Parliamentary Assembly
Assemblée parlementaire
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 15673
05 January 2023

The Istanbul Convention: progress and challenges

Report[1]
Committee on Equality and Non-Discrimination
Rapporteur: Ms Zita GURMAI, Hungary, Socialists, Democrats and Greens Group

Summary

The Convention on the Protection and Prevention of Violence against Women and Domestic Violence, the Istanbul Convention, remains the best international framework for protecting women from gender-based violence and preventing domestic violence. In the decade since its opening for signature, the convention has considerably influenced changes in national laws, has given greater visibility to the urgent need to address violence against women and domestic violence, and brought changes in policies.

Despite these achievements, alarmingly high levels of violence and tragic femicides persist, harming and killing women and girls in all their diversity, especially in the context of intimate partner violence. The Parliamentary Assembly urges those member States not yet having ratified the Istanbul Convention and the European Union to do so. It calls on States Parties to the convention to step up their implementation of its provisions, including on the basis of the evaluation reports by the Group of Experts on Action against Violence against Women and Domestic Violence, GREVIO. Violence against women and domestic violence must also be a priority in the Action Plan of the 4th Summit of Heads of State and Government of the Council of Europe in Reykjavik in May 2023.

1. Reference to Committee: Doc. 15386, Reference 4617 of 24 January 2022.

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A. Draft resolution[2]

1. Gender-based violence as an extreme form of violation of human rights is present in all member States of the Council of Europe. It is a consequence of persistent inequalities between individuals and groups at all levels, whether social, economic or legal. Although men and boys are also victims, women and girls are disproportionately affected by gender-based violence. The risk of violence is multiplied by social and intersectional factors such as disability, ethnic origin and sexual orientation.

2. According to United Nations estimates, 736 million women in the world have suffered physical and/or sexual intimate partner violence, non-partner sexual violence, or both (not including sexual harassment), at least once in their life, which represents 30% of women aged 15 and above. According to first findings, gender-based violence increased during the Covid-19 pandemic due to successive lockdowns which trapped victims in closed spaces with their aggressors, and at the same time complicated women's and girls' access to protection and assistance, in what has been termed a "shadow pandemic".

3. Recognising the need for comprehensive systems for the prevention of and protection against gender-based violence, and for policies to eliminate violence in particular against women and girls, the Council of Europe adopted its Convention on the Protection and Prevention of Violence against Women and Domestic Violence (CETS No. 210, "Istanbul Convention"), opened for signature on 11 May 2011, which entered into force on 1 August 2014. The convention now counts 37 ratifications, and 8 signatures not yet followed by ratification.

4. The Parliamentary Assembly welcomes the high number of ratifications of the Istanbul Convention to date, which gives some optimism for future progress in eliminating gender-based violence. It is impressed by the influence the convention has had on national legislations to fight gender-based violence, which have been adapted to ensure conformity with the convention, and by the changes it has inspired in policies and awareness-raising work. The Assembly congratulates the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) and the Committee of the Parties for their work so far, in the far-reaching 2016-2023 baseline evaluation cycle, as well as its first third party intervention before the European Court of Human Rights and first General Recommendation on the digital dimension of violence against women.

5. Despite these achievements, alarmingly high levels of violence and tragic femicides persist, harming and killing women and girls from all walks of life and in all their diversity, especially in the context of intimate partner violence. Backlash against and backsliding of women's rights are commonplace and often originate in political discourse aimed to maintain inequalities and impose ever tighter restrictions on democracy and human rights.

6. The Assembly points out that gender-based violence comes at a cost, which the European Institute for Gender Equality estimated in 2021 to amount to €366 billion a year, of which 79 % is linked to violence against women. Physical and emotional impacts make up 56% of this cost, criminal justice services 21% and lost economic output 14%. In the interests of all of society, action must therefore be stepped up to end the inequalities which lead to violence and to empower people in situations of vulnerability by giving them full access to their rights.

7. Referring to its previous Resolution 2289 (2019) "The Istanbul Convention on violence against women: achievements and challenges", the Assembly reiterates the recommendations set out in that text. In addition, with regard to promoting its ratification, the Assembly:

7.1. urges Azerbaijan to sign and ratify it without further delay;

7.2. urges the parliaments of Armenia, Bulgaria, the Czech Republic, Hungary, Latvia, Lithuania and the Slovak Republic to increase their efforts to promote and engage in procedures for ratification to follow up on their signature;

7.3. urges Türkiye, the country that gave its name to the convention and was among the first ratifications, to reconsider its withdrawal and return to the convention;

7.4. encourages the European Union to overcome the legal obstacles to ratification as a means of ensuring the implementation of its provisions in all European Union member States and of promoting it in others;

2. Draft resolution adopted unanimously by the committee on 1 December 2022.

7.5. encourages Israel, Kazakhstan and Tunisia to follow up on the invitation of the Committee of Ministers of the Council of Europe to accede to the convention, and encourages other non-member States, observers and partners for democracy to do so as soon as possible.

