

STUDY

Requested by the FEMM committee



Tackling violence against women and domestic violence in Europe

The added value of the Istanbul Convention
and remaining challenges



Tackling violence against women and domestic violence in Europe

The added value of the Istanbul Convention and remaining challenges

Abstract

This study was commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the FEMM Committee. It aims to understand the implementation of the Convention, its added value, arguments against the ratification of the Convention, and the impact of the COVID-19 pandemic on violence against women (VAW) and domestic violence (DV). The 27 EU Member States are included in the study, together with Turkey, which offers a comparator of the impact of the ratification of the Convention by a non-EU country.

This document was requested by the European Parliament's Committee on Women's Rights and Gender Equality (FEMM).

AUTHORS

Nathalie MEURENS, ICF
Hayley D'SOUZA, ICF
Saredo MOHAMED, ICF
Els LEYE, Ghent University/Consultant
Nazia CHOWDHURY, ICF
Stelios CHARITAKIS, ICF
Kate, REGAN, ICF

SENIOR EXPERT

The authors are grateful for the feedback of the senior expert:
Prof Dr Els LEYE, Ghent University/consultant

COUNTRY EXPERTS

Austria: Inga PAVLOVAITE
Belgium: Nathalie MEURENS
Bulgaria: Madlen NIKOLOVA
Croatia: Jelena MILOVANOVIC
Cyprus: Stelios CHARITAKIS
Czechia: Klara KOVAROVA
Denmark: Dora VAJAI
Estonia: Anu LAAS
Finland: Nazia CHOWDHURY
France: Magali GAY-BERTHOMIEU
Germany: Inga PAVLOVAITE
Greece: Stelios CHARITAKIS
Hungary: Dora VAJAI
Ireland: Saredo MOHAMED
Italy: Hayley D'SOUZA
Latvia: Kristine DUPATE
Lithuania: Inga PAVLOVAITE
Luxembourg: Nathalie MEURENS
Malta: Saredo MOHAMED
Netherlands: Eline WILDOER and Hayley D'SOUZA
Poland: Karolina JAKUBOWSKA
Portugal: Rachel MARSHALL
Romania: Irina ULCICA
Slovakia: Klara KOVAROVA
Slovenia: Hayley D'SOUZA
Spain: Claudia ABDALLAH
Sweden: Nazia CHOWDHURY
Turkey: Gizem GUNAY

ADMINISTRATOR RESPONSIBLE

Martina SCHONARD

EDITORIAL ASSISTANT

Sandrina MARCUZZO

LINGUISTIC VERSIONS

Original: EN

ABOUT THE EDITOR

Policy departments provide in-house and external expertise to support EP committees and other parliamentary bodies in shaping legislation and exercising democratic scrutiny over EU internal policies.

To contact the Policy Department or to subscribe for updates, please write to:

Policy Department for Citizens' Rights and Constitutional Affairs

European Parliament

B-1047 Brussels

Email: poldep-citizens@europarl.europa.eu

Manuscript completed in October 2020

© European Union, 2020

This document is available on the internet at:

<http://www.europarl.europa.eu/supporting-analyses>

DISCLAIMER AND COPYRIGHT

The opinions expressed in this document are the sole responsibility of the authors and do not necessarily represent the official position of the European Parliament.

Reproduction and translation for non-commercial purposes are authorised, provided the source is acknowledged and the European Parliament is given prior notice and sent a copy.

CONTENTS

LIST OF ABBREVIATIONS	6
LIST OF BOXES	9
LIST OF FIGURES	10
LIST OF TABLES	11
EXECUTIVE SUMMARY	12
1. INTRODUCTION	17
1.1. Aims of the study	17
1.2. Methods used to gather evidence for this study	17
1.2.1. Literature review	18
1.2.2. Legal and policy mapping	18
1.2.3. National data collection	19
1.2.4. Stakeholder consultation (online survey)	19
2. TACKLING VIOLENCE AGAINST WOMEN ACROSS EUROPE THROUGH POLICY, LEGISLATION AND THE ISTANBUL CONVENTION	20
2.1. Why are laws and policies tackling violence against women and domestic violence needed across the EU?	21
2.1.1. The scale of the problem: violence against women and domestic violence in numbers	21
2.1.2. An EU-wide issue exacerbated by the COVID-19 pandemic	23
2.2. The EU response to violence against women	24
2.2.1. Existing EU legislation and policies tackling violence against women and domestic violence	24
2.2.2. Tackling violence against women and domestic violence through programmes and initiatives	25
2.3. What is the Istanbul Convention?	26
2.3.1. The Convention's adoption	26
2.3.2. Overview of the key obligations under the Istanbul Convention	27
2.3.3. EU Member States and Turkey's ratification of the Istanbul Convention	29
2.3.4. The Istanbul Convention and the EU	31
3. THE ADDED VALUE OF THE ISTANBUL CONVENTION	33
3.1. Implementation of the Istanbul Convention across the EU and Turkey	34
3.1.1. Legislative developments following the ratification	34
3.1.2. New forms of violence adopted as criminal offences under national laws	40
3.1.3. Case-law developments	72
3.1.4. Policy responses to the ratification of the Istanbul Convention	76

