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The Istanbul Convention on violence against women: achievements and challenges

Report¹

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Summary

Violence against women is a human rights violation and a manifestation of deeply rooted inequality between women and men. To tackle this scourge, strong legislative and policy measures are essential. The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence ("Istanbul Convention"), which entered into force in 2014, is the most advanced and comprehensive international legal instrument in this field to date.

The Convention has been ratified by 34 Council of Europe member States and signed by 11 others and the European Union. It has already had a positive impact by raising awareness of the urgent need to combat violence against women, and by requiring States Parties to introduce high legislative and policy standards. However, a number of challenges are currently delaying additional accessions to the Convention or hindering its implementation.

It is crucial to raise awareness of the added value of the Convention and its positive impact, and to support it at national and international level. Parliamentarians have an important role to play to this end by participating actively in its promotion and dispelling misconceptions about the Convention. Parliaments should also participate actively in monitoring its implementation.

1. Reference to committee: [Doc. 14507](#), Reference 4380 of 27 April 2018.



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A. Draft resolution²

1. Violence against women is a crime. It is one of the most widespread human rights violations, a form of gender-based discrimination and a manifestation of deeply rooted inequality between women and men. It occurs irrespective of the social status of the perpetrator or the victim and no country is immune to this scourge. Violence against women cannot be justified or rationalised under any circumstances. Yet, one in three women in the European Union reports being victim of gender-based violence once or several times since the age of 15.
2. In order to tackle this scourge, co-ordinated action at policy, legislative and institutional level is needed. The Parliamentary Assembly therefore strongly supported the drafting of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (STCE No. 210, "Istanbul Convention"). It has called relentlessly for its signature, ratification and implementation since its entry into force on 1 August 2014. Its Parliamentary Network Women Free from Violence and its general rapporteurs on violence against women have played an essential role in promoting the Convention, with targeted actions in national parliaments across the member States, as well as at the regional and international level. The Network has also provided a useful forum for sharing experience and promising practice, as well as for disseminating practical tools for addressing violence against women.
3. The Assembly reiterates its firm support to the Istanbul Convention, which remains the most advanced and comprehensive international legal instrument on preventing and combating violence against women and domestic violence. The Convention sets high standards and takes a comprehensive approach focusing on prevention, protection of the victims, prosecution of the perpetrators and integrated policies – by placing the rights of the victim at the centre of all actions taken and measures implemented. It also promotes gender equality and challenges gender stereotypes. The United Nations refers to it as the "gold standard" and uses it as a reference standard in its work.
4. The Istanbul Convention has been ratified by 34 Council of Europe member States to date, and signed by 11 others and the European Union. Two Council of Europe member States have neither signed nor ratified it. The Convention is open to non-Council of Europe member States and constitutes a strong awareness-raising and advocacy tool on the need to prevent and combat violence against women and domestic violence. Although made in Europe, it is not meant for Europe only and several non-Council of Europe member States and other regional organisations are using it when preparing their own policies and legal frameworks. The Assembly strongly supports the work carried out by the United Nations Special Rapporteur on violence against women, its causes and consequences, and especially the co-ordination she has initiated between the regional mechanisms.
5. To ensure implementation of regional and international standards at national and international level and strengthen positive impact, co-operation and partnerships among the different regional and international mechanisms promoting and upholding women's rights and combating violence against women is very important. In this regard, the Assembly welcomes the commitment of the Finnish and French Presidencies of the Committee of Ministers, as well as several previous ones, to making combating violence against women a priority and to increasing efforts to promote the ratification of the Convention.
6. Monitoring of the implementation of the Istanbul Convention is carried out by the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), which has already completed its baseline evaluation of Albania, Austria, Denmark, Monaco, Montenegro, Portugal, Sweden and Turkey, in a spirit of constructive dialogue and co-operation with the States. The evaluation procedures in respect of Finland, France, Italy, the Netherlands and Serbia will soon be completed. The Assembly commends GREVIO for its work and achievements. It welcomes the positive approach by which the States that have been monitored have responded to the proposals put forward in the reports.
7. The Assembly recalls that parliamentary involvement in monitoring is foreseen in Article 70 of the Istanbul Convention, at national level and at the level of the Assembly, which is invited to regularly take stock of the implementation of the Convention. In this regard, the Assembly welcomes GREVIO's engagement with parliamentarians during its evaluation visits.
8. Five years after its entry into force, the Assembly believes that the Istanbul Convention has already had a tangible and positive impact. It has contributed to raising victims' awareness and to raising awareness in society in general as to the urgent need to prevent and combat violence against women and domestic violence. Higher legislative and policy standards have been introduced in national law in several Council of

2. Draft resolution adopted unanimously by the committee on 5 June 2019.

Europe member States. Discussions on the possible ratification of the Convention have led to debates on violence against women, its extent and impact on victims and on the urgency of combating it to save lives. Furthermore, focused training for legal professionals and the police have proven important to eliminate obstacles to access to justice by women victims of violence.

9. The Assembly regrets that a number of challenges are delaying some countries' accession to the Convention or hindering its implementation by States Parties. Too often, an important gap remains between law and implementation. There is also a lack of data, co-ordination and resources, which can delay legislative and policy changes. The Istanbul Convention is misrepresented by its opponents as an attack on family values or as promoting a hidden agenda. These misconceptions and deliberate misinterpretation for political purposes undermine the added value and high potential of the Convention as well as the considerable achievements made in past years and effective implementation of the Convention.

10. The Assembly refers to its [Resolution 2274 \(2019\)](#) "Promoting parliaments free of sexism and sexual harassment" as well as to the Committee of Ministers Recommendation CM/Rec(2019)1 to prevent and combat sexism, and underlines the importance of complementing the Istanbul Convention by action to change mindsets and harmful gender stereotypes, as well as combating different types of violence against women.