8. With respect to the prevention of violence against women and girls and domestic violence, the Assembly calls on all States Parties to the Istanbul Convention to fully implement its provisions as an assurance of solid, protective laws and policies relating to prevention, protection and prosecution embedded in a set of integrated policies. To this end it calls on the parliaments of States Parties to the Istanbul Convention to:

8.1. carry out regular assessments of national legislation and propose revisions of laws where they are not in conformity with the provisions of the convention;

8.2. make sure that legislation is efficient in ensuring protection against violence against women and girls, including domestic violence, and prosecution of perpetrators of violence;

8.3. ensure regular monitoring of implementation in accordance with Article 70 of the convention and give adequate prominence to the baseline reports of GREVIO and the recommendations of the Committee of the Parties in parliamentary debates and hearings;

8.4. organise awareness-raising campaigns both in their parliaments and in their constituencies, and to report back to the Assembly annually in order to document these good practices;

8.5. bearing in mind the requirement under the convention for policies to place the rights of the victim at the centre of all measures, to ensure co-operation between all relevant stakeholders in design and implementation of policies and programmes, including women's civil society organisations and diverse communities;

8.6. include a gender perspective in the implementation and evaluation of the impact of the convention as set out in its Article 6.

9. With respect to dispelling deliberate misrepresentations around the ultimate objectives of the Istanbul Convention, the Assembly underlines that these are part of broader negative tendencies in today's societies carried by anti-rights movements and aiming to curb the enjoyment of human rights by persons belonging to certain groups. It asks all parliaments of Council of Europe member and observer States as well as parliaments which enjoy the status of observer or partner for democracy with the Assembly to:

9.1. firmly assert that the convention focuses on women and girls in all their diversity as people who are disproportionately affected by gender-based violence;

9.2. acknowledge that the convention does not threaten the nuclear family or family values, nor does it impose certain lifestyles;

9.3. further take into account that the convention does not encourage irregular or illegal migration when endeavouring to ensure that women victims of intimate partner violence are not dependent on the residency status of their aggressors;

9.4. recognise that domestic legislation may be effective but that the convention provides a blueprint for national legislation and an efficient system of evaluation and assistance in implementation, and that sharing of best practices and trans-border and international co-operation are important in combating violence against women and domestic violence.

10. The Assembly welcomes the priority given to preventing and combating violence against women and domestic violence in the report of the High Level Reflection Group on the Council of Europe's role in responding to new realities and challenges facing Europe and the world, published in October 2022, which will contribute to the themes taken up by the 4th Summit of Heads of State and Government announced by the Committee of Ministers for 16-17 May 2023.

11. Recalling that it has constantly called for the organisation of a new summit since 2017, the Assembly requests that the recommendations in the report be followed up by the Committee of Ministers and that the priority given by the High Level Reflection Group be adequately reflected in the action plan of the 4th Summit.

12. Finally, the Assembly decides to hold an annual exchange to take stock of progress with ratification and implementation of the Istanbul Convention, as part of its monitoring responsibilities under the convention.

B. Draft recommendation[3]

1. Referring to its Resolution ... (2023) "The Istanbul Convention: progress and challenges", the Parliamentary Assembly congratulates the Committee of Ministers for its constant support for the Convention on the Protection and Prevention of Violence against Women and Domestic Violence (CETS No. 210, "Istanbul Convention"), which has contributed to its ratification by 37 member States to date.

2. In the light of the absolute need to do more to eliminate violence against women and domestic violence by promoting the Istanbul Convention, as a unique and essential tool in shaping preventive and protective legislation and policies and punishing perpetrators of gender-based violence, as well as of the need to dispel deliberate misrepresentations of the treaty, the Assembly calls on the Committee of Ministers to:

2.1. promote ratification of the Istanbul Convention in those countries having not yet ratified it, and to encourage States having ratified it to lift any reservations made on accession where this is possible;

2.2. promote feminist foreign policies as a means to attain more representative, inclusive policy making and multilateral action in combating gender-based violence on the basis of the normative international framework;

2.3. in continuity with the recommendations made in October 2022 by the High-level Reflection Group on the Council of Europe's role in responding to new realities and challenges facing Europe and the world, ensure that priority is given in the Action Plan of the 4th Summit of Heads of State and Government of the Council of Europe in May 2023 to combating violence against women and domestic violence through the implementation of the Istanbul Convention;

2.4. take action to ensure implementation of the Dublin Declaration of Council of Europe Ministers on the prevention of domestic, sexual and gender-based violence adopted in September 2022;

2.5. ensure that the new Gender Equality Strategy (2024-2029) gives priority to combating and preventing violence against women, building on the successes of the current strategy 2018-2023;

2.6. give renewed support to the Council of Europe's activities on gender equality and on combating violence against women, as well as the Assembly's Parliamentary Network Women Free from Violence, including through financial contributions by member States.

3. Finally, the Assembly proposes a new Organisation-wide awareness-raising campaign on the aims and impact of the Istanbul Convention and its contribution towards women's rights and gender equality in Europe.

3. Draft recommendation adopted unanimously by the committee on 1 December 2022.

C. Explanatory memorandum, by Ms Zita Gurmai, rapporteur

1. Introduction

1. In 2019, I was rapporteur for the Parliamentary Assembly's very first report on the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210, "Istanbul Convention"), "The Istanbul Convention on violence against women: achievements and challenges".[4] The report took stock of the first achievements of the Istanbul Convention, and made a number of recommendations, for instance on co-operation with the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) in implementing and monitoring activities, as well as on prevention and protection services to be provided to those at risk and to victims, and on awareness-raising and training for professionals in the area.

2. The call to prepare a second report was made on 23 June 2021 when, at the initiative of former Assembly President, Rik Daems, and as a response to the withdrawal from the convention by Türkiye, the Assembly held a high-level event and interactive debate marking a decade since its adoption, entitled "The Istanbul Convention: 10 years on". All speakers underlined the vital importance of the Istanbul Convention, praised the progress achieved, reaffirmed their support and called for more ratifications and effective implementation, undertaking to counter misconceptions and backlash. Concluding the event as General Rapporteur on violence against women and Coordinator of the Network Women Free from Violence, I pointed to the importance of political will to change society and to the need for champions of the cause of putting an end to violence, both men and women.