3.1.5. Protection of women victims of violence and their children	79
3.1.6. Impact of the Convention, good practices and remaining challenges identified across the EU-27 and Turkey	90
3.2. How does the Istanbul Convention bring added value?	100
3.2.1. Innovations from the Convention	100
3.2.2. A stronger international law framework tackling violence against women	102
3.2.3. The GREVIO process and closer monitoring	103
4. THE REASONS FOR AND IMPACT OF NOT RATIFYING THE ISTANBUL CONVENTION	107
4.1. Understanding some of the national resistance to ratifying	108
4.1.1. Overview of signature and the failed ratification processes	108
4.1.2. Understanding the arguments against the ratification	110
4.1.3. Arguments and actors resisting the Convention country-by-country	113
4.1.4. Understanding the risk of withdrawing from the Istanbul Convention	122
4.1.5. Resistance in other Member States which have ratified	124
4.2. Gender identity and the Istanbul Convention: what is the implication of ratifying the Convention?	127
4.2.1. What does the Convention actually require in relation to gender?	127
4.2.2. What does international law require in relation to the ground of gender?	130
4.2.3. What does the EU law say about the ground of gender?	130
5. THE IMPACT OF AND RESPONSE TO COVID-19 ON VIOLENCE AGAINST WOMEN	132
5.1. Impact of COVID-19 on violence against women	133
5.1.2. Data on Violence Against Women since outbreak of COVID-19	133
5.1.3. Thematic analysis of impact of COVID-19 on VAW	147
5.2. National responses to Violence Against Women in relation to COVID-19	155
5.2.1. Coordinated actions and strategies	157
5.2.2. Legal system	158
5.2.3. Strengthening support services	159
5.2.4. Awareness-raising campaigns	161
5.2.5. Summary of response to violence against women due to COVID-19 by country	162
6. CONCLUSIONS AND RECOMMENDATIONS	178
6.1. Conclusions	178
6.1.1. The added value of the Istanbul Convention	178
6.1.2. The reasons for and impact of not ratifying the Istanbul Convention	180
6.1.3. The impact of and response to COVID-19 on violence against women	182
6.2. Recommendations	182
6.2.1. Recommendation 1: Strengthen the legal framework by fully reflecting the Convention's substantial law provisions in the legislation	183

6.2.2. Recommendation 2: Ensure the full implementation of the Istanbul Convention's provisions	184
6.2.3. Recommendation 3: Ensure an integrated, gender-sensitive, intersectional and evidence-based policy framework	185
6.2.4. Recommendation 4: Ensure adequate prevention, protection and service provision	186
6.2.5. Recommendation 5: Promote gender equality, education and awareness-raising on the various forms of violence and gender stereotypes	186
REFERENCES	188

LIST OF ABBREVIATIONS

ANES	Romania National Agency for Equal Opportunities between Women and Men
CAHVIO	Committee for preventing and combating violence against women and domestic violence
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CJEU	Court of Justice of the European Union
CoE	Council of Europe
DV	Domestic Violence
ECHR	European Charter on Human Rights
ECtHR	European Court of Human Rights
EIGE	European Institute for Gender Equality
EU	European Union
EU-27	27 Members States which make up the European Union from 1 st February 2020
FEMM	European Parliament Committee on Women's Rights and Gender Equality
FGM	Female genital mutilation
FAQ	Frequently asked questions
FRA	Fundamental Rights Agency
GREVIO	Group of Experts on Action against Violence against Women and Domestic Violence
IVF	In vitro fertilisation
IPV	Intimate Partner Violence
Istanbul Convention	Council of Europe Convention on preventing and combating violence against women and domestic violence
MEGA	Luxembourg Ministry of Equal Opportunity
MEP	Member of European Parliament

MP	Member of Parliament
NAP	National action plan
NAPE	Finland Committee for Combating VAW and DV
NGOs	Non-Governmental Organisations
PPE	Personal protective equipment
RCC	Rape crisis centre
StGB	Strafgesetzbuch (German Criminal Code)
TFEU	Treaty on the Functioning of the European Union
TEU	Treaty on the European Union
UN	United Nations
UNDP	United Nations Development Programme
UNODC	United Nations Office on Drugs and Crime
VAW	Violence Against Women
ZPND	Slovenia Domestic Violence Prevention Act

COUNTRY ABBREVIATIONS

AT	Austria
BE	Belgium
BG	Bulgaria
CY	Cyprus
CZ	Czechia
DE	Germany
DK	Denmark
EL	Greece

EE	Estonia
ES	Spain
FI	Finland
FR	France
HR	Croatia
HU	Hungary
IE	Ireland
IT	Italy
LT	Lithuania
LU	Luxembourg
LV	Latvia
MT	Malta
NL	Netherlands
PL	Poland
PT	Portugal
RO	Romania
SE	Sweden
SI	Slovenia
SK	Slovakia
TU	Turkey

LIST OF BOXES

Box 1: Maltese legislation gives prominence to the rights set in the Istanbul Convention	39
Box 2: Risk factors for domestic violence from literature	147
Box 3: Managing capacity of women's shelters in Germany	152
Box 4: Factors which have led to an increase in VAW and DV	154
Box 5: Bright Sky app	160
Box 6: Austria: national response to VAW in relation to COVID-19	162
Box 7: Belgium: national response to VAW in relation to COVID-19	163
Box 8: Bulgaria: National response to VAW in relation to COVID-19	164
Box 9: Croatia: national response to VAW in relation to COVID-19	164
Box 10: Cyprus: National response to VAW in relation to COVID-19	165
Box 11: Czechia: national response to VAW in relation to COVID-19	166
Box 12: Denmark: national response to VAW in relation to COVID-19	166
Box 13: Estonia: national response to VAW in relation to COVID-19	167
Box 14: Finland: national response to VAW in relation to COVID-19	168
Box 15: France: national response to VAW in relation to COVID-19	168
Box 16: Greece: national response to VAW in relation to COVID-19	169
Box 17: Germany: national response to VAW in relation to COVID-19	170
Box 18: Hungary: national response to VAW in relation to COVID-19	171
Box 19: Ireland: national response to VAW in relation to COVID-19	171
Box 20: Italy: national response to VAW in relation to COVID-19	171
Box 21: Latvia: national response to VAW in relation to COVID-19	171
Box 22: Lithuania: national response to VAW in relation to COVID-19	172
Box 23: Luxembourg: national response to VAW in relation to COVID-19	172
Box 24: Malta: national response to VAW in relation to COVID-19	172
Box 25: Netherlands: national response to VAW in relation to COVID-19	173
Box 26: Portugal: national response to VAW in relation to COVID-19	173
Box 27: Poland: national response to VAW in relation to COVID-19	174
Box 28: Romania: national response to VAW in relation to COVID-19	175
Box 29: Slovakia: national response to VAW in relation to COVID-19	176
Box 30: Slovenia: national response to VAW in relation to COVID-19	176
Box 31: Spain: national response to VAW in relation to COVID-19	176
Box 32: Sweden: national response to VAW in relation to COVID-19	177
Box 33: Turkey: national response to VAW in relation to COVID-19	177