11. In the light of these considerations, the Assembly calls on the Council of Europe member States to:

- 11.1. sign and ratify the Istanbul Convention, for those which have not yet done so;
- 11.2. implement the Convention without further delay, taking into account the comments, findings and proposals made by GREVIO in its baseline evaluation reports and the recommendations adopted by the Committee of the Parties;
- 11.3. co-operate with GREVIO in involving national parliaments when preparing the State report to GREVIO and when preparing follow-up action;
- 11.4. actively support and promote the Istanbul Convention, at national and international level, and combat misconceptions and disinformation about the Convention;
- 11.5. engage in awareness-raising activities on all forms of violence against women with a view to contributing to changing mindsets and stereotypes;
- 11.6. strengthen services providing assistance to women victims of gender-based violence;
- 11.7. make full use of the tools provided by the Council of Europe Human Rights Education for Legal Professionals online course on Violence against Women and Domestic Violence to ensure that every link in the legal chain is familiar with the provisions of the Istanbul Convention;
- 11.8. provide or strengthen training for all legal and non-legal relevant professionals dealing with victims or perpetrators, in the spirit of the Convention;
- 11.9. recognise, encourage and support, at all levels, the work of relevant non-governmental organisations and members of civil society active in combating violence against women, and establish effective co-operation with these actors.

12. The Assembly invites the European Union to speed up its accession to the Istanbul Convention.

13. The Assembly also encourages non-Council of Europe member States to consider acceding to the Convention.

14. The Assembly calls on national parliaments to:

- 14.1. participate actively in the monitoring procedure of the implementation of the Convention;
- 14.2. undertake activities, such as debates and hearings, to discuss findings and proposals put forward in the evaluation reports by GREVIO and recommendations by the Committee of Parties concerning their countries;
- 14.3. step up efforts to raise awareness of the achievements and added value of the Istanbul Convention, with a view to demystifying misconceptions about the Convention;
- 14.4. actively promote the Istanbul Convention at national, regional and international levels;
- 14.5. support the work of the Parliamentary Network Women Free from Violence with the aim of bringing practical solutions to end violence against women and domestic violence;

14.6. support the #NotInMyParliament initiative on preventing and combating sexism, harassment and violence against women in parliaments and follow up on proposals made in its [Resolution 2274 \(2019\)](#).

15. The Assembly decides to examine ways to step up its co-operation with GREVIO and the Gender Equality Commission of the Council of Europe, with a view to taking stock of the implementation of the Istanbul Convention. The Assembly further decides to enhance efforts to mobilise parliamentary support for the Istanbul Convention.

16. The Assembly decides to consider establishing partnerships and co-operation with other parliamentary networks to promote the Istanbul Convention. The Assembly also decides to consider strengthening its dialogue and co-operation with non-governmental organisations, grass-roots organisations, civil society representatives and the academic sector active in the field of preventing and combating violence against women.

B. Explanatory memorandum by Ms Zita Gurmai, rapporteur

1. Introduction

1. Violence against women is a human rights violation, a form of gender-based discrimination, a root cause of gender inequality and at the same time a factor reinforcing gender inequality. It is a crime, and should be recognised as such in national legislation, as required by the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (ETS No. 210, "Istanbul Convention").³

2. Violence against women is a very widespread phenomenon, which at the same time is under-reported and underestimated, and the extent of which is not fully known. To help overcome this knowledge gap, in 2014, the European Union Agency for Fundamental Rights (FRA) published a survey on violence against women across the 28 Member States of the European Union, based on interviews with 42 000 women who were asked about their experiences of physical, sexual and psychological violence, including incidents of domestic violence.⁴

3. According to this study, in the European Union, one in three women has experienced gender-based violence since the age of 15. One in 10 women has experienced some form of sexual violence since the age of 15, and one in 20 has been raped. Just over one in five women has experienced physical and/or sexual violence from either a current or a previous partner, and just over one in 10 women indicates that they experienced some form of sexual violence by an adult before they were 15 years old. And yet, very few women report this violence to the police: only 14% reported their most serious incident of intimate partner violence, and only 13% reported their most serious incident of non-partner violence.

4. Data from EUROSTAT on the number of reported incidents of intentional homicide, rape and sexual assault show that, in many European Union member States, over half of all female murder victims are killed by an intimate partner, relative or family member.⁵ According to a scientific study from 2006, there are approximately 3 500 domestic violence-related deaths in the European Union per year.⁶ In March 2018, a European Observatory on Femicides was launched in Malta.⁷ It is the first such observatory at European level and hopefully it will be instrumental in improving data collection because, in most cases, national statistics do not take account of the gender-based motive for a murder.

5. The Organization for Security and Co-operation in Europe (OSCE) conducted a survey and interviewed more than 15 000 women in spring and summer 2018 in Albania, Bosnia and Herzegovina, Kosovo*,⁸ the Republic of Moldova, Montenegro, North Macedonia, Serbia and Ukraine. The study concluded that 70% of women interviewed had experienced some form of sexual harassment, stalking, intimate partner violence or non-partner violence since the age of 15. 45% of women interviewed had experienced sexual harassment, including harassment via the internet. 23% of women interviewed had experienced intimate partner physical and/or sexual violence. 18% of women interviewed had experienced physical and/or sexual violence at the hands of a non-partner.⁹

6. As the European Institute for Gender Equality (EIGE) points out, for almost 70% of the victims, the gender-based violence which they have experienced had important health consequences.¹⁰ The World Health Organization lists amongst them: suicide or suicide attempts, depression, post-traumatic stress and other anxiety disorders, injuries, unintended pregnancies, induced abortions, gynaecological problems, sexually transmitted diseases, sleep difficulties and eating disorders.¹¹

3. <https://rm.coe.int/168008482e>.

4. <https://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report>.

5. EIGE, gender Equality Index 2017, Measurement framework of violence against women, Report, <https://eige.europa.eu/rdc/eige-publications/gender-equality-index-2017-measuring-gender-equality-european-union-2005-2015-report>.

6. [www.europarl.europa.eu/RegData/etudes/BRIE/2017/614583/EPRS_BRI\(2017\)614583_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2017/614583/EPRS_BRI(2017)614583_EN.pdf)

7. www.independent.com.mt/articles/2018-03-20/education/The-European-Observatory-on-Femicide-launched-in-Malta-6736186593.

