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 such violence and punish perpetrators. EU accession to the Istanbul Convention is a priority 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. In parallel, it also supports the introduction of EU legislation to combat gender-based violence.

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. a 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 definition of ‘gender’, as ‘the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men’ in order to recognise specific forms of violence against women that are rooted in power inequalities. 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 procedure 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. As of November 2022, GREVIO has evaluated implementation of the Convention in 15 EU Member States (Austria, Belgium, Denmark, Finland, France, Germany, Italy, Malta, The Netherlands, Poland, Portugal, Romania, Slovenia, Spain and Sweden). In 2021, GREVIO’s comparative analysis identified common challenges, promising practices and issues facing individual countries. It found that many countries have used the Convention as an impetus for developing legislation and policies that consider the forms of violence it covers from a gender perspective. 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 2022, 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, but Poland may withdraw. The text provides for the EU to accede to the Convention, within its competences, alongside the Member States. Benefits 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 on cooperation in criminal matters, the second covering articles on asylum and non-refoulement. The EU signed the Convention 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. While it is not listed as a priority pending file in the Commission’s 2023 work programme, this does include a proposal for new EU legislation to address violence against women, envisaged as a parallel initiative, since EU accession to the Istanbul Convention has stalled in the Council.

### 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 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 2022, a further report is being prepared. 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. Parliament has condemned campaigns against the Convention based on deliberate misinterpretations, and has longstanding demands for EU accession to the Convention to be complemented by an EU legal framework on gender-based violence. In 2021, prior to the Commission’s proposal for a directive on violence against women and domestic violence, Parliament adopted two legislative initiative resolutions calling for gender-based violence to be added to the list of ‘Eurocrimes’ in Article 83 TFEU as the basis for a comprehensive EU directive and for this directive to criminalise gender-based cyberviolence.

This is a further updated edition of an EPRS ‘At a glance’ note, the previous edition of which was published in November 2021.