LIST OF FIGURES

Figure 1:	Severity, prevalence and disclosure of VAW in Europe	22
Figure 2:	Intimate femicide and homicide in Europe	41
Figure 3:	Whether stakeholders have seen shifts towards more coordinated, comprehensive and integrated policies on VAW and DV since their country ratified the Istanbul Convention (n=84)	79
Figure 4:	Whether or not respondents to the stakeholder consultation have seen changes in the availability and accessibility of specialised support services related to VAW and DV since their country ratified the Istanbul Convention (n=84)	85
Figure 5:	Respondents provided more information on changes in the availability and accessibility of specialised support services (n=46)	86
Figure 6:	Respondents provided more information on the challenges to tackle VAW and DV despite ratification to the Convention (n=83)	99
Figure 7:	Eurobarometer question on whether it is acceptable for men to cry	120
Figure 8:	Eurobarometer question on whether women are more likely than men to make decisions based on their emotions	121
Figure 9:	Respondents to the stakeholder consultation question 'has there been an increase in violence against women as domestic violence in your country due to the COVID-19 pandemic, and national "lockdown" measures introduced to tackle it?' (n=103)	134
Figure 10:	Calls to Romania's helpline for victims of domestic violence, discrimination on the grounds of sex and trafficking in human beings (16 March-30 April 2019 compared to 16 March -30 April 2020)	135
Figure 11:	Calls to Romania's helpline for victims of DV, discrimination on the grounds of sex and trafficking in human beings by reason for call (18 May 2020 – 16 July 2020) (n=662)	136
Figure 12:	Calls to Riga Municipal Police relating to domestic violence, January 2019 to June 2020	136
Figure 13:	Calls to national helpline Life Without Violence (Denmark) comparing January to May 2019 with the same period in 2020	137
Figure 14:	Emergency protection orders issued and broken in Covasna and Buzau County (Romania) comparing January – August 2019 and 2020.	140
Figure 15:	Domestic violence Google searches in the Netherlands from March 2018 to September 2020	142
Figure 16:	Domestic violence Google searches in Greece from March 2018 to September 2020	142
Figure 17:	Domestic violence Google searches in Turkey from March 2018 to September 2020	143
Figure 18:	Domestic violence Google searches in Turkey from March 2018 to September 2020	143
Figure 19:	Domestic violence Google searches in Austria, Belgium, Cyprus, France, Germany, Greece, Ireland, Italy, Netherlands and Slovakia from March 2018 to September 2020	143
Figure 20:	Domestic violence Google searches in Czechia, Denmark, Poland and Turkey from March 2018 to September 2020	144

Figure 21:	Domestic violence Google searches in Croatia, Finland, Hungary, Malta and Sweden from March 2018 to September 2020	144
Figure 22:	Domestic violence Google searches in Bulgaria from March 2018 to September 2020	145
Figure 23:	Domestic violence Google searches in Latvia from March 2018 to September 2020	145
Figure 24:	Domestic violence Google searches in Bulgaria, Estonia, Latvia, Lithuania, Luxembourg, Portugal, Romania, Slovenia and Spain from March 2018 to September 2020	145
Figure 25:	Changes in Google searches for 'domestic violence' across the EU-27 from March 2018 to September 2020	146
Figure 26:	Stakeholder consultation results for Q2.1.3 'Can you explain what features of the lockdown measures in your country have led to this increase in VAW and DV cases?' (n=58). Stakeholders could choose multiple responses	148
Figure 27:	Impact of COVID-19 and lockdown measures on support services for victims of VAW (n=103) Multiple responses possible.	153
Figure 28:	Number of measures taken in response to COVID-19 to tackle VAW.	155

LIST OF TABLES

Table 1:	Respondents to the stakeholder consultation by country (n=103)	20
Table 2:	Overview of the Istanbul Convention - key themes, obligations and distinct features	27
Table 3:	Reservations to the Istanbul Convention	30
Table 4:	Overview of legislative development since ratification or 2014	34
Table 5:	Overview of domestic violence definitions in the Member States and Turkey	45
Table 6:	Definitions of the four forms of domestic violence	49
Table 7:	Overview of forms of DV covered across the EU-27 and Turkey	51
Table 8:	Overview of the criminalisation of additional types of violence in the Istanbul Convention	65
Table 9:	Overview of case-law referring to the Convention since ratification or 2014	72
Table 10:	Overview of NAPs or strategies on VAW and DV	77
Table 11:	Overview of the presence of regulated/ standardised risk assessment/ management processes	80
Table 12:	Overview of the scope of protection orders in covering the four forms of domestic violence (physical, sexual, psychological, economic violence)	81
Table 13:	Overview of the attempted ratification processes	108
Table 14:	Arguments and actors against non-ratification	111
Table 15:	Summary of actions taken to mitigate the impact of COVID-19 on victims of VAW	156

EXECUTIVE SUMMARY

Background

Violence against women (VAW) is rooted in gender-based inequality and is a violation of human rights. This manifestation of deep-rooted gender-based inequality results in physical, sexual, psychological and economic harm and suffering for women in the public and private spheres (European Parliament, 2017a).