8. * All reference to Kosovo, whether to the territory, institutions or population shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

9. OSCE-led Survey on the Well-being and Safety of Women, 6 March 2019, www.osce.org/secretariat/413237?download=true.

10. EIGE, gender Equality Index 2017, op. cit.

11. www.who.int/news-room/fact-sheets/detail/violence-against-women.

7. In addition, so-called “fathers’ movements” are gaining ground. In this respect it should be clearly stated that the “parental alienation”¹² promoted by these movements cannot run against and jeopardise the rights and safety of the victim or children.

8. Violence against women also has a cost for society as a whole, in terms of health costs, lost working days and other very tangible expenditures. UN Women quotes research indicating that, worldwide, the total cost of violence against women could amount to around 2% of the global gross domestic product (GDP), that is US\$1.5 trillion – approximately the size of the economy of Canada.¹³

9. These few facts and figures are compelling evidence that violence against women should be tackled as a matter of urgency. The Istanbul Convention is the most advanced and comprehensive tool for doing so.

2. The Istanbul Convention: achievements

10. Since its creation in 1949, the Council of Europe has led the way in the protection of human rights in Europe, establishing unprecedented mechanisms and setting standards which have made our continent a beacon of freedom and democracy.

11. If I had to identify the greatest contribution that the Council of Europe, in its 70 years of activity, has made to the advancement of women and the promotion of women’s rights, I would have no hesitation in saying that it is the Convention on Preventing and Combating Violence against Women and Domestic Violence.

12. The Istanbul Convention is the most advanced and comprehensive international legal instrument worldwide in the area of violence against women, covering prevention, prosecution of offenders, protection of victims and integrated policies. As if being often referred to as a gold standard wasn’t enough, the Istanbul Convention is more than a tool. It is a manifesto, laying down a vision of society in which women are not subordinated to men and gender equality is fully achieved.

13. The first and foremost achievement of the Istanbul Convention is having lifted the shroud of silence that surrounds violence against women and domestic violence. The Convention sends out a clear message that violence against women and girls is not an unavoidable fact of life which they have to tolerate because they are women. It is a crime and a human rights violation which must be prevented and punished, while its victims must be assisted and protected. Hence the need for the right legislation and policies.

14. The Istanbul Convention has brought gender-based violence to the forefront of public debate. Awareness of this phenomenon in the public opinion has increased, also thanks to visibility and awareness-raising activities promoted or supported by the Council of Europe as well as other international organisations.

15. It is also crucial to highlight that the Istanbul Convention is a success story. As at 1 May 2019, it has been ratified by 34 Council of Europe member States. In order to align themselves with it, the States Parties have had to modify their policies and legislation, therefore raising their standards and contributing to protecting thousands of women from gender-based violence.

16. On 6 May 2019, I participated in a side event organised by UN Women in Vienna on Translating regional commitments into actions to end violence against women and girls, where we discussed successes and barriers in combating violence against women in Europe. The Istanbul Convention is recognised as a gold standard for the fight against violence against women beyond Europe. It could have the vocation of becoming a universal instrument.

17. At the Commission on the Status of Women in March 2019, Ms Marlene Schiappa, French Secretary of State for Women’s Rights, called for the universalisation of the Istanbul Convention, highlighting its added value and impact. I welcome the fact that France is pursuing this objective in the framework of its Presidency of the G7 by promoting a feminist foreign policy which makes combating violence against women one of its priorities.

12. Parental alienation is the process, and the result, of psychological manipulation of a child into showing unwarranted fear, disrespect or hostility towards a parent and/or other family members. It occurs mostly in association with family separation or divorce, particularly where legal action (e.g. over child custody) is involved (William Bernet, Parental Alienation, Encyclopedia of Clinical Psychology, 2015).

13. www.unwomen.org/en/news/stories/2016/9/speech-by-lakshmi-puri-on-economic-costs-of-violence-against-women; www.un.org/womenwatch/daw/vaw/expert%20brief%20costs.pdf.

3. Istanbul Convention: state of play

3.1. Signatures and ratifications¹⁴

18. The 34 Council of Europe member States that have ratified the Istanbul Convention are: Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Croatia, Cyprus, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Iceland, Ireland, Italy, Luxembourg, Malta, Monaco, Montenegro, Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, San Marino, Serbia, Slovenia, Spain, Sweden, Switzerland and Turkey.

19. Eleven additional member States have signed but have not ratified it (Armenia, Bulgaria, Czech Republic, Hungary, Latvia, Liechtenstein, Lithuania, Republic of Moldova, Slovak Republic, Ukraine and the United Kingdom). Azerbaijan and the Russian Federation are the only member States who have neither signed nor ratified it.

20. The number of States Parties will hopefully increase soon. The United Kingdom is on the finishing line, following the introduction of changes to domestic legislation which allow for those who commit certain offences abroad to be prosecuted in the United Kingdom.¹⁵

21. The European Union participated as an observer in the elaboration of the Convention, which is an instrument open to accession by the European Union as well as non-Council of Europe member States, the latter under conditions that are set out in the Convention itself.¹⁶ In May 2017, under the Maltese Presidency, the Council of the European Union approved the signature of the Convention and committed to acceding to it. The potential benefits of EU accession alongside its member States would include ensuring better data collection, providing a more coherent legal framework and improving support and protection for victims. The formal EU accession to the Convention requires the adoption of a Council decision following the consent of the European Parliament. I sincerely hope that, in 2019, the Romanian and Finnish presidencies of the European Union will play a positive role in pushing forward the ratification and implementation of the Convention.