3. The motion for a resolution drafted after the event stated that the leading role should be played by the Assembly's General Rapporteur on violence against women "and supported by the Parliamentary Network Women Free from Violence", which led to my appointment as rapporteur. As Coordinator of the Network, I was supported by the advice and experience of the members of the Network during all stages of preparation of this report. The President of the Assembly, Tiny Kox, has also been an important ally in promoting this work at the highest level.

4. Following the 11 May celebration of the opening for signature of the convention, the 23 June 2021 event and the Assembly's participation in the United Nations Generation Equality Forum (Paris, 30 June-2 July 2021)[5] were two milestones marking a decade of action framed by the Council of Europe's Istanbul Convention. Through its President, the Assembly made a pledge to the forum, to step up its efforts to promote the Convention by all means.

2. Scope and objectives of the report

5. The Istanbul Convention remains the most innovative and groundbreaking international legal instrument which sets out the right of women to live free from violence as a human right. One of most relevant of many unique aspects of the convention to this report is its explicit provision for the active participation of parliamentarians in the operating and monitoring of the treaty. In its Article 70, national parliaments and the Council of Europe's Assembly are called upon to participate in monitoring at national level and carry out regular stock-taking in the Assembly.

6. Therefore, the Assembly has a duty to encourage involvement on the part of each of its member State parliaments, and to push for the fulfilment of the important expectations stemming from the convention placed on parliamentarians. These are to engage in positive action towards ratification and implementation, including on the basis of the findings and recommendations by the experts in the framework of the monitoring mechanism of the Istanbul Convention. The present report looks at the efforts made so far by parliamentarians nationally and internationally to further the aims of the convention, and highlights those which have achieved the best and most visible results – either in State's legislative and policy frameworks to stop violence, or which evidence on the ground shows the positive effects in preventing and combating violence against women and domestic violence.

4. See Doc. 14908 and Resolution 2289 (2019).
5. See chapter 5.1. below for more information on the high-level event and the participation in the Generation Equality Forum.

7. Secondly, the title of the report indicates from the outset that the focus should be on examining progress and pointing to the major challenges encountered over the eight years since the convention's entry into force. An exhaustive list of achievements would certainly have impressed, but I believe that detailed focus on some areas of excellence, and on other areas where new strategies or stronger action is needed, will surely be more useful at this juncture.

8. My work on this report included a fact-finding visit to Türkiye, during which I exchanged with women's rights organisations and national judicial and executive authorities in an effort to see how measures to protect women from violence had developed since withdrawal from the Istanbul Convention as well as to promote Türkiye's return to the convention, and organised a hearing in the committee with the participation of Assembly President Tiny Kox, the President of the Committee of the Parties Ambassador Marie Fontanel, Permanent Representative of France to the Council of Europe, and the President of the GREVIO, Iris Luarasi.

9. In continuity with the Istanbul Convention's provision for input by the Assembly, the Assembly also wishes to contribute its experience and the influence of its members to the Council of Europe's future action in a broad manner. I hope that the report will provide food for thought for the next Council of Europe Gender Equality Strategy, which will be introduced after the present strategy (2018-2023) comes to an end (see chapter 3.3. below).

3. Progress since 2019

3.1. Growing the convention

10. Much has happened since the 2019 report and debate. First of all, and on an extremely positive note, four more countries (Liechtenstein, the Republic of Moldova, Ukraine and the United Kingdom) ratified the Convention between June 2021 and August 2022 and Kosovo*[6] took the decision to apply it within its territory. Three non-member States (Israel, Kazakhstan and Tunisia) have now been invited by the Committee of Ministers to accede. There is still a real hope for European Union ratification in the foreseeable future and the dream of accession by all member States no longer seems a pure fantasy. The unfortunate withdrawal of Türkiye from the convention in 2021 was naturally disappointing, but the present total of 37 ratifications or accessions should be celebrated as a significant achievement, and some of the 8 signatures not yet followed by ratification may soon lead to progress.

11. The Istanbul Convention's monitoring mechanism has increased its momentum: at the time of adoption of this report, GREVIO has published "baseline" evaluation reports on 29 member States and carried out evaluation visits to a further 3 States. It has also published two milestone documents: the Mid-Term Horizontal Review of GREVIO baseline evaluation reports,[7] and its first General Recommendation, on the digital dimension of violence against women.

12. Many criminal codes have been aligned with the convention, with new offences on stalking, female genital mutilation, sexual harassment and forced marriage being introduced. Several States Parties now have legal definitions of rape modelled on the consent-based definition of rape as any non-consensual sexual act, as required under Article 36 of the convention, or are in the process of introducing consent-based definitions: the latest countries to make changes in this respect were Denmark, Finland, Slovenia and Spain.

13. The GREVIO was also a founding member of the Independent Expert Mechanisms on Discrimination and Violence against Women – the EDVAW Platform, created by the United Nations Special Rapporteur on violence against women and girls and made up of seven global expert mechanisms working to combat violence against women and girls. The GREVIO, represented by its President, Iris Luarasi, is currently chairing the platform.