Despite substantial efforts to advance policies and strategies on gender equality, women continue to experience serious forms of violence, unabated. The European Institute for Gender Equality (EIGE) provides a composite measure of gender-based violence in the EU, showing prevalence of 21.2 %, severity of 46.9 % and disclosure of 14.9 % (EIGE, 2017a). Recent reports exploring the effects of the COVID-19 pandemic suggest that VAW has increased in countries where stay-at-home measures have been adopted in response to the pandemic. Uncertainties surrounding security, health and finances, coupled with confined living situations, are giving rise to experiences of violence in the domestic sphere, particularly directed towards women and children. Restrictions on mobility and reduced accessibility of support services exacerbate the problem (UN Women 2020a).

The Istanbul Convention is the first international treaty specifically tackling violence from a gender perspective. It recognises 'the structural nature of violence against women' and 'that domestic violence affects women disproportionately', while recognising that men may also be victims of such violence. The Convention aims to tackle violence in a holistic manner by including obligations structured around four main pillars: (1) integrated policies; (2) prevention of all forms of violence; (3) protection of victims from further violence; and (4) prosecution of perpetrators.

Aim and method

This study aims to understand the implementation of the Convention, its added value, arguments against the ratification of the Convention, and the impact of the COVID-19 pandemic on violence against women (VAW) and domestic violence (DV). The 27 EU Member States are included in the study, together with Turkey, which offers a comparator of the impact of the ratification of the Convention by a non-EU country. The study comprised a literature review, legal mapping of the legislation and support services of each country with relevant articles of the Convention, national data collection and stakeholder consultation, via an online survey (primarily to gather up-to-date information on the impact of COVID-19).

The added value of the Istanbul Convention: findings

As of September 2020, 21 EU Member States and Turkey have ratified the Istanbul Convention: Austria, Belgium, Croatia, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovenia, Spain and Sweden. Upon ratification, Member States are bound to review and, where necessary, adjust their national legal and policy frameworks to ensure the implementation of the Convention's requirements. The EU itself signed the Convention in 2017, demonstrating a strong political commitment to combat VAW within the area of its competences.

The EU contributes to fighting VAW and DV through legislation, such as enshrining gender equality in the EU Treaties and the Charter of Fundamental Rights, secondary legislation (such as the Victim's Rights Directive) as well as in European Parliament resolutions. It undertakes policy efforts, such as the EU Gender Equality Strategy 2020-2025 (European Commission, 2020a) and the EU guidelines on violence against women and girls and combating all forms of discrimination against them (European

Commission, 2008). It also uses targeted actions, such as funding (e.g. the Rights, Equality and Citizenship Programme), awareness raising (e.g. co-funding national and NGO campaigns combating violence against women and children (European Commission, 2020b)), research (e.g. through EIGE's collection of comparable data on gender-based violence and the development of relevant, harmonised indicators (European Parliament, 2019a) and coordinated action (e.g. 2016 Eurobarometer on gender-based violence).

The Convention does not oblige State Parties to reproduce the specific provisions of the Convention but, rather, to ensure that serious or widespread types of conduct are sufficiently reflected in the criminal offences. The study found that ratification of the Convention had the effect of triggering amendments to the existing legislation or/and the adoption of new legal measures (with the exception of CY which is in the process of revising its legislation). Of the six countries that have not ratified the Convention, two (LT, LV) did not have any identified legislative development relation to VAW and DV since ratification or 2014. Looking at the extent of the legislative developments in both sets of countries, legislative changes are less extensive in countries which did not ratify.

Most EU Member States have adopted gender-neutral legal texts and policies, with the exception of Sweden and Slovakia, which have at least one gender-specific offence. Five countries (ES, MT, PT, RO and TU) have adopted gender-specific legislation in relation to violence or recognising the gendered nature of violence. The Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), which was established to monitor implementation of the Istanbul Convention, has criticised such gender-neutral approaches for failing to acknowledge that violence affects women disproportionately and that domestic violence is distinctly gendered (GREVIO, 2020a). In practical terms, 14 countries have adopted a national action plan (NAP) or strategy specifically dedicated to gender-based violence and DV that remains applicable in 2020. Only two of the six countries that have not ratified (CZ, LT) have such an NAP in place.

Nine countries do not define DV at national level (AT, BE, CZ, DK, EE, FI, FR, IE, LU). In fact, DV is not usually a criminal offence in and of itself but instead tends to represent an umbrella of criminal conduct within a family unit or in the context of intimate relationships. The Istanbul Convention defines domestic violence as 'all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim' (Article 3). Only seven of the countries examined here (BG, HR, LT, LV, MT, RO, TU) refer to these four forms of violence in their definition of DV. Although often conceptualised in relation to physical and sexual violence, psychological violence is actually the most prevalent form of DV and is symptomatic of a pattern of violence (FRA, 2014). Economic violence, such as restricting access to resources, is the least recorded and regulated form of DV.

Good practices in implementing the Convention include establishing coordinated policies to tackle VAW, allocating appropriate resources, encouraging men and boys to take action to prevent VAW, raising public awareness, education and training initiatives, offender intervention programmes, and providing specific accessible victim supports and information.

The Convention adds value through its innovative gendered approach, the addition of new offences and approaches (e.g. shift from coercion to consent), emphasis on due diligence and its dual focus on victim support services and prevention. GREVIO has, however, noted several key gaps in its implementation, ranging from insufficient funding and project-based rather than sustainable NAPs, to insufficient specialist support services and uncertain funding for those supports.

