe to finalise a comprehensive and legally binding instrument in the area of violence against women. In the last decade, all the main Council of Europe bodies and institutions have played an important role in achieving this result, each of them relying on its specific expertise and tools:

– The Parliamentary Assembly has drawn the member states' attention to violence against women through a wealth of resolutions and recommendations.[3]

– In 2002, with a milestone text, the Committee of Ministers proposed a comprehensive strategy for the prevention of the phenomenon and the protection of its victims in all Council of Europe member states.[4]

– To give more impetus to this effort, the heads of state and government of the Council of Europe member states decided, at their 3rd Summit in 2005, to carry out a large-scale campaign on the issue.[5]

– This work culminated, in the period 2006-2008, in a Council of Europe Campaign, which was conducted at three levels: intergovernmental, parliamentary and local.

– The Assembly ensured the parliamentary dimension of the campaign, through the establishment of a Network of contact parliamentarians committed to combating violence against women. Parliamentarians pushed for changes in legislation, organised parliamentary debates and hearings, gave interviews and made public statements with a view to raising awareness about the phenomenon of violence against women. [6]

– During the campaign and at its conclusion, a number of bodies recognised the need for harmonised legal standards in Europe on violence against women. The Assembly, in particular, did so in its Resolution 1582 (2007) and Recommendation 1817 (2007) on parliaments united in combating domestic violence against women and Resolution 1635 (2008) and Recommendation 1847 (2008) on combating violence against women: towards a Council of Europe Convention, for which I was rapporteur.

– In December 2008, the Ministers' Deputies approved the terms of reference of the drafting body of the convention (the Ad Hoc Committee on Preventing and Combating Violence against Women and Domestic Violence, CAHVIO).[7]

– The CAHVIO held nine meetings, each lasting one week, to negotiate the text of the convention. As the Assembly's representative, I attended all of them, ensuring that the Assembly's position was heard.

2. During this process, the European Court of Human Rights contributed to clarifying the notion of violence against women as a human rights violation with its milestone decision in the case of *Opuz v. Turkey.*[8]

3. The outcome of this consistent, cross-institutional effort is before our eyes, in black and white. It is the Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210, hereafter "the Istanbul Convention"), which was opened for signature in May 2011 and has so far been ratified by Turkey and signed by 16 other Council of Europe member states.[9]

4. The Assembly has consistently and repeatedly expressed its support for the Istanbul Convention. However, for this convention to serve its purpose and have an impact on the lives of millions of women, it is not enough for it to be on paper: it needs to enter into force and be applied as law as soon as possible. Women, victims of violence, have already waited too long.

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3. Amongst them, it is worth recalling: Recommendation 1450 (2000) on violence against women in Europe, Resolution 1327 (2003) on so-called "honour crimes", Recommendation 1723 (2005) on forced and child marriages, Recommendation 1777 (2007) on sexual assaults linked to "date-rape drugs", Resolution 1247 (2001) on female genital mutilation, Resolution 1582 (2007) on parliaments united in combating domestic violence against women, Resolution 1691 (2009) on rape of women including marital rape and Resolution 1654 (2009) on feminicides.
4. Recommendation Rec(2002)5 of the Committee of Ministers on the protection of women against violence.
5. See point 9 of the Warsaw Declaration, www.coe.int/t/dcr/summit/20050517_decl_varsovie_en.asp/.
6. www.coe.int/t/pace/campaign/stopviolence/default_en.asp/.
7. www.coe.int/t/dghl/standardsetting/violence/CAHVIO_2009_1%20Terms%20of%20reference.pdf.
8. www.coe.int/t/dghl/standardsetting/minjust/mju29/CASE%20OF%20OPUZ%20v[1].%20TURKEY.pdf.
9. Austria, Finland, France, Germany, Greece, Iceland, Luxembourg, Montenegro, Norway, Portugal, Slovakia, Slovenia, Spain, Sweden, "the former Yugoslav Republic of Macedonia" and Ukraine.

2. A unique instrument in the world

5. The Istanbul Convention is the first and only convention in the world to address in a comprehensive way all forms of violence against women, and have a potentially unlimited geographical scope.

6. Violence against women, although not explicitly mentioned in the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), should be considered as a form of discrimination under its Article 1, as clarified by the Committee on the Elimination of Discrimination against Women in its General Recommendation No. 19 (1992).[10] In addition, following General Recommendation No. 12 (1991), information on violence against women should be systematically included in the CEDAW country reports.[11]

7. Despite the importance of the obligations stemming from the CEDAW Convention also in relation to the elimination of violence against women, this instrument does not provide a comprehensive basis to tackle this phenomenon.

