

# The Istanbul Convention: A tool to tackle violence against women and girls

The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) is the first instrument in Europe to set legally binding standards specifically to prevent gender-based violence, protect victims of violence and punish perpetrators. Following the EU's signing of the Convention in June 2017, the European Parliament's consent is required for the EU's accession to the Convention. Pending Council's formal request for that consent, Parliament adopted an interim resolution in September 2017, and subsequently reviewed progress towards EU accession, in April and November 2019. EU accession to the Istanbul Convention is one of the priorities in the new EU 2020-2025 gender equality strategy.

## Council of Europe initiative

Violence – including crimes that impact disproportionately on women, such as rape, stalking, and domestic violence – is a clear violation of human rights, and damages human dignity, gender equality and self-respect. Such gender-based violence has been a focus of international attention for several decades, and progress has been achieved. However, although countries in Europe had enacted legislation on violence against women, prior to 2014, there was no comprehensive European framework setting out standards on prevention, protection, prosecution and adequate provision of services to respond to the needs of victims and those at risk. The Council of Europe's Convention on preventing and combating violence against women and domestic violence ([Istanbul Convention](#)), which was adopted in 2011 and entered into force in 2014, now provides such a framework.

[One in three women](#) (33 %) in the EU has experienced physical and/or sexual violence since the age of 15; 75 % of women in a professional job or in top management have experienced sexual harassment; and one in ten women has experienced sexual harassment or stalking through new technologies.

## What makes the Istanbul Convention effective for fighting gender-based violence?

The Convention – which emerged from the Council of Europe's work to monitor violence against women and girls, identify gaps in legislation and find best practices – covers a broad range of measures, including obligations ranging from awareness-raising and data collection to legal measures on criminalising different forms of violence. Unlike other [international treaties](#) for tackling gender-based violence, the Istanbul Convention provides for the implementation of comprehensive and coordinated policies between national and governmental bodies involved in [prevention](#), prosecution, and protection activities.

The Convention:

- **defines and criminalises** various forms of violence against women, including physical, sexual, and psychological violence, stalking, sexual harassment, female genital mutilation, forced marriage, forced abortion and forced sterilisation;
- **prevents** violence by obliging parties to invest in awareness-raising campaigns and education, training for experts in close contact with victims, and treatment programmes for perpetrators, and to address the role of the media in eradicating gender stereotypes;
- **protects** victims by obliging states to establish appropriate support services such as a free national telephone hotline; shelters; medical, psychological and legal counselling; and help with housing and financial issues;
- **sets an obligation** for parties to collect data on gender-related crimes;
- **addresses** asylum and migration, as it requires gender-based violence to be recognised as a form of persecution when establishing refugee status;

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- **takes** a cross-border approach, making it obligatory for states parties to extend their jurisdiction to cover crimes committed abroad by their nationals;
- **introduces** a definition of 'gender', as 'the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men' as opposed to the usual definition based on the sex of the person;
- **covers** boys and men as well as girls and women as possible victims, in particular of domestic violence and forced marriage.

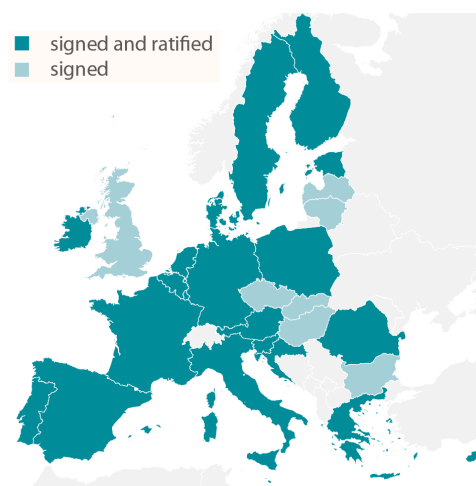
### Implementation mechanism

To ensure effective implementation of the Convention, a two-pillar [monitoring mechanism](#) has been established, consisting of an independent expert body ([GREVIO](#)), which draws up reports on the themes of the Convention) and a [Committee of the Parties](#) (which follows up on GREVIO reports and makes recommendations to the parties concerned). Two types of monitoring procedures have been provided. First, there is a country-by-country [evaluation procedure](#), beginning with a [draft report](#) and concluding with [final reports and conclusions](#) adopted by GREVIO. Second, a special [urgent inquiry procedure](#) 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.

### The EU and the Istanbul Convention

As of November 2020, all EU Member States have signed the Convention, and 21 (BE, DK, DE, EL, EE, ES, FR, HR, IE, IT, CY, LU, MT, NL, AT, PL, PT, RO, SI, FI, SE) have ratified it, although the Polish government has announced its [intention](#) to withdraw. The text provides for the EU to accede to the Convention, within its competences, alongside the Member States. Potential [benefits](#) of this would include mandating better data collection, providing a more coherent legal framework and improving support and protection for victims. In 2015, the Commission issued a [roadmap](#) for EU accession to the Convention, followed in 2016 by two [proposals](#) for Council decisions, one on the [signature](#) and the other on the [conclusion](#) (ratification) of the Convention on behalf of the EU. In May 2017, the Council adopted two signature decisions (on different legal bases), covering articles of the Convention concerning [cooperation in criminal matters](#) and articles concerning [asylum and non-refoulement](#). The Convention was [signed](#) by the EU shortly afterwards, on 13 June 2017. The next step – formal EU accession to the Convention – requires adoption of a Council decision following the consent of the European Parliament. Completing EU accession to the Convention is a priority in the EU's 2020-2025 [gender equality strategy](#).

Istanbul Convention – ratification status among EU Member States



Source: Council of Europe [Chart of signatures and ratifications of Treaty 210](#) (as of November 2020).

### European Parliament position

The European Parliament has consistently taken a strong stance on the issue of violence against women, and has [repeatedly called](#) for EU accession to the Istanbul Convention and for its ratification by individual Member States. Before being requested formally to consent to the EU's conclusion of the Convention, Parliament continues to [consider](#) the matter. It adopted an [interim resolution](#) on 12 September 2017, based on a report prepared jointly by the Civil Liberties (LIBE) and Women's Rights (FEMM) Committees. Subsequently, in a [resolution](#) of 4 April 2019, Parliament decided to ask the European Court of Justice to issue an opinion to resolve the legal uncertainty on the compatibility of the accession proposals and procedure with the Treaties, focusing on the proposed legal basis for the decisions and the resulting split into two decisions. After a Court [hearing](#) on 6 October 2020, the opinion is pending. In its [resolution](#) of November 2019, Parliament asked the Council to conclude EU ratification of the Convention urgently, on the basis of a broad accession without any limitations, and condemned campaigns against the Convention based on deliberate [misinterpretations](#). Recent [research](#) for Parliament assessed the impact of not ratifying the Convention. *This is a further updated edition of an [EPRS 'at a glance' note](#) published in December 2019.*