Resisting the Convention: the arguments and underlying reasons

Religious and conservative voices appear to have united their diverse platforms against the common enemy of 'gender ideology'. The first GREVIO report (2020a) highlighted opposition to the Istanbul Convention in some EU Member States, with individuals and organisations expressing their concern about the 'gender ideology' contained within it. Opponents argue that the Convention goes against traditional values, that gender is a biological concept rather than a social construct, that acceptance of the Convention requires the broader acceptance of progressive 'foreign' reform that may threaten national sovereignty, and that the Convention will necessarily lead to the recognition of LGBTIQ+ rights. Closer examination of the provisions at issue, however, finds no support for these claims.

Such resistance is evident even in countries that have already ratified the Convention, often in response to proposed legislation on same-sex marriage and adoption (e.g. FR) or the issue of sexuality education in schools (e.g. IT, SI). This national resistance has seen both Hungary and Slovakia reverse their initial ratification and formally reject the Convention, while Poland and Turkey have also announced their intention to withdraw. It is concerning that anti-gender campaigns are neither mere national trends nor isolated occurrences, but are part of an organised transnational and increasingly global phenomenon, with common strategies and patterns of mobilisation. The resistance to the Convention and, more widely to human rights and progressive legislation and policies, has highlighted the need to acknowledge the wider, socio-political contexts within which opposition is arising. Resistance to the Convention has been led by conservative nationalist political leaders and religious actors, intolerant to social progress and driven by a stereotyped patriarchal view of society. Additionally, non-ratifying countries and countries with high resistance to the Convention often display victim-blaming public attitudes to intimate partner violence, stronger gender stereotypes against women and a stronger resistance to same-sex marriage and rights.

The impact of and response to COVID-19 pandemic on violence against women

Evidence for this study indicates that the COVID-19 pandemic and resulting lockdown measures has led to an increase in the prevalence and intensity of VAW in some countries. Over half of the respondents to the stakeholder consultation noted an increase in VAW and DV in their country, with increases in calls to telephone helplines for victims of VAW ranging from 25 % in Ireland to 694 % in Finland (Data provided by stakeholders in the online consultation for this study). Stakeholders noted that restrictions on movement, including stay-at-home orders, simultaneously increased contact (and thus increased control) between perpetrators and victims of violence, while decreasing access to supports.

Similarly, all respondents to the stakeholder consultation observed an increase in risk factors for VAW and specifically for DV as a result of the pandemic (e.g. unemployment, alcohol use). For victims, changes in work and home life patterns may have exacerbated domestic inequality and unequal sharing of responsibilities, resulting in their reduced capacity to seek support or to cope with everyday life. At the same time, the availability of support services was impacted by the pandemic, with notable barriers including reduced shelter capacity, staffing and funding.

The United Nations Development Programme (UNDP) launched a COVID-19 Global Gender Response Tracker to monitor policy measures enacted by governments in response to the virus. The European region has taken the highest number of measures to tackle VAW (224), with greater political awareness or willingness to provide resources in those countries that have ratified the Convention. National responses varied from coordinated actions (BE, BG, HR, LT, LU) and setting legal precedents (AT, IT), to strengthening support services (12 Member States), providing additional funding and upweighting

temporary accommodation. Awareness-raising campaigns encouraging victims to access services were the most common form of support provided (16 Member States and Turkey).

Recommendations

Five overarching recommendations have been formulated for the EU institutions and Member States aimed at structurally improving the situation of women in the light of the latest data and insights in the COVID-19 pandemic.

- **Recommendation 1:** Strengthen the legal framework by fully reflecting the Convention's substantial law provisions in the legislation
 - **Key actions at EU level shall include:** concluding the Istanbul Convention, to align the EU legislation to the Istanbul Convention, adopting a Directive on VAW and DV, complementing and strengthening the existing framework; introducing the protection ground of gender and gender identity in the next revision of the TFEU.
 - **Key actions at Member States level shall include:** ratifying the Convention for those which have not done so yet, conducting a review of legal framework; identifying necessary changes in all areas covered by the Istanbul Convention, paying attention to GREVIO recommendations, reflecting the gender dimension of violence, ensuring all violent conducts are fully and effectively criminalised and prosecuted.
- **Recommendation 2:** Ensure the full implementation of the Istanbul Convention's provisions
 - **Key actions at EU level shall include:** developing a comprehensive framework of policies, programmes and other initiatives tackling VAW and DV; facilitating the exchange of best practices on prevention, protection, prosecution measures, as well as best practices in their practical implementation; allocating sufficient and adequate resources to the implementation of the Istanbul Convention.
 - **Key actions at Member States level shall include:** ensuring that tackling VAW and DV is a key policy priority and ensuring the full implementation of the Istanbul Convention through their legislative and policy measures; providing a comprehensive national response to VAW and DV, addressing the 4 Ps; providing a comprehensive national response to VAW and DV, addressing all forms of physical, psychological, sexual and economic violence.
- **Recommendation 3:** Ensure an integrated, gender-sensitive, intersectional and evidence-based policy framework
 - **Key actions at EU level shall include:** facilitating the exchange of best practices on integrating an intersectional and gender sensitive response to VAW.
 - **Key actions at Member States level shall include:** developing a comprehensive multisectoral action plan that addresses all forms of VAW and DV; ensuring that all measures pay particular attention to the intersecting discriminations; appointing a coordinating agency with a clear mandate and sufficient resources for the implementation, monitoring and evaluation of all measures; ensuring that NAPs are gender sensitive and address the power imbalances and gender equalities; ensuring that NAP measures are regularly updated, monitored and evaluated; collecting disaggregated data at regular intervals and disseminating the data to the general public.

