The Istanbul Convention: A tool for combating 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. EU accession to the Istanbul Convention is one of the priorities in the EU 2020-2025 gender equality strategy. The EU signed the Convention in June 2017. Accession now requires a Council Decision and prior consent by the European Parliament. Parliament adopted an interim resolution in September 2017 and continues to review progress.

Council of Europe initiative

Violence – including crimes that disproportionately impact 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.

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). It prevents violence by obliging parties to invest in education, training for experts, and treatment programmes for perpetrators. It protects victims by obliging states to establish appropriate support services (i.e. free national telephone hotline; shelters; and medical, psychological and legal counselling). It sets an obligation for parties to collect data on gender-related crimes. It addresses asylum and migration while establishing refugee status. It introduces a different 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. It 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 established. First, there is a country-by-country evaluation procedure, beginning with a baseline 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. Up to November 2021, GREVIO has evaluated implementation of the Convention in 13 EU Member States (Austria, Denmark, Sweden, Portugal, Finland, France, Italy, The Netherlands, Belgium, Malta, Spain, Poland, and Slovenia). In 2021, GREVIO issued a comparative analysis, identifying common challenges, promising practices and issues facing individual countries. It found that many countries have used the Convention as impetus for developing legislation and policies that consider the specific experiences of women experiencing violence. Further steps need to be taken in this direction and more needs to be done to ensure that all forms of violence and all groups of women are addressed.

The EU and the Istanbul Convention

As of November 2021, 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. The text also 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), the first covering articles of the Convention concerning cooperation in criminal matters and the second covering 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. The von der Leyen Commission has included the file as a priority in its EU 2020-2025 gender equality strategy and 2021 work programme.

Position of the European Parliament

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 formally requested to consent to the EU’s conclusion of the Convention, Parliament continues to consider the matter. In September 2017, it adopted an interim resolution, based on a report prepared jointly by the Civil Liberties (LIBE) and Women’s Rights (FEMM) Committees, welcoming the signature of the Convention by the EU, but calling for EU accession to be broad and without limitations. In a resolution of 4 April 2019, Parliament asked for an opinion from the European Court of Justice to clarify the appropriate legal basis and therefore the scope of EU accession and the ratification procedure. The Court (Grand Chamber) issued its ruling on 6 October 2021. It found that the appropriate legal basis is Articles 78(2), 82(2), 84 and 336 TFEU. It also ruled that the Council may take additional time to achieve political support among Member States but may not make finding a ‘common accord’ a prerequisite for the decision on accession, which should be made based on a qualified majority. In its resolution of November 2019, Parliament also condemned campaigns against the Convention based on deliberate misinterpretations. While Parliament has expressed continued eagerness for the EU’s accession to the Convention, on 21 January 2021, it welcomed the Commission’s intention to propose measures to achieve the Convention’s objectives if some Member States continue to block its ratification. In September 2021, pending the Commission’s proposal in that area, Parliament adopted a legislative-initiative resolution on adding gender-based violence to the list of ‘Eurocrimes’ in Article 83 TFEU, thereby establishing the basis for an EU directive to combat such violence.

This is a further updated edition of an EPRS At a glance note the previous edition of which was published in November 2020.