8. At regional level, there are only two binding instruments on violence against women:

– the Inter-American Convention on the prevention, punishment and eradication of violence against women, adopted in 1994 by the Organization of American States;[12]

– the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, adopted in 2003 by the African Union (the so-called Maputo Protocol).[13]

9. The former has been signed and ratified by 32 member states of the Organization of American States, and entered into force in 1995. The latter has been ratified by 30 states of the African Union Organization.

10. However, both instruments are much more limited than the Council of Europe convention in their material scope and standards, do not foresee any monitoring mechanism and are not open for signature by states which are not members of the regional organisations concerned.

3. A strong political message

11. The Istanbul Convention is not only a unique legal instrument, it is also a text making a number of political statements. I would like to repeat, loud and clear, the political reasons why this convention should be supported:

– it recognises that freedom from violence is a basic human right, without which all other rights, including the right to equality, are bound to be flouted. Several passages of the convention refer to the concept of freedom from violence, such as the Preamble ("Aspiring to create a Europe free from violence against women and domestic violence") and Article 4 ("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"). Moreover, the explanatory memorandum explicitly says that "violence against women seriously violates and impairs or nullifies the enjoyment by women of their human rights, in particular their fundamental rights to life, security, freedom, dignity and physical and emotional integrity";

– it makes it clear that violence against women, even when taking place inside the home, is not a private matter but one which engages the public interest. This concept, which is also expressed by the European Court of Human Rights in the decision in *Opuz v. Turkey*, is reiterated several times in the convention, including in Articles 4 and 3.*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"). In this context, the convention not only asks states to refrain from acts of violence against women, but it also asks them to exercise due diligence to prevent, investigate, punish and provide reparation for acts of violence covered by the convention that are perpetrated by non-state actors;[14]

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10. www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm.
11. Ibid.
12. www.oas.org/en/CIM/docs/Belem-do-Para[EN].pdf.
13. www.achpr.org/english/_info/women_en.html.
14. Article 5.

– it asks states to promote changes in mentality in society, with a view to eradicating prejudices which are based on the inferiority of women or on stereotyped roles for women and men. Similarly, it asks states to take all the necessary measures to encourage all members of society, especially men and boys, to actively contribute to preventing all forms of violence covered by the scope of the convention.[15]

12. The political messages conveyed by the convention provide additional reasons to support it.

4. The strengths of the convention as a legal instrument

13. The Istanbul Convention is the result of intensive negotiations within the CAHVIO, which spanned over a period of two years and brought together, in addition to representatives of Council of Europe member states, other stakeholders such as the European Union, Council of Europe observer states, the Assembly, the Congress of Local and Regional Authorities, the Council of Europe Commissioner for Human Rights, UNIFEM/UN Women and a broad range of non-governmental organisations.

14. The convention is the result of a delicate compromise between diverging views, interests and concerns. At the same time, however, it is the best possible compromise which could have been reached, and reflects high and progressive standards. As the rapporteur responsible for the preparation of the Assembly's Opinion on the draft convention,[16] at the request of the Committee of Ministers, I have already listed the manifold reasons why the Istanbul Convention should be supported. Let me just recall briefly some of its major merits.

4.1. The extent of its material and personal scope

15. The convention covers all forms of violence against women, including forced marriages, psychological violence, stalking, physical violence, sexual violence including rape, female genital mutilation, forced abortion and forced sterilisation and sexual harassment. It also makes clear that so-called "honour" should not be considered as an excuse for violence against women.

16. It applies to women, without discrimination, but the parties are encouraged to apply it to all victims of domestic violence, be they men, children or the elderly.

4.2. A strong emphasis on victim protection

17. Provisions on the protection of victims are at the core of the convention, and are particularly extensive. They include obligations on the states parties to:

– grant the police the power to remove a perpetrator of domestic violence from his or her home for a specified period of time;

– ensure that victims are given access to clear and concise information on their rights as well as available assistance and protection services;

– set up easily accessible shelters in sufficient numbers and equitably distributed across their territory;

– make available telephone helplines, which cover the entire country and can be used by victims confidentially and free of charge;

– set up easily accessible rape crisis or sexual violence referral centres.