- **Recommendation 4:** Ensure adequate prevention, protection and service provision
 - **Key actions at EU level shall include:** allocating resources through its funding programmes to support the prevent of violence and the protection of victims; closely monitoring the implementation of the Victims' Rights Directive, ensuring that all the provisions of the Directive are fully implemented for all victims in the EU.
 - **Key actions at Member States level shall include:** ensuring the establishment of general and specialised support services, helplines, shelters and rape crisis or sexual violence referral centres in line with the Convention's requirements; paying attention to addressing the gender inequalities causing VAW and DV in preventive actions; ensuring prevention of violence towards women and children in vulnerable situations.
- **Recommendation 5:** Promote gender equality, education and awareness-raising on the various forms of violence and gender stereotypes
 - **Key actions at EU level shall include:** raising awareness on the benefits of the Convention and publish a booklet to demystify and counter the transnational spread of misconceptions and myths with regard to the Istanbul Convention; adopt a number of measures to strengthen awareness-raising and education, including exchange of best practices and funding their implementation.
 - **Key actions at Member States level shall include:** adopting measures to ensure students at all education levels are aware of the various forms of DV; adapting the training curricula of teachers to provide them with teaching tools to educate on reducing gender stereotypes and eradicating prejudices; funding awareness-raising activities and campaigns tackling victim-blaming and gender stereotypes; ensuring that all professionals coming into contact with victims are trained on best support victims without gender stereotypes and prejudice in their response.

More broadly, EU accession to the Convention will improve the health and lives of victims, reduce violence, enhance data collection and foster closer cooperation with the Council of Europe (European Commission, 2015). EU implementation of the Istanbul Convention will require a toolbox of measures, from binding instruments and policy measures to programmes and resources.

1. INTRODUCTION

1.1. Aims of the study

The Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention, or the Convention) is the first international legally binding instrument adopted to tackle gender-based violence in Europe and ensuring the protection and support of women and their children victims. As of September 2020, the Istanbul Convention has entered into force in 34 countries, including 21 EU Member States and Turkey¹. Six of the 27 EU Member States (EU-27) have not ratified the Convention².

The study aims to understand the implementation of the Convention, its added value, arguments against the ratification of the Convention, and the impact of the COVID-19 pandemic on violence against women (VAW) and domestic violence (DV). It groups EU-27 Member States and Turkey into those that have ratified and implemented the Istanbul Convention and those that have not. Turkey was included to offer a comparator of the impact of the ratification of the Convention by a non-EU country. Specific objectives of the study are to:

- Provide an overview of existing laws and case-law relating to the Istanbul Convention (see sections 2.1, 2.2 and 3.1);
- Provide a description of existing and proposed programmes, guidelines or actions at EU level related to VAW (see section 3.1);
- Analyse and evaluate the extent to which women are protected against abuse and violence in these two groups of countries and whether more effective help is offered in one group (see sections 3 and 4);
- Identify measures, challenges and innovations developed by the countries that have ratified the Istanbul Convention and highlight their added value compared to those that have not ratified it (see section 3.2);
- Analyse the disinformation campaigns surrounding the ratification process and address the background of the so-called gender ideology arguments against ratification (see section 4);
- Provide an overview of the impact of COVID-19 on VAW and DV, alongside the different national responses during the pandemic (see section 5.1);
- Present options for the adoption of specific measures, sharing best practice or organising awareness campaigns to combat VAW and DV, taking the effects of the COVID-19 pandemic into account (see section 6)
- Provide practical and policy recommendations for the most relevant actors aimed at structurally improving the situation of women in the light of the latest data and insights in the COVID-19 pandemic (see section 6).

1.2. Methods used to gather evidence for this study

The study is based on four strands of data collection: a **literature review** of peer-reviewed and grey literature focusing on the impact of the Convention and arguments against its ratification; a **legal**

¹ AT, BE, CY, DE, DK, EL, EE, ES, FI, FR, HR, IE, IT, LU, MT, NL, PL, PT, RO, SE, SI, TK.

² BG, CZ, HU, LT, LV, SK.

mapping to compare the criminal codes and support services of each country with relevant articles of the Convention; **national data collection** to identify challenges in the implementation of the Convention and to identify good practices; and stakeholder consultation via an **online survey**, primarily to gather up-to-date information on the impact of COVID-19 on VAW. Each method is detailed below.

1.2.1. Literature review

The literature review examined peer-reviewed and grey literature to identify: best practices in legislation and its practical implementation; the added value of the Istanbul Convention; arguments, support groups and enabling campaigns relating to 'gender ideology' as reasoning against the ratification of the Convention; and the impact of COVID-19 on VAW and country responses.

Several research questions guided the literature review:

- **Research Question 1:** What is the added value of ratifying the Istanbul Convention?
- **Research Question 2:** What changes have the EU Member States (and Turkey) made in their legislation and policies following the ratification of the Istanbul Convention? How did the Convention trigger those changes? Are there best practices?
- **Research Question 3:** What factors explain the strong campaigns against the Istanbul Convention in countries that have yet to ratify it?
- **Research Question 4:** What is the impact of COVID-19 and its response on VAW? Are there best practices in tackling the increased risks of VAW?

A review protocol was formulated to identify relevant material to include in the literature review, including the sources consulted, criteria for inclusion and exclusion, database filters and search terms.

The initial search identified 60 potentially relevant materials. Screening of the title and abstract reduced this number to 56 studies based on their relevance to the scope of the study. Following data extraction, this was reduced to 49. The studies were then reviewed, with key points extracted into an Excel file to enable comparison between studies. The results are integrated through the report.