22. The monitoring mechanism foreseen by the Istanbul Convention consists of two bodies: the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent expert body which is in charge of drawing up evaluation reports, and the Committee of the Parties, which follows up on GREVIO reports and makes recommendations to the countries concerned. There are two types of monitoring procedure: the country-by-country evaluation procedure and a special urgent inquiry procedure which may be initiated by GREVIO when there is reliable information indicating that action is required to prevent a serious, massive or persistent pattern of any of the acts of violence covered by the Convention. So far the latter procedure has not been used. As regards the country-by-country evaluation procedure, first (baseline) evaluation reports have so far been published on Albania,¹⁷ Austria,¹⁸ Denmark,¹⁹ Monaco,²⁰ Montenegro,²¹ Portugal,²² Sweden²³ and Turkey.²⁴

23. GREVIO's evaluation procedure for Andorra,²⁵ Belgium,²⁶ Finland,²⁷ France,²⁸ Italy,²⁹ the Netherlands,³⁰ Serbia³¹ and Spain³² is underway. According to the timetable,³³ it normally takes GREVIO 18 months to complete the evaluation of a given country. The entire procedure aims at gathering as much information as possible and is dialogue-oriented and it aims to help States Parties in their efforts to comply with the requirements of the Convention.

14. www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures.

15. www.gov.uk/government/news/new-measures-to-allow-ratification-of-istanbul-convention.

16. Articles 75 and 76.

17. <https://rm.coe.int/grevio-first-baseline-report-on-albania/16807688a7>.

18. <https://rm.coe.int/grevio-report-austria-1st-evaluation/1680759619>.

19. <https://rm.coe.int/grevio-first-baseline-report-on-denmark/16807688ae>.

20. <https://rm.coe.int/grevio-report-monaco/168074fd6b>.

21. <https://rm.coe.int/grevio-report-montenegro/16808e5614>.

22. <https://rm.coe.int/grevio-reprt-on-portugal/168091f16f>.

23. <https://rm.coe.int/grevio-inf-2018-15-eng-final/168091e686>.

24. <https://rm.coe.int/eng-grevio-report-turquie/16808e5283>.

25. <https://rm.coe.int/state-report-andorra/1680932f12>.

26. <https://rm.coe.int/state-report-belgium/pdfa/168093141c>.

27. <https://rm.coe.int/baseline-report-finland-2018/16807c55f2>.

28. <https://rm.coe.int/state-report-france-2018-version-finale/16807b56bd>.

29. <https://rm.coe.int/grevio-state-report-italy/16808e8133>.

30. <https://rm.coe.int/netherlands-state-repot-grevio/16808d91ac>.

24. GREVIO has already built an excellent reputation, based on its expertise. It has become a strong monitoring body at the Council of Europe and represents an added value for the whole organisation. By working hand in hand with States, it has managed to put forward strong recommendations in a spirit of dialogue.

4. The implementation of the Istanbul Convention: general findings

25. In her address to the Committee on Equality and Non-Discrimination and the Parliamentary Network Women Free from Violence in January 2019,³⁴ Ms Feride Acar, the then President of GREVIO, took stock of the positive impact that the Istanbul Convention has had on the lives of many women in Europe, mentioning:

- the introduction of new criminal offences of forced marriage, stalking and female genital mutilation;
- the modification of law provisions concerning rape;
- the stepping up of support services, including telephone helplines and shelters.

26. Ms Acar also described the challenges that have been encountered by GREVIO in its monitoring work:

- the lack of reliable gender-disaggregated data and statistics;
- gaps in national legislation;
- the insufficient number of shelters and the irregular functioning of phone lines and services for children witnessing violence;
- the absence or limited nature of funding to tackle violence against women and domestic violence;
- insufficient support and protection for victims during legal proceedings;
- the lack of mechanisms to ensure effective co-ordination amongst relevant stakeholders.

27. Very interestingly, Ms Acar mentioned the gender-neutral character of certain laws and policies as a factor hindering the protection of women against violence. This remark echoes concerns that have been expressed by some members of the Assembly during the hearing on “Is there a backlash against women’s rights?”, which was jointly held by the Committee on Equality and Non-Discrimination and the Parliamentary Network Women Free from Violence in Strasbourg on 11 October 2018.³⁵ It is a reminder of the importance of ensuring gender mainstreaming in all policies and laws, as an indispensable tool for preventing discrimination and achieving equality.

5. Implementation of the Istanbul Convention: main findings emerging from the monitoring process

28. Since its opening for signature, the Istanbul Convention has had a tangible and positive impact on the protection of women against violence, as States introduced changes to their national legislation with a view to adapting it to the high standards of the Convention. This is clearly apparent from the introduction of specific provisions aimed at criminalising the forms of violence which are listed in the Convention. Despite the overall positive trend, however, some challenges persist, while some example of good practice can be identified. This can be seen through three examples of criminal provisions on rape, so-called “honour” crimes and female genital mutilation (FGM).

29. With regard to the criminalisation of rape, some States encounter difficulties in aligning with the Istanbul Convention standard concerning the notion of freely given consent, as well as the criminalisation of non-consensual acts of a sexual nature with a third person. Nonetheless, some good examples exist, in particular with relation to the notion of freely given consent. For instance, Montenegro has introduced a recent amendment which has brought important changes: rape and sexual violence provisions are based on the notion that consent must be given voluntarily as the result of a woman’s free will.³⁶

31. <https://rm.coe.int/state-report-serbia/pdfa/168094afec>

32. <https://rm.coe.int/state-report-from-spain/16809313e0>.

33. www.coe.int/en/web/istanbul-convention/timetable.

34. January part-session 2019, AS/Ega (2019) PV 01.

35. AS/Ega (2018) PV 07.

36. First baseline evaluation report on Montenegro, GREVIO, <https://rm.coe.int/grevio-report-montenegro/16808e5614>.

30. In Denmark, there is no criminal offence of rape or sexual assault that is based exclusively on the lack of consent.³⁷ “The approach of the Danish legislation on sexual violence is that of enumerating constituent elements of the crime which preclude consent.”³⁸ As a consequence, the act is punishable. While recognising the efforts behind this approach, the problem is that it does not cover cases in which the circumstances do not fit any of the existing provisions. Surprisingly, in Denmark, “the offence committed against a former or current spouse or partner” is not listed as an aggravating circumstance.