14. Regarding the European Union, the European Parliament first asked the Commission to launch the procedure for EU accession to the Istanbul Convention in its Resolution on combating Violence against Women of 25 February 2014. Since then, it has consistently underlined that ratification would be a powerful demonstration of the European Union's commitment to eradicating violence against women and establishing a coherent European legal framework for doing so. The von der Leyen Commission included the file as a priority

6. *All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.
7. Mid-Term Horizontal Review of GREVIO baseline evaluation reports, Council of Europe, February 2022.

in its EU Gender Equality Strategy 2020-2025, but as progress remained blocked despite an opinion by the European Court of Justice that accession was possible, proposals for a new EU directive were published in March 2022.[8]

15. The proposed directive uses the Istanbul Convention as a benchmark and its explanatory memorandum states that "The Istanbul Convention is the most extensive international framework to comprehensively address violence against women and domestic violence", and further, that "For the Member States that are parties to the Istanbul Convention, the EU measures would support the Convention's implementation".

3.2. Building a corpus of data and experience

16. All of the documentation produced and gathered, as well as the on-site evaluation visits which enable member States to engage with the practical application of the treaty's provisions, are accumulating to constitute a solid resource of practices, policies and case-law which allows areas needing increased attention to be identified.

17. In March 2020, the European Court of Human Rights and GREVIO launched a new HUDOC-GREVIO database to enable public users to search using filters by articles and keywords (for example forms of violence, target groups, etc.) and retrieve information from GREVIO baseline evaluation reports and the respective final government comments; from recommendations issued by the Committee of the Parties as well as its conclusions; GREVIO activity reports; and now from GREVIO general recommendations since the first (on the Digital Dimension of Violence Against Women) was adopted in 2022. The Court also produces factsheets on the convention's remit.[9]

18. In April 2020, GREVIO used for the first time its capacity to submit third-party interventions to the European Court of Human Rights. In the case of *Kurt v. Austria* (application No. 62903/15), concerning the murder of an eight-year-old boy by his father despite reports of domestic violence by the mother, GREVIO's submission focused in particular on the importance of applying a gendered understanding of domestic violence in order to ensure effective investigation, prosecution of perpetrators and protection of victims.

3.3. The Gender Equality Strategy 2018-2023

19. The Council of Europe designed a first strategy to bring together and reinforce its action in favour of gender equality, of which the Istanbul Convention is a central and integral part. The strategy, implemented in the framework of the Gender Equality Commission, enables concrete institutional follow-up to be given to the GREVIO evaluation reports, in support of the measures recommended to and implemented by member States. Activities in support of accession by States which are not yet Parties to the Istanbul Convention are also organised under the strategy, for instance legislative gap assessment with Azerbaijan, Latvia as well as Kosovo, with the possibility of organising technical assistance and awareness-raising action on demand, financed in part by the European Commission.

20. These programmes have also allowed links to be preserved with government and civil society in Türkiye. Multi-agency co-operation has been put in place with UN Women and the WAVE network (Women Against Violence Europe) of NGOs, providing support to align policy and peer exchanges in Georgia, Moldova, Azerbaijan and Armenia. Programmes planned for 2023 in the Balkans will use GREVIO reports as a roadmap, as all countries concerned have ratified the convention.

21. The Council of Europe's Human rights Education for Legal Professionals (HELP) courses include online courses on Access to Justice for Women and on Violence against Women for Legal Professionals, as well as on Domestic Violence for Law Enforcement (which exists in 23 languages), adapted on request to different groups and national contexts. Measures of success of these courses is shown by the considerable takeup: in Spain, for instance, the course on violence against women has been integrated into all training for magistrates, and FRONTEX has shown interest in using the course.

22. During its meeting in November the Gender Equality Commission, adopted Guidelines on the role of the men and boys in gender equality policies and in policies to combat violence against women. At the same meeting, the Council of Europe's Commissioner for Human Rights proposed including women's reproductive

8. Proposal for a Directive of the European Parliament and of the Council on combating violence against women and domestic violence, COM(2022)105 final, European Commission, 8 March 2022.

9. See the updated factsheets on domestic violence and on violence against women for a comprehensive overview of relevant cases of the European Court of Human Rights.

and sexual health and rights in the next Gender Equality Strategy 2024-2029, and to pay special attention to women and girls facing marginalisation and intersectional discrimination. I very much support her proposals and recommend them to the Assembly.

4. Stubborn and emerging risks facing the Istanbul Convention

4.1. Contextual factors

23. Unfortunately, in parallel to the considerable progress and achievements there have been serious setbacks for both the convention itself and thus for protection against gender-based violence. The most regrettable of these for the Council of Europe's direct outreach and effectiveness has been the withdrawal from the treaty of the very country which saw its opening for signature and gave the Istanbul Convention its name – Türkiye. This has potentially negative implications for the combat against violence on the ground. My fact-finding visit to Türkiye, described in detail below, gave me very substantial food for thought concerning the requirements for the protection of women from violence on a national level and the usefulness of belonging to the convention, using its normative framework, sharing good practices and benefiting from its monitoring system.

24. I would like to make a personal observation here. The adversities faced by women all over Europe, but more acutely in certain countries, have actually served to show just how important this treaty is for civil society everywhere, and how well known it is in non-specialist circles. I do not know of any other Council of Europe convention that has been a slogan, even the focus and theme, of public demonstrations in the streets in defense of women's rights (in Poland and in Türkiye, for instance). This is paradoxically a measure of its success, and at the same time a demonstration of popular take-up and real need for progress on the ground.