1.2.2. Legal and policy mapping

Legislation and policy for each country were mapped against key articles of the Istanbul Convention. These relate to:

- Whether the relevant criminal code contains a specific offence for types of VAW detailed in the Convention³, and whether the victim being a child, woman, intimate partner would lead to higher penalties (aggravating circumstances);
- Whether risk assessments and risk management are a legal obligation in relation to VAW;
- Whether restraining or protection orders are available to victims of physical, psychological, sexual and economic violence;
- Details on support services and any general or specialised support services introduced after ratification;

³ VAW; DV; physical violence; psychological violence; sexual violence; economic violence; stalking; female genital mutilation/cutting; forced marriage; forced abortion; forced sterilisation; sexual harassment.

- Whether gender-based violence against women may be recognised in law/practice as a form of persecution giving rise to complementary/subsidiary protection;
- Presence and coverage of national action plans or strategies on VAW and DV.

The mapping has been carried out based on publicly available information. The main sources of information used were the State Baseline Reports to Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), the GREVIO 1st evaluation reports, NGOs contribution to GREVIO as well as literature. Where needed, the national legislation was reviewed, in particular the Criminal Codes.

1.2.3. National data collection

The national researchers conducted desk research between 29 July 2020 and 16 September 2020 to complete a fiche for their country. That fiche collated data on:

- Relevant case-law from higher level courts that mention or align with the Convention;
- Main challenges or gaps in implementing the Convention and in tackling VAW;
- Whether the implementation of the Istanbul Convention is under pressure due to resistance to the Convention or issues related to gender ideology discourse;
- Good practice and innovative examples that relate to the areas covered by the Convention, including examples of how countries have responded to the COVID-19 pandemic in relation to protecting women against violence and DV;
- Main added value of ratification of the Istanbul Convention, according to the literature;
- The impact of the COVID-19 pandemic in terms of measures restricting the freedom of people and requiring residents to be confined at home, and whether specific measures were adopted to prevent VAW and support victims during the pandemic.

1.2.4. Stakeholder consultation (online survey)

A stakeholder consultation was carried out to collect information from support services for victims of VAW, particularly in relation to the impact of COVID-19 and the impact of ratification of the Convention (where applicable). Key stakeholders were identified through desk research by the country experts and comprised:

- Government departments and ministries responsible for VAW;
- Equality bodies;
- Shelters for women (and children) victims of DV;
- Organisations providing support services to women (and children) victims of DV.

The consultation was open from 5 August to 15 September 2020 and received 103 responses. Table 1 below shows respondents, by country.

Table 1: Respondents to the stakeholder consultation by country (n=103)

Country	Responses	Country	Responses	Country	Responses
AT	5	FI	5	NL	2
BE	4	FR	1	PL	2
BG	5	HR	4	PT	0
CY	2	HU	1	RO	4
CZ	5	IE	4	SE	4
DE	14	IT	2	SI	2
DK	0	LT	2	SK	3
EL	21	LU	1	TK	3
EE	2	LV	3		
ES	0	MT	2		

When the study began, the following 21 Member States and Turkey had ratified the Convention: Austria, Belgium, Croatia, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovenia, Spain, Sweden and Turkey.

All of these Member States lodged their ratification instruments before 1 July 2020, the cut-off date for this research. On 31 July 2020, however (during the period of the study), Poland began the formal process to withdraw from the Convention. For the purposes of this study, the 22 countries mentioned above are categorised as having ratified the Convention. The remaining six countries - Bulgaria, Czechia, Hungary, Lithuania, Latvia and Slovakia - are categorised as countries that have not ratified the Convention.

Information relating to the implementation of the Convention is included in this research up to the cut-off date of 16 September 2020

2. TACKLING VIOLENCE AGAINST WOMEN ACROSS EUROPE THROUGH POLICY, LEGISLATION AND THE ISTANBUL CONVENTION

KEY FINDINGS

- **One-third** of women in the EU have experienced **physical and/or sexual violence** since the age of 15, while **75 % of women** within a professional setting or those in top management jobs have experienced **sexual harassment**.
- Evidence suggests that **VAW has increased during the imposition of stay-at-home measures** implemented during the COVID-19 pandemic.
- The **EU has adopted a range of legislation and policies** to tackle VAW across its Member States, in addition to its accession to the Istanbul Convention. These include the Victims' Rights Directive and the Gender Equality Strategy 2020-2025. Fighting VAW and DV is also addressed through dedicated programmes, awareness raising and research.
- The Istanbul Convention provides a **comprehensive framework** to tackle VAW and DV through **four main pillars (4 Ps)**: 1. Integrated Policies; 2. Prevention; 3. Protection and 4. Prosecution.
- The Convention codifies and further develops international human rights law on the issue of VAW and brings **distinct features**, such as its **gendered understanding of violence**, the explicit reflection of **due diligence**, preventive measures **addressing the root causes of violence**, an effective multi-agency approach to protect high-risk victims through **risk assessment/management** and an independent **monitoring mechanism**.
- As of May 2020, **21 EU Member States and Turkey have ratified the Istanbul Convention**. The EU signed the Istanbul Convention in 2017 and its conclusion is pending at the Council.