31. Turkey has made a noteworthy improvement in the criminalisation of sexual violence. The use of force is not a constituent element of the offence of sexual violence. Article 102 of Section 6 of the Turkish Criminal Code explicitly recognises marital rape. However, it is subject to prosecution only upon the complaint of the victim.³⁹

32. Albania’s provision on rape is force-based. The possibility of freely given consent is precluded, without the requirement of the use of force, only in particular cases (such as exploitation of physically or mentally disabled persons, intimidation with the use of a weapon or abuse of a position of authority).⁴⁰ Again, according to section 6 of the Criminal Code of Albania, marital rape is a crime, however only between current spouses or cohabitants.⁴¹ In contrast, according to Monegasque law, “the principle of criminalisation is established irrespective of whether the ties between spouses or partners are past or present”.⁴²

33. As regards so-called “honour crimes”, for instance, a motive based on culture, custom, religion, tradition or so-called honour may be considered an aggravating circumstance by the Danish courts.⁴³ Moreover, Denmark has started to implement an action plan on the prevention of honour-related conflicts and other conducts, for the period 2017-2022.

34. In Austria, “honour” or “customary law” cannot result in impunity but they are not considered as aggravating circumstances in law.⁴⁴ Turkey has made important progress with the reform of the Criminal Code in 2005, which removed the possibility of reducing sentences in cases of murder motivated by “custom”.⁴⁵

35. As regards the criminalisation of female genital mutilation (FGM), some States do not have a specific crime for FGM and they criminalise it under other similar provisions, while others include the distinct offence of FGM in their Criminal Code. It is noteworthy that according to the Danish Criminal Code, assisting the perpetrator in female genital mutilation by incitement, advice or action is criminalised as aiding and abetting in the commission of female genital mutilation.⁴⁶

36. Montenegro introduced entirely new offences such as female genital mutilation in its Criminal Code (Article 151.a).⁴⁷ Unlike in Denmark, this article does not cover inciting or coercing a girl or woman to undergo the procedure or providing her with the means to that end.

37. In addition, with the entry into force of Law No. 1.382, Monaco’s Criminal Code explicitly penalises action that compromises the genital integrity of a female.⁴⁸

38. Finally, in Austria, Albania and Turkey, female genital mutilation as such it is not criminalised but can be prosecuted under other provisions. In Austria, female genital mutilation fulfils the definition of bodily harm, in Albania that of any intentional injury inflicting mutilation or any other permanent detriment to the health, and in Turkey it falls under intentional injury and the aggravated form of this offence resulting in permanent weakening or loss of any one of the senses or organs of the victim, or loss of her reproductive ability.⁴⁹

37. First baseline evaluation report on Denmark, GREVIO, <https://rm.coe.int/grevio-first-baseline-report-on-denmark/16807688ae>.

38. Ibid.

39. First baseline evaluation report on Turkey, GREVIO, <https://rm.coe.int/eng-grevio-report-turquie/16808e5283>.

40. First baseline evaluation report on Albania, GREVIO, <https://rm.coe.int/grevio-first-baseline-report-on-albania/16807688a7>.

41. Ibid.

42. First baseline evaluation report on Monaco, GREVIO, <https://rm.coe.int/grevio-report-monaco/168074fd6b>.

43. Denmark, State report to GREVIO, 2017, <https://rm.coe.int/16806dd217>.

44. Austria, State report to GREVIO, 2016, <https://rm.coe.int/16806ee8b2>.

45. First baseline evaluation report on Turkey, GREVIO, <https://rm.coe.int/eng-grevio-report-turquie/16808e5283>.

46. Denmark, State report to GREVIO, 2017, <https://rm.coe.int/16806dd217>.

47. First baseline evaluation report on Montenegro, GREVIO, <https://rm.coe.int/grevio-report-montenegro/16808e5614>.

48. First baseline evaluation report on Monaco, GREVIO, <https://rm.coe.int/grevio-report-monaco/168074fd6b>.

49. First baseline evaluation report on Turkey, GREVIO, <https://rm.coe.int/eng-grevio-report-turquie/16808e5283>.

Nonetheless, the absence of a specific provision criminalising FGM may weaken criminal law in this field and make prosecuting more difficult.⁵⁰ These findings show that even if progress is remarkable, much remains to be done to improve the implementation of the Istanbul Convention.⁵¹

6. Attacks against the Istanbul Convention

39. In the last couple of years, very vocal opposition to the Istanbul Convention has emerged, especially in some Council of Europe member States such as Bulgaria, Croatia, the Czech Republic, Hungary, Latvia, Lithuania, Poland, Romania and the Slovak Republic.

40. Some politicians, political parties, religious institutions and non-governmental organisations have waged what I could define – also for the acrimonious tone which has been used – as an ideological war against the Istanbul Convention, on the grounds that it runs against traditional or family values, that it tries to introduce a third gender or to legalise same-sex marriage. There are credible reports that priests and other Church representatives play an active role in this campaign, sometimes literally preaching against the Istanbul Convention. Their impact is particularly important in areas where access to diversified sources of information is limited and non-faith non-governmental organisations (NGOs) are not present.

41. Moreover, in a number of member States, while the anti-Istanbul Convention propaganda is in full sway, NGOs face increasing obstacles to their work. They report being less and less consulted and informed by the authorities about legal and policy developments in areas having an impact on gender equality and women's rights, and experiencing difficulties in obtaining funding.

42. The accusations against the Istanbul Convention are unfair and untrue. But one should make no mistake: this twisted narrative is not the result of a misunderstanding; it is a deliberate attempt to sabotage the very objective which it seeks to achieve: equality between women and men and the end of a patriarchal mentality which relegates women to a subordinate status in all aspects of life.

43. Unfortunately, the narrative on the hidden agenda of the Istanbul Convention has hijacked the public debate and left little if no room for discussion on the root causes of violence against women and the ways to tackle it. And yet the systemic character of this phenomenon is not contested, having been observed and recorded by a score of reliable research institutes.⁵²

44. The great resonance given to the rhetoric on the hidden agenda of the Istanbul Convention amongst the public at large is very dangerous: it can give a pretext to stall further signatures and ratifications of the Convention and it can give strength to those who would like to withdraw from the Convention altogether. At the same time, by portraying gender as a dangerous concept and same-sex partnerships as a threat to "traditional" families, it can inhibit progress towards gender equality across the board.