25. Another threat to the protection of women from violence which emerged during the recent period has been the Covid-19 pandemic. The successive confinements around Europe, while proving the resistance and resilience of many, exacerbated the violent tendencies of others by obliging women and other persons with vulnerabilities (those with disabilities, LGBTI persons, especially young people dependent on their families) to stay behind closed doors with potential perpetrators in the domestic context. The public health crisis revealed the fragility of measures of protection against violence, and the need to ensure that these measures are better suited and coordinated both in the public space and in private spheres. As the pandemic recedes and Europe's attention focuses on new crises as they develop, the lessons from Covid-19 about the need to prevent isolation and facilitate access to urgent assistance in domestic situations of violence should not be forgotten.

26. Lastly and most recently, open war has returned to Europe with the hideous aggression on Ukraine by Russia, resulting in the latter's exclusion from membership of the Council of Europe on 14 March 2022. The Istanbul Convention refers to Recommendation CM/Rec(2010)10 on the role of women and men in conflict prevention and resolution and in peace building. It also recalls in its Preamble the "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" and specifies that "[t]his Convention shall apply in times of peace and in situations of armed conflict."

27. The war continues and as its atrocities unfold, we see new proof of the fragility of human rights thought to be acquired, especially those of individuals and groups with vulnerabilities. Women often physically embody the intersection of many different types of vulnerability, and thus are particularly at risk. The report being prepared by Petra Bayr (Austria, SOC) will make specific recommendations on conflict-related sexual violence, including in relation to the Istanbul Convention, and Yevheniia Kravchuk's report and resolution "Justice and security for women in peace reconciliation"[10] gives indications as to how women must be empowered and protected in situations of conflict, in order to occupy their rightful and full place in peacetime societies.

4.2. Deliberate misrepresentations and backlash

28. Misrepresentations and misinformation about the Istanbul Convention are common, especially in those countries where traditional values and cultures make evolving and adapting to modern challenges particularly complicated and where conservative and populist political forces seek to preserve patriarchal societies (which

10. Doc. 15525 and Resolution 2450 (2022).

restrict the rights of women but also of men). Research has shown that "there is a highly organised, well-funded, transnational movement working to undermine women's rights":[11] this is important to know, in order to understand the context and origin of the intense criticism, misinterpretation, and distortion of the aims of the convention. GREVIO's first activity report drew attention to this phenomenon, identifying it as a distraction from the combat against violence against women. It has certainly given rise to backsliding and backlash which can only put victims at even greater danger.

29. The convention is the first international treaty to contain a definition of gender, recognising that women and men are not only biologically female or male, but that there is also a socially constructed category of gender that assigns particular roles and behaviours to women and men, and which can contribute to making violence against women acceptable. Establishing a differentiation between the terms "sex" and "gender", as well as posing certain problems of interpretation[12] is labelled by detractors as promoting a "destructive gender ideology", whereas the aim is to work on those social constructs with negative consequences without replacing any biological definition.

30. Another misleading narrative is around the convention and gender identity. Its intention is to protect all women and girls from violence, including LBTI women. It does not regulate legal gender recognition but ensures that all women and girls, including those exposed to intersectional discrimination on the basis of their sexual orientation or gender identity, benefit from the convention's checklist of measures to ensure their safety and support. Other opposition towards recognising non-binary identities is not limited to the Istanbul Convention but is a phenomenon of today's polarised societies. Non-binary identities are a part of our modern world and access to equal rights will have to evolve and adapt to include those identities. The Istanbul Convention concentrates on women – in all their diversity – as disproportionately targeted by gender-based violence for the simple fact that they are women.

31. The Istanbul Convention is also said to "threaten the nuclear family and traditional family values", whereas it does not express any such views and ratification does not mean forcing men or women into a certain lifestyle. It merely states that women who are subjected to gender-based and domestic violence have the right to receive protection and the support they need to leave a violent relationship. False claims also assert that the convention encourages illegal migration, which arises from the provisions of its Chapter 7 (Articles 59 to 61, on residence status, gender-based asylum claims and *non-refoulement*) aimed to separate the residence status of women victims of violence from that of their aggressors.

32. Finally, some countries claim that they already have sufficient domestic legislation. The convention covers the elimination of all types of violence against women and domestic violence, from which no country is free; the convention provides a blueprint for national legislation and has specific added value in this respect compared to previous international treaties. The evaluation reports by GREVIO have shown that it sets standards, in legislation and policies, that national approaches have yet to attain. Its comprehensive provisions enable States Parties to reach the necessary level of prevention, protection and support, and to ensure effective responses from law enforcement agencies and the judiciary to send the message that violence against women is unacceptable. The efficient and constructive monitoring and the sharing of best practices as well as transnational cooperation are among the many advantages of ratification.

33. It is the duty of parliamentarians to counter these attempts to undermine the importance of the Istanbul Convention through awareness-raising activities and the use of elements of communication which can be understood by all, in order to contradict the negative narratives and promote better understanding. During peer-to-peer seminars, parliamentarians looking to persuade their country to join the convention have regularly asked for help in framing arguments which will allow them to contradict the contradictors and debunk the myths.

34. Other policies and practices help to achieve the shift in priorities which is a pre-condition for reducing gender-based violence: some countries, for instance, like France, have initiated feminist foreign policies which are a significant step in achieving equality and establishing an integrated gender perspective. I refer in this context to the excellent report of our colleague Petra Stienen, on the gender dimension of foreign policy.[13]

35. In cases where member States cannot reconcile their policies and legislation with certain provisions but wish to ratify the convention, a system of reservations allows denunciation of one or more articles, provided these are duly justified. They are subject to review for the purpose of possible renewal every five years. These are differently perceived by stakeholders to the convention.

