



ELDH European Association of Lawyers for Democracy & World Human Rights

WITH LAWYERS
IN 18 COUNTRIES

EJDM Europäische Vereinigung von Juristinnen & Juristen für Demokratie und Menschenrechte in der Welt
EJDH Asociación Europea de los Juristas por la Democracia y los Derechos Humanos en el Mundo
EJDH Association Européenne des Juristes pour la Démocratie & les Droits de l'Homme
EGDU Associazione Europea delle Giuriste e dei Giuristi per la Democrazia e i diritti dell'Uomo nel Mondo

Equality Privacy Social Rights
No Racism Peace No Torture No War
Self-Determination of Peoples Civil Rights Democracy
Human Rights Rights of Migrants

Bologna / London / Düsseldorf, 25th November 2016

Appeal to European States

for the ratification and implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)

25th November 2016, International Day for the Elimination of Violence against Women

The European Association of Lawyers for Democracy and World Human Rights (ELDH) calls upon European states to ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention), if they have not done so yet.

The Istanbul Convention was opened for signature on 11 May 2011, and came into force, after 10 ratifications, on 1 August 2014.

However, to date, of 47 states of the Council of Europe, only 22 states have signed and ratified the Convention. The 22 states which have ratified, are: Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Denmark, Finland, France, Italy, Malta, Monaco, Netherlands, Montenegro, Poland, Portugal, Romania, San Marino, Serbia, Slovenia, Spain, Sweden, and Turkey. 20 states including, **Bulgaria, Germany, Greece, Hungary, Latvia, Switzerland, and the UK** have signed but have not yet ratified. **5 states including Azerbaijan, and Russia** have not even signed.

The Istanbul Convention is the first legally-binding instrument in Europe in the field of violence against women and domestic violence. The convention therefore asks state parties to implement comprehensive and co-ordinated policies involving government agencies, NGOs as well as national, regional and local parliaments and authorities. The aim is that policies to prevent and combat violence against women and domestic violence are carried out at all levels of government and by all relevant agencies and institutions. States that fail to act with due diligence to prevent, investigate, and punish violations by private actors may be held responsible and may need to provide compensation.

The EC Explanatory Report states: "Violence against women, including domestic violence, is one of the most serious forms of gender-based violations of human rights in Europe that is still shrouded in silence."

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Included are all forms of violence against women: physical, sexual and psychological violence, and economic harm etc. within the family or the home irrespective of biological or legal binding) including domestic violence by which women are particularly affected. The Convention protects all victims of domestic violence, meaning also men and children

The Istanbul Convention establishes a series of offences characterized as violence against women. The Convention's definition of gender-based violence also includes economic harms. The Convention also requires parties to recognize gender-based VAW as a form of persecution when determining the refugee status of asylum seekers

The Convention addresses violence against women as a human rights violation and also as a form of gender-based discrimination, thereby strengthening the obligations imposed on States.

The 81 articles in the Convention define the range of integrated legal and other measures that States are required to take in order to meet their obligations to prevent, protect and prosecute violence against women. Those measures include data collection, prevention, protection and support measures, as well as legislative, investigative and prosecutorial measures.

The Convention also provides for the establishment of a monitoring mechanism to ensure State accountability. For this purpose, an independent "Group of experts on action against violence against women and domestic violence" (GREVIO) has been appointed to control the implementation of the Convention.

ELDH appeals upon those states which have not yet ratified the Istanbul Convention to do so without further delay: transformative change requires a commitment by States to be bound by specific legal obligations in the quest to prevent and eliminate violence.

European States , ratifying the Convention, will recognize the importance of the development of comprehensive and coordinated policies that place the rights of victims at the centre of all measures, and to involve all relevant actors, including government agencies, national, regional and local authorities, civil society organizations and other relevant entities, in order to implement an holistic framework of prevention, protection and persecution of domestic violence and violence against women.