45. To respond to these attacks, the Council of Europe prepared a booklet "The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention): Questions and answers".⁵³ It clearly presents the aims of the Istanbul Convention: putting an end to violence against women and domestic violence and protecting women's human rights. It also gives information on the added value of the Convention, highlighting that the Convention makes it clear that "violence against women and domestic violence can no longer be considered a private matter, but that States have an obligation, through comprehensive and integrated policies, to prevent violence, protect victims and punish the perpetrators". Acceding to the Convention means taking a commitment to making the fight against violence against women a legal obligation.

46. The booklet also provides replies to questions on the gendered nature of violence against women, as well as the definition of gender contained in the Convention, which does not aim at replacing the biological definition of sex, but at emphasising "how much inequalities, stereotypes and violence do not originate from biological differences, but rather from a social construct, namely from attitudes and perceptions of how women and men are and should be in society".

50. [Assembly Resolution 2135 \(2016\) on female genital mutilation in Europe](#).

51. See also WAVE, Good practices for the implementation of the Istanbul Convention, [www.wave-network.org / wp-content / uploads / WAVE_fempower190110_web-4.pdf](http://www.wave-network.org/wp-content/uploads/WAVE_fempower190110_web-4.pdf).

52. For all: EIGE, Gender Equality Index 2017, op. cit.

53. <https://rm.coe.int/prems-122418-gbr-2574-brochure-questions-istanbul-convention-web-16x16/16808f0b80>.

47. With regard to attacks concerning the promotion of a certain vision of the family in the Istanbul Convention, I would like to stress that the Istanbul Convention does not include a definition of what constitutes a family or promote a specific family setting. The booklet reminds us that the “Istanbul Convention does not set new standards in relation to gender identity and sexual orientation, including in relation to the legal recognition of same-sex couples”. It is important to know the Convention well in order to present, promote and defend it. Recent attacks against the Convention are unfounded and can be countered with facts. The Istanbul Convention is a strong legal instrument which can help protect victims from further violence and bring justice. In my view, we need to stress these facts whenever we face attacks against the Convention.

7. The broader context of backlash against women’s rights

48. The disinformation campaign against the Istanbul Convention is not happening in a vacuum. Since it was first used by the American writer Susan Faludi,⁵⁴ the use of the word “backlash” in relation to women’s rights has become increasingly pertinent and frequent.

49. An expert study published in June 2018 for the European Parliament’s Committee on Women’s Rights and Gender Equality (FEMM) describes in which fields and by which means the backlash against gender equality and women’s rights is occurring in Austria, Hungary, Italy, Poland, Romania and the Slovak Republic.⁵⁵ They include the institutional and policy framework for gender equality; policy fields such as education, sexual and reproductive health and rights, and preventing and combating violence against women; as well as the working environment and operating space for women’s rights NGOs. The study concludes that in some countries the backlash has mostly remained at the level of rhetoric and discourse, while in others it has been translated into concrete measures. In general, it is connected, to a significant degree, with intensifying campaigning against so-called “gender ideology”.

50. Experts and NGOs are not the only ones to have identified a backlash. In May 2018, in its report to the Human Rights Council, the United Nations Working Group on Discrimination against Women in Law and Practice found that “an unprecedented pushback has been progressing across regions by an alliance of conservative political ideologies and religious fundamentalisms. Retrogressions have been occurring, often in the name of culture, religion and traditions, and threaten the hard-fought progress in achieving women’s equality”.⁵⁶

51. I would like to quote a passage of this report, mentioning the Istanbul Convention: “In recent years, the Working Group has observed how the concept of gender itself has been challenged, misunderstood and misused to further undermine the struggle towards the elimination of discrimination against women and towards gender equality. In this regard, the hostilities against so-called gender ideology, particularly vehement in Latin America and Eastern Europe, exemplify the growing challenges in the quest for equality. Conservative lobbies advocating against gender ideology, presented as a threat to ‘traditional values’, wrongly see efforts to advance gender equality as the imposition of ideas and beliefs that seek to destroy such institutions as the family, marriage and religious freedom. This movement has been particularly vocal in opposing policies or even debates on issues of scientifically based comprehensive sexuality education in schools, women’s sexual and reproductive rights, marriage equality and gender-based violence. The term ‘gender’ has, for instance, been challenged by the movement against the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) on the grounds that it imposes gender ideology. These conservative groups argue that international law prohibits only sex discrimination, denying that the term ‘gender’ has been used in international norms and standards since the 1970s. The Working Group recalls that, in its General Recommendation No. 28, the Committee on the Elimination of Discrimination against Women interpreted the prohibition of sex discrimination, as contained in the Convention on the Elimination of All Forms of Discrimination against Women, as including gender-based discrimination. Attacks against gender ideology are used by conservative actors to oppose the universal applicability of human rights standards on the basis of non-discrimination and to undermine achievements made in the recognition of women’s human rights and in the implementation of gender equality.”⁵⁷

54. Susan Faludi, *Backlash, The Undeclared War Against American Women*, 1991.

55. This study was presented by one of its authors, Borbala Juhasz, at the hearing on “Is there a backlash against women’s rights?”, which was jointly held by the Committee on Equality and Non-Discrimination and the Parliamentary Network Women Free from Violence in Strasbourg on 11 October 2018. The text can be found at: [www.europarl.europa.eu/RegData/etudes/STUD/2018/604955/IPOL_STU\(2018\)604955_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2018/604955/IPOL_STU(2018)604955_EN.pdf).