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11. See, for example Centre for Feminist Foreign Policy at www.centreforfeministforeignpolicy.org.
12. Some languages use the same word for both, which necessitates explanation of the concepts.
13. Doc. 14627 and Resolution 2351 (2020) "The gender dimension of foreign policy".

5. The Parliamentary Assembly and the Istanbul Convention

5.1. Parliaments promoting the convention

5.1.1. The Parliamentary Network Women Free from Violence[14]

36. Created in 2006, several years before the Istanbul Convention was adopted, the Parliamentary Network Women Free from Violence provides a vital parliamentary forum for the Council of Europe's work to end gender-based violence, actively campaigning for ratification at national, European and global level and its effective implementation in practice. It is widely known among partners such as the UN (UN Women) and the European Union, and through this is present around the table at the highest levels of international dialogue around women's rights.

37. The network maintains a strong presence in all forums, including on social networks, and the voluntary financial contributions by parliaments and governments provide the means to develop tools and action, such as the handbook for parliamentarians on the convention. The network also uses the opportunity of the International Day for the Elimination of Violence against Women on 25 November to launch "mini-campaigns" in support of the convention.

5.1.2. High-level panel and debate, Wednesday 23 June 2021 – "The Istanbul Convention, 10 years on"

38. On Wednesday 23 June 2021 the Assembly held the high-level panel and interactive debate on "The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention): 10 years on", chaired and moderated by the then President of the Assembly Rik Daems, and which gave the impetus to the present report. Participants included Nadia Murad, Yezidi activist, winner of the 2016 Václav Havel Human Rights Prize, the 2018 Nobel Peace Prize and the Sakharov Prize for Freedom of Thought; Council of Europe Secretary General Marija Pejčinović Burić; Prime Minister of Belgium Alexander de Croo; Anca Dana Dragu, President of the Romanian Senate; Elisabeth Moreno, French Minister for Gender Equality, Diversity and Equal Opportunities; and Dubravka Šimonovic, UN Special Rapporteur on violence against women and girls, its causes and consequences.

39. Nadia Murad underlined the potential of the Istanbul Convention "to make meaningful change for survivors like the Yazidis and women around the world by shifting the international norms around gender-based violence". She pointed out that in order to prevent sexual violence in times of war a strong foundation of gender equality must be created in times of peace.

40. For Belgian Prime Minister Alexander De Croo, author of a book entitled *The Age of Women: Why Feminism Also Liberates Men*, the Istanbul Convention was a means for women and girls to know their rights and how to enforce them. The first woman President of the Senate of Romania, Anca Dana Dragu, described the revision of Romanian legislation and public policies after ratification of the convention, including new partnerships with civil society. Elisabeth Moreno, Minister Delegate to the Prime Minister of France for Gender Equality, Diversity and Equal Opportunities, told the audience that France had prioritised the universalisation of the Istanbul Convention as one of the main goals of its feminist diplomacy.

41. Dubravka Šimonovic, United Nations Special Rapporteur on violence against women and girls, was working with the Istanbul Convention, amongst others on framework model legislation on the criminalisation and prosecution of rape. Council of Europe Secretary General Marija Pejčinović-Burić stressed that no single government could recreate the protection provided by this multilateral treaty, with its unique, independent international monitoring mechanism enabling difficult, but positive, change to come about.

5.1.3. Generation Equality Forum, France and Mexico, 28 June-1 July 2021[15]

42. In 2021 Mexico and France co-hosted the United Nations Generation Equality Forum, marking 25 years since the Fourth World Conference on Women in Beijing and its Action Plan, the Beijing Platform. Organisations, NGOs and the private sector were invited to make pledges for action to empower women and advance and protect their rights. The events provided an opportunity for the Assembly to renew its commitment to ending VAW, and President Rik Daems participated in the official ceremony opened by French President Emmanuel Macron.

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14. See pace.coe.int/en/pages/network-violence-women.
15. See forum.generationequality.org.

43. The Assembly made a 5-year undertaking related to VAW which was one of the six "action coalitions" of the forum, wholly oriented around the Istanbul Convention. Goals are to push for signature and ratification of the convention by all Council of Europe member States and to ensure full and effective implementation of the convention in the States Parties to the convention. Action, to be implemented through the Committee on Equality and Non-Discrimination and the Parliamentary Network Women Free from Violence, includes awareness-raising activities with parliamentarians highlighting the progress made by the convention in combating violence against women, the organisation of information and peer-to-peer training seminars in national parliaments using the handbook for parliamentarians on the convention which was revised in 2019,[16] and encouragement to parliamentarians to fully apply Article 70 of the convention providing for parliamentary monitoring. A monitoring mechanism has been set up to follow implementation of the commitments to the Forum.

5.1.4. Tools and concerted action

44. The revised handbook for parliamentarians has been a successful tool for awareness-raising and promotion, and the basis for the peer-to-peer seminars and workshops in national parliaments. These were no longer possible during 2020 and 2021 due to Covid restrictions, but are currently being resumed, with a workshop in Rabat, Morocco, on 5 December 2022, working on the legislative and policy changes needed for accession. During the period several online webinars were organised on different aspects of violence against women, co-organised by the Committee on Equality and Non-Discrimination and the Parliamentary Network Women Free from Violence.