18. Article 30 of the convention also sets an obligation on the states parties to ensure that victims have the right to claim compensation from perpetrators for the offences established by the convention. In addition, state compensation is foreseen under specific circumstances, even if the states parties are allowed to make reservations to this particular provision.[17]

15. Article 12.

16. Assembly Opinion 280 (2011), rapporteur: Mr José Mendes Bota (Portugal, EPP/CD).

17. "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 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" (Article 30, paragraph 2).

4.3. High standards in the area of prosecution

19. One of the main achievements of the convention is that it defines and criminalises violence against women and domestic violence. States parties are asked to introduce offences in their national legislation to criminalise the forms of violence covered by the convention, when it is not already the case.

20. Despite this strong requirement, a certain margin of flexibility is possible. Indeed, the states parties may declare that they reserve the right to provide for non-criminal sanctions, instead of criminal sanctions, in relation to psychological violence and stalking.[18] Such a reservation is possible for a renewable period of five years.[19]

21. In any case, it is explicitly prohibited that culture, tradition or so-called "honour" be used as a justification for violence against women or as a mitigating factor in the context of judicial proceedings. In any case, these should be conducted in a manner that respects the rights of victims at all stages of the proceedings and that avoids secondary victimisation.

22. The convention also includes provisions on the stage of the investigations. This is often a very delicate stage as, in reality, a high proportion of complaints are not registered or acted upon, often because of the lack of a legal basis to do so. According to the convention, law enforcement agencies will have to respond to calls for help, collect evidence and assess the risk of further violence to adequately protect the victims.

4.4. A holistic approach including prevention and integrated policies

23. The convention is based on the premise that no single agency or institution can deal with violence against women and domestic violence alone. An effective response requires concerted action by different actors. The experience of countries where this is already being done shows that results are improved when law enforcement agencies, the judiciary, non-governmental organisations (NGOs), child protection agencies and other relevant partners join forces.

24. Along the same lines, prevention occupies a major place in the framework of the convention: states parties are required to train professionals who are in close contact with the victims, regularly organise awareness-raising campaigns, take steps to include issues such as gender equality and non-violent conflict resolution in teaching material, set up treatment programmes for perpetrators of domestic violence and sex offenders, involve the media and the private sector in eradicating gender stereotypes and promoting mutual respect, and work closely with NGOs.

4.5. A strong, independent and innovative monitoring mechanism

25. The convention establishes a strong, independent mechanism to monitor its implementation at national level. It will be two-pronged, with one body, GREVIO (Group of experts on action against violence against women and domestic violence), composed of a minimum of 10 members and a maximum of 15 members, and the Committee of the Parties, composed of the representatives of the states parties to the convention.

26. GREVIO members are to be chosen in a transparent manner from a group of people 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 the convention. They will sit in the GREVIO in their individual capacity and be independent and impartial in the exercise of their functions.

27. Using a report-based procedure, the GREVIO will assess how the states parties implement the convention. In addition to reports received from the state party under scrutiny, it may draw on information from NGOs. Should the information be insufficient or should a particular issue require immediate attention, the GREVIO may travel to the country in question for an inquiry. On the basis of the information at its disposal, the GREVIO may adopt reports and conclusions aimed at helping the state party to better implement the convention. It may also adopt general recommendations addressed to all states parties.

28. Finally, the convention introduces an innovative parliamentary monitoring, with national parliaments being involved in the procedure at national level and, at European level, with the Parliamentary Assembly being called on to regularly take stock of the implementation of the convention.

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18. Article 78, paragraph 3.
19. Article 79, paragraph 1.

5. How to promote the convention

5.1. At intergovernmental level

29. The Council of Europe Convention on preventing and combating violence against women and domestic violence is also the result of a campaign which was conducted in the period 2006-2008. The Council of Europe does not intend to organise a second campaign to promote the signature and ratification of the convention, but it has nonetheless set in motion a number of activities to this end.

30. In 2011, regional seminars took place in Bosnia and Herzegovina and the Slovak Republic, bringing together 28 member states of the Council of Europe. These events reconciled the political and technical dimensions, making it possible for the Council of Europe to publicise the convention while providing legal expertise to states from the region. A third similar regional event will take place in spring 2012. Between October and December 2011, the convention was presented at 15 different national and international events organised by external partners of the Council of Europe. In addition, the Council of Europe is finalising a number of promotion tools, such as a website on the convention, two publications about the key themes and the added value of the convention as well as visibility material of different kinds.