56. Paragraph 24. The text of the report can be found at: <https://undocs.org/A/HRC/38/46>.

57. Paragraph 14.

52. At the Commission on the Status of Women (CSW) in New York in March 2019, UN Secretary General António Guterres called for a “pushback against the pushback” on gender equality. He was supported in this call by Liliane Maury Pasquier, President of the Parliamentary Assembly.⁵⁸ In its agreed conclusions, the Commission strongly condemns all forms of violence against women and girls, which is rooted in historical and structural inequality and unequal power relations between women and men. It reiterates that violence against women and girls, in all its forms and manifestations, in public and private spheres, including sexual and gender-based violence, domestic violence and harmful practices such as child, early and forced marriage and female genital mutilation, are pervasive, under-recognised and under-reported, particularly at community level. It re-emphasises that violence against women and girls is a major impediment to the achievement of gender equality and the empowerment of women and girls and that it violates and impairs or nullifies their full enjoyment of all human rights and fundamental freedoms.⁵⁹

53. On 27 March 2019, the Committee of Ministers of the Council of Europe adopted its [Recommendation \(2019\)1 on preventing and combating sexism](#), in which it recommends that member States “take measures to prevent and combat sexism and its manifestations in the public and private spheres, and encourage relevant stakeholders to implement appropriate legislation, policies and programmes, drawing on the definition and guidelines appended to this Recommendation”.

54. In addition to the Istanbul Convention and its monitoring mechanism, there are other regional instruments aiming at preventing and combating violence against women and domestic violence. GREVIO is very committed to co-operation and synergies with other regional and international mechanisms on women’s rights and the aim at the core of such co-operation: ensuring implementation of regional and international standards at national and international level and strengthening positive impact. The Platform of independent international and regional women’s rights mechanisms is an initiative launched and led by the UN Special Rapporteur on violence against women. The mechanisms represented in the Platform include: the United Nations Special Rapporteur on violence against women, its causes and consequences; the United Nations Working Group on the issue of discrimination against women in law and in practice; the United Nations Committee on the Elimination of Discrimination against Women (CEDAW); the Inter-American Special Rapporteur on the rights of women; the Special Rapporteur on the Rights of Women in Africa; the Committee of Experts of the Follow-up Mechanism to the Belém do Pará Convention (MESECVI) and the Council of Europe’s Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO).

55. The Council of Europe hosted a meeting of the Platform (23 May 2019) and a thematic conference “Women’s Rights at the Crossroads: Strengthening International Co-operation to Close the Gap between Legal Frameworks and their Implementation” (24 May 2019) to discuss the enhancement of co-operation between the United Nations and regional mechanisms in tackling violence against women. Such co-operation among international and regional mechanisms is crucial for combating violence against women and countering the backlash against women’s rights.

8. Parliamentarians and the Istanbul Convention

8.1. Parliamentary Network “Women Free from Violence”

56. The Parliamentary Assembly strongly supported the elaboration of the Istanbul Convention, actively participated in its drafting process, expressed its opinion on it,⁶⁰ and put all its political weight behind promoting its signature and ratification, not only through constant support in its resolutions but also by setting up the Parliamentary Network Women Free from Violence,⁶¹ co-ordinated by the General Rapporteur on violence against women.

57. The Network is a unique pan-European parliamentary platform which, since its creation in 2006, has enabled national legislators to exchange good practices and share experience in the area of preventing and combating violence against women. Network members⁶² ask questions to relevant ministers, introduce bills and legislative initiatives and try to speed up signature and ratification of the Convention. Network members have catalysed political support for the Istanbul Convention in recent years in several countries and are now working on ensuring the implementation of its provisions and on demystifying misconceptions surrounding it.

58. <http://assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=7408&lang=2&cat=15>.

59. <https://undocs.org/en/E/CN.6/2019/L.3>.

60. <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?FileID=17971&lang=EN>.

61. https://pace.coe.int/en_GB/web/apce/women-free-from-violence.

62. Membership in the Network is limited to one member per delegation, or two (one per chamber) in the case of a bicameral parliament.

Thanks to its meetings, events and publications, the Network has been instrumental in raising parliamentarians' awareness and knowledge of the phenomenon of violence against women, its impact on society at large and the legal and policy instruments to tackle it. It has received funding from Austria, Armenia, Belgium, Cyprus, Germany, Luxembourg, the Netherlands, Poland, Portugal and Switzerland to pursue its activities since 2017. I hope it will receive sufficient resources to continue its activities beyond 2020.

8.2. Participation of national parliaments in monitoring procedures

58. The Istanbul Convention also acknowledges the special role of both parliamentarians and the Parliamentary Assembly by devoting a specific provision to them. Its Article 70 reads:

“Parliamentary involvement in monitoring

- *national parliaments shall be invited to participate in the monitoring of the measures taken for the implementation of this Convention.*
- *the Parliamentary Assembly of the Council of Europe shall be invited to regularly take stock of the implementation of this Convention.*
- *Parties shall submit the reports of GREVIO to their national parliaments.”*

59. In addition to promoting the ratification of the Convention, parliamentarians can ask governments to step up their efforts for the implementation of the Istanbul Convention, raise awareness of the Convention among the population, enact new legislation and contribute to its monitoring. I examine below the extent to which the involvement of national parliaments in the monitoring procedure has been meaningful, based on the experience of the States for which baseline reports are already available and on information provided directly by parliaments. I feel encouraged by the commitment of national parliaments with regard to the monitoring of the implementation of the Convention.

60. I was informed by the Albanian Parliament that it had adopted on 4 December 2017 a resolution “on Denouncement of violence against women and increasing the effectiveness of its legal prevention mechanisms”. Through this resolution, it expressed its commitment to monitoring the implementation by the Albanian authorities of the Istanbul Convention. The Sub-Committee on Gender Equality and for the Prevention of Violence against Women has adopted a detailed action plan for the implementation of the obligations that the country has to follow after the ratification of the Istanbul Convention and receiving the recommendations of the Committee of the Parties. The Sub-Committee organises hearings to assess progress.

61. The Danish Parliament indicated that from 2016 to 2019, 200 questions on violence against women had been asked by MPs to ministers (orally or in writing). Eleven of these 200 questions directly concerned the Istanbul Convention.