45. This dynamic should be maintained, in particular through the work of the committee and the Parliamentary Network, and is also in conformity with Article 13 of the convention which requires Parties to promote or organise awareness-raising campaigns, in co-operation with women's organisations in particular. It is essential to maintain high visibility and to capitalise on the already widespread existing global recognition of the Istanbul Convention among partner organisations and importantly the public at large. This is the way forward to adding to the Istanbul Convention's four pillars of prevention, protection, prosecution and policies, the 5th "P", which is parliaments, as legislators and "guardians of compliance" to quote the text itself.

5.2. MPs as legislators

46. In its 2022 Mid-term Horizontal Review of GREVIO baseline evaluation reports,[17] the independent group of experts on the convention noted that ratification has inspired a number of countries to changes their policies and legislation "expanding beyond the scope of domestic violence to address the various forms of violence covered by the convention." One example is Spain, where measures have been taken to increase responses to forms of violence against women beyond domestic violence. In Andorra, Austria, Malta, Monaco and Portugal, higher legislative and policy standards have been introduced, demonstrating for GREVIO "the transformative momentum created by the Istanbul Convention as much as the high degree of engagement among parties."[18]

47. Many other changes and promising practices in new legislation are showcased in the horizontal review, from cross-cutting provisions to focused areas of regulation. In Belgium, for instance, a law of 12 January 2007 known as the Gender Mainstreaming Law provides for the integration of the principles of gender equality and non-discrimination into public policies from the point at which they are devised to the point at which they are assessed and when they are implemented by the authorities and their staff. This type of legislation has been adopted in several other countries. In specific areas such migration, a number of countries have translated into law the right of a woman asylum seeker to request a female interviewer and interpreter – Austria, Belgium, Denmark, Montenegro, the Netherlands, Sweden, and Serbia – where the law was amended following the ratification of the Istanbul Convention. In France, an asylum reform undertaken following the ratification of the Istanbul Convention provided for the possibility for the applicant, in addition to being able to request a female interpreter and interviewer, to be accompanied in the asylum interview by a third party, such as a lawyer or a support worker from a specialist NGO. Other legislation relating to articles of the convention has been introduced, including subjects such as victim and witness protection and support, prioritising investigations of domestic violence and sexual violence-related offences, issues of consent and many more.

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16. See the English version of the handbook here and other language versions available online here. Part of concrete action under the GEF commitment was to translate it into 11 languages (for the moment it is available in 10 languages and will be published in 3 more by the end of 2022).
17. Mid-Term Horizontal Review of GREVIO baseline evaluation reports, op. cit.
18. Ibid.: see page 17 on Article 2: scope of the convention.

48. These are just a few examples of the positive changes inspired by the convention and implemented through proposals for new laws. However, from the sections of the mid-term review devoted to challenges for implementation, it is clear that much more remains to be done. The conclusion of the review states this: "From the foregoing emerges clearly that, while concrete steps have been taken by all Parties towards the implementation of the convention, the road ahead is still riddled with challenges. These can be surmounted, provided that there is sustained political commitment to breathe life into the convention and give it meaning at the national level. This review, therefore, aims to serve as a stock-taking exercise as much as a call to action, for governments who have been evaluated, and for those that await evaluation by GREVIO." I call on all my fellow parliamentarians to take notice of this clear call for action.

5.3. Parliamentary oversight of implementation – essential for progress on the ground

49. In its baseline evaluation report on Belgium, GREVIO identified as a good practice in line with Article 70, paragraph 1 of the convention, the emerging practice of submitting progress reports on the implementation of the National Action Plan regarding violence against women to the national parliament as well as the parliaments of the federated entities for review. This should be generally promoted by parliamentarians and is part of the accompanying recommendations to this report. The submission of reports to parliaments, priority given to discussion on the conclusions and legislative follow-up where relevant are essential phases in efficient implementation.

50. The Assembly should foresee an annual examination of action to implement the Istanbul Convention, inviting members to submit information on this action both in the framework of the reports of GREVIO and outside the evaluation cycles, with a view to enhancing institutional knowledge of its provisions and their application in States Parties, and improving implementation by broad sharing of practices and examples of legislative measures. The recommendations of the Committee of Parties to the Convention should be included in this examination. Without new visibility and priority given to implementation, the undeniable progress in protective and preventive measures shown by the supervisory mechanism will continue to be contradicted by the consistently shocking statistics on violence against women and domestic violence.

6. Challenges at national level: a case study of Türkiye

51. On 6-7 June 2022 I carried out a fact-finding mission to Istanbul and Ankara, which was invaluable in enabling me to gain a good overview of the national responses to violence against women in Türkiye, which in many areas correspond to those of other Council of Europe member States. My visit to a country no longer Party to the convention may seem inappropriate, but one of my objectives was to promote the return of Türkiye, which I was able to do without experiencing any hostile reactions from the authorities with whom I met. I certainly returned from the visit even more convinced of the advantages of membership of the Istanbul Convention while taking stock of policies in place to combat violence. I will continue to do all in my power to encourage Türkiye's renewed ratification.

52. I would especially like to thank the chairperson of the Turkish delegation to the Assembly, Mr Ahmet Yildiz, for facilitating my meetings in Ankara and for our substantial and open bilateral meeting. My sincere thanks also to the delegation secretariat, in particular Ms Handan Karakaş for the efficient organisation of the mission. I was also able to participate in a working lunch with members of the Turkish Parliament and of the delegation to the Assembly – Sena Nur Çelik, Emine Nur Günay, Feleknas Uca as well as Fatma Aksal.