31. Above all, what the Council of Europe can do is provide expertise, legal advice, and examples of good practices, in order to help member states overcome the technical challenges arising from the process of adaptation of their domestic legislation to the convention and speed up the process of signature and ratification.

32. The Council of Europe needs to have at its disposal adequate resources to continue with this important promotion work in the coming months, which are crucial to achieve enough signatures and ratifications for the convention to enter into force and start having an impact on women's lives.

33. In the current period of budgetary constraints, it is all the more important, therefore, that member states support the Council of Europe in its endeavour, if possible by making voluntary contributions.

5.2. At parliamentary level

5.2.1. The Network of contact parliamentarians committed to combating violence against women

34. The Parliamentary Assembly has an excellent instrument in place to promote the signature and ratification of the convention: the PACE Network of contact parliamentarians committed to combating violence against women.

35. This Network was first set up in the context of the Campaign to combat violence against women, which the Council of Europe conducted from 2006 to 2008. Over that period, some 40 national parliaments and 56 contact parliamentarians conducted more than 200 activities throughout Europe to condemn violence against women, raise awareness among parliamentarians and the general public, amend the laws to prevent this scourge, better protect victims and effectively prosecute the perpetrators.

36. With its Resolution 1635 (2008) on combating violence against women: towards a Council of Europe convention, the Assembly decided that the end of the Council of Europe campaign should not mark the end of the Network. On the contrary, this innovative and powerful tool would be instrumental in enhancing information-sharing amongst parliamentarians and co-ordinating joint actions.

37. The Network of contact parliamentarians is currently composed of 43 members. It is a *sui generis* structure, composed of members of parliamentary delegations of observer and member states to the Parliamentary Assembly. Members are designated by national delegations for an unlimited duration. The meetings of the Network are chaired by the Chairperson of the Assembly's Committee on Equal Opportunities for Women and Men[20] and take place under the aegis of this committee.

38. Since June 2010, the Network of contact parliamentarians has met at every part-session in Strasbourg, organising hearings on different aspects of the convention. Now that the convention has been opened for signature, the Network should have as its primary aim the promotion of this instrument. Relying on their dual capacity as Assembly members and national parliamentarians, its members should mobilise in order to:

– put questions to their governments regarding steps being taken towards signature of the convention;

20. As from 23 January 2012, this committee will become the Committee on Equality and Non-Discrimination, and will continue to animate and organise the work of the Network.

– organise or promote parliamentary debates and hearings on the convention;

– play a proactive role in the context of the ratification process;

– conduct activities to raise awareness about the convention amongst the general public, practitioners, non-governmental organisations and civil society.

39. In addition, in order to ensure better leadership and co-ordination of the activities undertaken by its members, and their synergy with the work of the intergovernmental side of the Council of Europe, it would be advisable for the Network to have a political co-ordinator and to have at its disposal a website on which the Network members could publicise their activities and exchange ideas and good practices.

40. Finally, taking into account the increasing contacts and co-operation between the Assembly and the Council of Europe neighbourhood, it appears advisable to extend the Network membership to give parliaments enjoying the status of partner for democracy the possibility to appoint a contact parliamentarian.

5.2.2. Reinforcing the Assembly's impact and visibility in the field of violence against women

41. Although the Network has proved to be a very good and flexible instrument over the years, additional measures to strengthen the Assembly's visibility and operational capacity in this area could be envisaged. This is also desirable in the context of the expansion of the mandate of the Committee on Equal Opportunities for Women and Men as from January 2012, which should not have any negative impact on the committee's ongoing work in the field of violence against women.

42. Some of the possible measures to be considered include:

– appointing an Assembly general rapporteur on violence against women in accordance with the Assembly's Rules of Procedure, to give political visibility to the subject and ensure that, at any given time, the Assembly has its interlocutor vis-à-vis counterparts in other organisations. The mandate of the general rapporteur would be to follow developments in the area of violence against women in Council of Europe member states and prepare a report to be debated in the Assembly. The general rapporteur should also follow developments concerning the Istanbul Convention and, in so far as possible, the European Union, Council of Europe observer states and states or entities whose parliaments enjoy the partner for democracy status with the Assembly. It would also increase synergy and consistency if the general rapporteur also acted as political co-ordinator of the Network of contact parliamentarians committed to combating violence against women;

– publishing a handbook explaining the convention and addressed to parliamentarians, in order to enhance knowledge of the convention and model legislation;

– calling for voluntary contributions from national parliaments to supplement the resources made available through the Assembly budget.