62. The Finnish Parliament reported that the Finnish delegation to Parliamentary Assembly had been very active and had encouraged a quick ratification of the Convention. The Finnish delegation organised a seminar on the implementation of the Istanbul Convention in Helsinki on 31 March 2016. In addition, the parliament was provided with an opportunity to provide comments on the questionnaire sent by GREVIO in preparation of the baseline evaluation and to meet with GREVIO. I was interested to find out that the Finnish Parliament is provided with an opportunity to express its views on the implementation of the Istanbul Convention. Requests for their opinion are specifically sent to the Constitutional Law Committee, the Finnish Delegation to the Assembly and the parliament's Human Rights Group.

63. A Commission on femicide and gender-based violence was set up at the Italian Senate in 2017 to follow up on the implementation of the Istanbul Convention.⁶³

64. In the Portuguese Parliament, a study group was created on legislative amendments, stalking and domestic violence as crimes. This study group is currently working on 18 legislative initiatives, following the first evaluation report by GREVIO and the recommendations of the Committee of the Parties. Draft resolutions on the media coverage of domestic violence cases, the detection of violence and the training of health professionals are being discussed.

63. Report adopted under the last legislature: www.senato.it/japp/bgt/showdoc/print/17/SommComm/0/1066513/doc_dc-allegato_a.

65. In Turkey, a Sub-Committee on the effective implementation and monitoring of the Istanbul Convention was established on 14 November 2018. It aims at making assessments and recommendations, and at discussing GREVIO reports.

66. Although it is not directly linked to the monitoring of the implementation of the Istanbul Convention, I was also interested to learn that a member of the National Assembly of Serbia participated in the national delegation which presented the Fourth Periodic Report on the implementation of the CEDAW in February 2019.

8.3. Not In My Parliament

67. As Liliane Maury Pasquier, President of the Parliamentary Assembly said, “One would expect parliaments to be a ‘safe place for women’, but they are not. Sexism, harassment and violence against women are prevalent in all sectors of life, and parliaments are unfortunately a microcosm of society”. Last year, the IPU and the Assembly conducted a study on sexism, harassment and violence against women in parliaments in Europe.⁶⁴ 123 women, including 81 female members of parliament and 42 female parliamentary staff members, were interviewed. They were members of the Assembly and/or of the IPU. More than 85% of the women who participated in the study reported having been victims of psychological violence during their mandate. More than 46% had received death or rape threats. More than 24% of respondents had been victims of sexual violence.

68. As a follow-up to the study, the President of the Assembly launched an awareness-raising campaign called #NotInMyParliament, calling for action to be taken by parliaments so as to prevent gender-based violence. I support this initiative and welcome the visibility given by the President to this issue. On 9 April 2019, the Assembly also adopted its [Resolution 2274 \(2019\)](#) and [Recommendation 2152 \(2019\)](#) “Promoting parliaments free of sexism and sexual harassment”, which lay out concrete measures to be taken.

9. Conclusions

69. Five years after the entry into force of the Istanbul Convention, I believe it is timely for the Assembly to examine the overall achievements of this Convention and the challenges to its implementation and further ratification. The entry into force of the Istanbul Convention in 34 Council of Europe member States is a major achievement and has had a positive impact in making legislation more protective of victims. Debates on the Convention have also contributed to raising awareness of the urgency of preventing and combating violence against women and domestic violence in society, contributing to a shift in mindsets to no longer consider this scourge a private matter.

70. Nevertheless, there are attacks against the Istanbul Convention which appear to be delaying some ratifications. In my view, the Istanbul Convention is attacked for what constitutes its major strength: it calls, in an indirect way, for the end of a patriarchal mentality which relegates women to a subordinate status in all aspects of life. The Assembly should take into account that the current opposition to the Istanbul Convention is unfolding against the backdrop of a broader backlash against women's rights. The Assembly should not relent in its efforts to promote gender equality and gender mainstreaming, as conclusive evidence shows that gender neutrality is a key problem holding back progress in the area of women's rights and protection against gender-based violence. The Assembly could step up its co-operation with GREVIO and the Gender Equality Commission of the Council of Europe (GEC).

71. As regards institutional stakeholders, the Assembly should strengthen its partnerships with the Inter-Parliamentary Union, the European Parliament and other international assemblies, as well as with the relevant United Nations institutions and bodies. The Assembly should also strengthen its dialogue and co-operation with NGOs, grass-roots organisations, civil society representatives and the academic sector. The Assembly should also find ways to ensure that NGOs working for women's rights are consulted and informed by the authorities on any policy or legal measure which could have an impact on women's rights.

72. A new impetus should be given to the mobilisation of parliamentarians in support of the Istanbul Convention, through inter-parliamentary co-operation activities. Knowledge of the Convention amongst members of parliament should also be enhanced, in order to empower them to play a more decisive role in the context of the monitoring procedure and in holding their governments to account for the effective implementation of the Convention and the recommendations emanating from GREVIO and the Committee of

64. Sexism, harassment and violence against women in parliaments in Europe, October 2018, <https://pace.coe.int/documents/19879/5288428/20181016-WomenParliamentIssues-EN.pdf/7d59e7c5-4a88-4d23-a6cd-7404449fd45f>.

the Parties. I look forward to the publication by the Parliamentary Network Women Free from Violence of the revised handbook on the Istanbul Convention addressed to parliamentarians, which will include examples of best practices for parliamentary involvement.

73. Members of national parliaments and above all those who are members of the Parliamentary Network Women Free from Violence and/or the Committee on Equality and Non-Discrimination of the Assembly should be more prominent, vocal and visible in the media to promote the Istanbul Convention and explain to the general public its real aim, achievements and added value. On the model of the No Hate Parliamentary Alliance, I would suggest that members of the Network be required to sign a charter of commitments, in which they undertake to actively support and promote the ratification and implementation of the Convention, and to combat misconceptions about the Convention.

74. We must remain optimistic and positive to continue promoting the Istanbul Convention, its achievements and its added value. We should not accept attacks against the Convention, which find their origin mostly in a fundamental disagreement on what the Convention stands for: a vision of society where women and men are equal. The Istanbul Convention has been described by many as a gold standard, which I take pride in promoting. I sincerely hope this report will contribute to demystifying misconceptions and creating a new political momentum in support of the Istanbul Convention, which is to date the most comprehensive international legally binding instrument to prevent and combat violence against women.