53. In Istanbul and Ankara, I met with a large number of very dedicated and determined professional women working for NGOs defending the rights of women throughout the country. On the precise day of my visit to Ankara the Council of State, Türkiye's highest administrative court, was holding hearings in the framework of over 200 lawsuits filed for the annulment of President Erdoğan's decision to withdraw Türkiye from the Istanbul Convention.[19] As a result I was able to profit from the presence of many activist women lawyers from all over Türkiye and to exchange with a group of 30 of them in the evening, after spending the day in meetings with the relevant authorities. In Istanbul I was lucky to benefit from the premises of the Mor Çatı (Purple Roof) Women's Shelter Foundation[20] in order to meet and exchange with the Foundation and other NGOs about their work and challenges.

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19. On July 19, the Council of State pronounced the withdrawal decision legal, despite the fact that the investigating judge, the prosecutor, and two of the court's five judges stated that the President's decision was unlawful. See Eşik Platform's statement, which promises appeals against the decision and "legal action including applying to the European Court of Human Rights": "We Give Up NOT A WORD of the Istanbul Convention, despite the Council of State's Decision!", The Women's Platform for Equality – EŞİK, 22 July 2022.

54. At the Mor Çatı Women's Shelter Foundation I met with representatives of the Istanbul Bar Association, the European Women's Lobby, the Women's Coalition Coordination for Türkiye, the Women for Women's Human Rights-New Ways, the Women's Library and Information Centre Foundation and the Red Pepper Association. At my further meeting in Ankara I heard and exchanged with other European Women's Lobby and Women's Coalition representatives, including for women with disabilities, the Women's Platform for Equality Eşik Platform, the Gay and Lesbian Cultural Research and Solidarity Association KAOS-GL, the Turkish Women's Union (Türk Kadınlar Birliği), the Federation of Turkish Women's Associations and the Hatice Demir Diyarbakir Bar Association.

55. I also met Emma Sinclair-Webb, Associate director and Türkiye director for Human Rights Watch, who presented a report just released entitled "Turkey fails domestic violence victims"[21] and participated in the discussion. I was able to learn from her about some of the threats to women's rights in the country, and very much recommend the publication, which I was also able to promote during my meeting at the Ministry of the Family, where I received assurances that Human Rights Watch would shortly be invited to make a presentation.

56. My meetings with the Turkish authorities aimed to examine the current provisions for the protection of women against violence, in order to ascertain whether new national legislation brought into force recently is efficient in curbing violence against women, and whether it remains inspired by the provisions of the convention. I met with Prosecutor Ms Emine Avcıoğlu, Mr Murat Çetinkaya Mr Ahmet Hamdi Taşyapan and Ms Elif Çelik at the Ministry for Justice, Dr Sibel Ozdemir, head of the Department of Combating Violence Against Women and Family of the Turkish National Police Force, Mr Şeref Malkoç, Chief Ombusdsperson of Türkiye, with Ms Fatma Benli Yalcin and Ms Celile Özlem Tunçak, Ombudspersons, Ms Fatma Aksal, Chairperson of the Committee on Equality of Opportunity for Women and Men, and Ms Öznur Çalık, Chairperson of the Research Committee of the Parliament on Violence Against Women, and finally with Ms Gülser Ustaoğlu, Head of Directorate on the Status of Women at the Ministry of Family and Social Policies.

57. Obviously, when using the Istanbul Convention as the cursor, the positions of civil society and the national authorities are radically opposed about the need for belonging to the Convention. In actual fact, I believe that on many of the issues discussed, especially those concerning measures, action and resources deployed on the ground, approaches could be less irreconcilable, and tragic shortfalls in the protection of women against violence could be better addressed through co-operation between civil society and national and regional authorities.

58. Cultural and political differences are, however, obstacles to dialogue and progress, as they are in Turkish society as a whole, especially when it comes to the protection against gender-based violence of specific groups such as women with disabilities, LBT women and minorities, and to all women's access to fundamental sexual and reproductive health and rights. The Istanbul Convention remains the best framework for protection, and in some regions of Türkiye local authorities and women's organisations continue to use its provisions on which to model policies. I would be extremely satisfied if the Turkish authorities came to realise that the convention has only advantages for the protection of women from violence and the prevention of domestic violence and took the decision to once more become a State Party.

7. Conclusions

59. The Istanbul Convention is one of the Council of Europe's youngest and most dynamic treaties. It has been a pleasure to take stock of how its outreach has developed over the last eight years since entering into force and continues to develop. I congratulate all those stakeholders who have worked to ensure this success.

60. All member States of the Council of Europe should ratify and implement the convention if we are to have a chance of reducing gender-based violence in Europe.

61. The Assembly and national parliaments must step up their efforts to promote the Istanbul Convention and to firmly oppose its detractors.

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20. The Foundation carries out all-important work, including legal advice and assistance in addition to its practical work sheltering women. Its regular submissions to the UN are a reference, for instance the report "Combating violence against women during the Coronavirus outbreak" submitted to the UN Special Rapporteur on violence against women and girls. See en.morcati.org.tr.

21. "Turkey Fails Domestic Violence Victims", Human Rights Watch, 26 May 2022.

62. The 4th Summit of Heads of State and of Government of the Council of Europe, announced for May 2023, will be a good opportunity for the Organisation to give renewed priority to the protection of women and girls against violence and to push for further progress in implementation of the Istanbul Convention as the best means of achieving this progress. The Assembly trusts that this will be the case.