5.3. Reinforcing the partnership with civil society and non-governmental organisations

43. It is essential for the Council of Europe to establish a partnership and organise joint visibility and awareness-raising events with civil society and non-governmental organisations, in order to bring together all the stakeholders who could put pressure on national governments to sign the Istanbul Convention, as well as to ensure that the general public, as well as the victims and potential victims of gender-based violence, know about this instrument.

5.4. Reinforcing the Council of Europe's overall visibility in the area of gender equality

44. The Council of Europe Convention on preventing and combating violence against women and domestic violence is an invaluable visiting card for our Organisation, which builds upon years of serious and reputable work to promote equality and dignity of human beings. However, there is need for a political figure to present this card and to continue to raise the Council of Europe's visibility and profile in the area of gender equality.

45. The Assembly should call on the Secretary General of the Council of Europe to appoint a Council of Europe Special Envoy on gender equality, to ensure the political visibility of the Council of Europe's work at the highest level and represent the Organisation with external interlocutors, such as UN Women and other relevant human rights bodies and mechanisms.

6. Where it should be promoted

6.1. In Europe

46. The first objective is to ensure that more Council of Europe member states sign the Istanbul Convention, and that at least a minimum number of states which have already signed it conclude the ratification process as soon as possible.

47. This is particularly urgent because the Istanbul Convention will enter into force only 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 ratified it.[21]

48. The next target, however, should be the European Union. The Committee of Ministers should establish a close dialogue with the European Union on the issue of violence against women, with a view to avoiding double standards or contradictions between the Council of Europe convention and EU legislation in this field. In addition, after the accession of the European Union to the European Convention on Human Rights (ETS No. 5) has been concluded, the European Union should be encouraged to accede to the Istanbul Convention.[22]

6.2. Worldwide

49. The Istanbul Convention is an "open instrument". This means that, after its entry into force, the Committee of Ministers of the Council of Europe may, through consultation with the states parties and after obtaining their unanimous consent, invite any non-member state of the Council of Europe which has not been involved in the drafting of the convention, to accede to it. The relevant decision can be taken by the Committee of Ministers with a two-thirds majority, including the unanimous vote of the parties to the convention who are also members of the Council of Europe.[23]

50. In the light of the increasing emphasis that the Council of Europe and the Assembly place on co-operation with neighbouring countries in the southern Mediterranean and Asia, where violence against women is a widespread problem, it would be important to underscore the far-reaching character of the Istanbul Convention, and invite countries from these regions to manifest an interest in acceding to it.

51. At the same time, the Council of Europe and the Assembly should strengthen their already excellent partnership and co-operation with UN Women, the UN Special Rapporteur on violence against women, the Inter-Parliamentary Union and many others in order to promote knowledge of the convention and possibly its signature by other states in the world. The Assembly should also take a similar stance in its relations with other regional parliamentary assemblies.

7. Conclusions and recommendations

52. With the Convention on preventing and combating violence against women and domestic violence, the Council of Europe has, once again, confirmed its pioneering role as a standard-setting organisation in the area of human rights. This convention provides the most comprehensive framework in the world to prevent violence against women, protect its victims, prosecute the perpetrators and set up a wide range of measures to address this scourge in all its complexity.

53. The convention should be commended first of all for the strong political messages that it delivers, namely that violence against women is a human rights violation which inevitably leads to others, such as the right to dignity, life, security, freedom, physical and emotional integrity, and therefore makes equal opportunities for women and men impossible to achieve. It also clearly states that violence against women cannot be tolerated, whether it happens in the family or outside, and that it can never be justified or excused on the basis of any cultural, historical or religious argument.

54. Moreover, the convention should be praised as a legal instrument setting high and progressive standards, with particular regard to its broad personal and material scope, its victim-centred approach, the obligation of criminalisation, effective investigation and prosecution of the forms of violence covered by the convention, and its strong, independent and innovative monitoring mechanism.

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21. Article 75.
22. This is technically possible. The relevant procedure is laid down in Article 75, paragraphs 1 and 4.
23. Article 76.

55. However, recognising its value, praising and commending it are not enough. This convention has the potential to save and change the lives of millions of women who are victims of violence because of their gender, and millions of other victims of domestic violence.

56. The Parliamentary Assembly should put all its political weight behind promoting the signature and ratification of the convention by as many states as possible and within the shortest possible time-frame, so that it can enter into force and have a real impact in the achievement of *de jure* and *de facto* gender equality.