2.1. Why are laws and policies tackling violence against women and domestic violence needed across the EU?

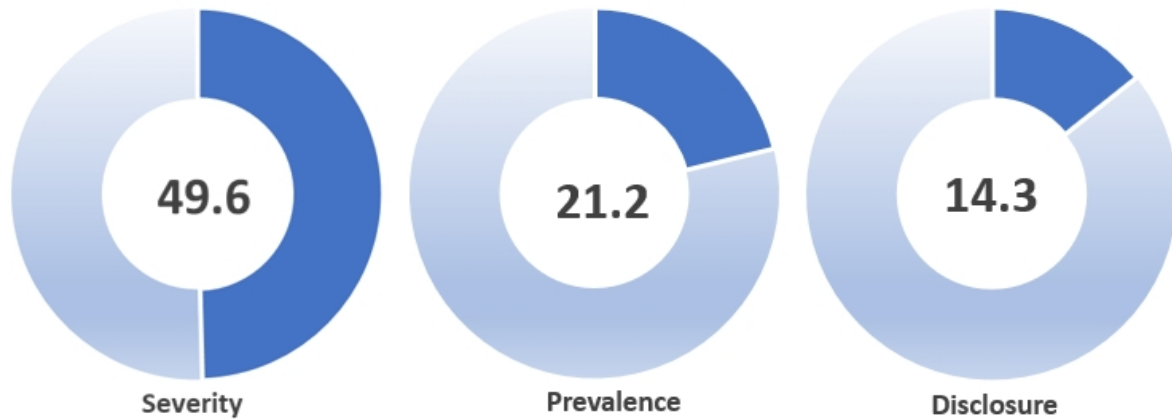
2.1.1. The scale of the problem: violence against women and domestic violence in numbers

VAW is rooted in gender-based inequality and is a **violation of human rights**. VAW is the most severe manifestation of gender inequality, affecting various aspects of women's lives, including work, health, money, power, knowledge and time use (EIGE, 2017a). This manifestation of deep-rooted gender-based inequality results in physical, sexual, psychological and economic harm and suffering for women in the public and private spheres (European Parliament, 2017a). These types of violence directed towards women reflect an unequal society plagued by a dominating power structure that exerts control over women in different aspects of their lives.

Several EU-wide data collection efforts show the scale of this problem. Building on the findings of the European Agency for Fundamental Rights (FRA) EU-wide survey on VAW (2014), the European Institute for Gender Equality (EIGE) provides a composite measure of gender-based violence in the EU, in terms

of prevalence, severity and disclosure. Prevalence measures the percentage of women having experienced physical and/or sexual violence since the age of 15, as well as femicide⁴. Severity measures the health consequences of VAW and multiple victimisations by any perpetrator. Disclosure measures the reporting (to anyone) of violence experienced in the past 12 months (EIGE, 2017a).

Figure 1: Severity, prevalence and disclosure of VAW in Europe



Source: EIGE (2017a).

The 2014 EU-wide FRA survey shows that **one third** of women in the EU have experienced **physical and/or sexual violence** since the age of 15 (FRA, 2014). Reflecting the scale of this issue in the private sphere, the survey shows that approximately 50 women lose their lives to DV every week. **75 % of women** within a professional setting or those in top management jobs have experienced **sexual harassment** (FRA, 2014, p.12).

Despite substantial efforts to advance policies and strategies on gender equality, women continue to experience serious forms of violence, unabated. Approximately 74 % of respondents to the 2016 Special Eurobarometer 449 on gender-based violence believe that VAW is common in their country and the majority of those who know a DV victim say that women are more likely to be victimised (European Commission, 2016). Despite a sizable proportion of respondents indicating that they know of someone who has been a victim of DV, only a small percentage have alerted the police or support services. More recent data on the experience of discrimination in the EU shows that the most prevalent forms of discrimination or harassment are based on gender (European Commission, 2019).

VAW is a persistent problem in the EU and similarly remains one of the most important social problems in Turkey. A 2014 research project on DV in **Turkey** indicates that cultural and social practices dominated by patriarchal attitudes, gender stereotypes and inequality perpetuate violence and discrimination against women (UN Women, n.d.). More specifically, **40 %** of women in Turkey are exposed to **physical and sexual violence** but only 10 % of women who are exposed to violence seek help from institutions (Yuksel- Kaptanoglu et al., 2015). Another 2018 study exploring the prevalence of DV and the underlying factors found that 41.3 % of the 1 481 women studied had experienced DV and 'the majority (89.2 %) had been subjected to violence by their spouse' (Basar and Demirci, 2018).

EIGE's Gender Equality Index measures progress on gender equality across the EU and reports on VAW in the EU as a satellite domain of the Index. This section specifically looks at EU Member States' legislative and policy actions on VAW. The 2017 results of the Index indicate **very slow progress** on

⁴ 'Femicide' is the killing of women and girls on account of their gender.

gender equality in the Member States, with an overall increase of only four points in the last 10 years, to 66.2 out of 100 (European Parliament, 2017a).

Slow progress in gender equality in the EU and persistent violence and discrimination against women in countries such as Turkey requires a legally binding instrument. The Istanbul Convention aims to strengthen legal and legislative efforts to eliminate gender-based violence, as well as to provide support and protection to women and children. Ratification of the Istanbul Convention requires participating countries to address all forms of VAW and take appropriate action to prevent such violence, protect its victims and appropriately punish the perpetrators (European Parliament, 2017a).

2.1.2. An EU-wide issue exacerbated by the COVID-19 pandemic

Recent reports exploring the effects of the COVID-19 pandemic suggest that humanitarian crises and similar emergencies tend to exacerbate violence, including those perpetrated against women by an intimate partner (Moreira and Pinto de Costa, 2020). Social measures to restrict transmission of the virus and associated reconfiguration of essential services also impacted victims' physical and mental well-being.

As evidence suggests that VAW has increased in countries where 'stay at home' measures have been adopted (UN Women 2020a). Uncertainties surrounding security, health and finances coupled with confined living situations are giving rise to experiences of violence in the domestic sphere, particularly directed towards women and children. In conjunction with restrictions on mobility and in-person contact, many support services, such as clinical management of rape and mental health, are running on reduced capacity so as to direct efforts to frontline care of COVID-19 patients. In many instances, support services such as shelters for victims of DV have been considered non-essential, limiting their capacity to prevent and respond to VAW (UN Women 2020a). In addition to **limited capacity**, many support services which are traditionally group living facilities, had to adapt existing support provisions to address the victims' needs while also protecting them from the COVID-19 virus.

A recent survey by UK-based charity, Safe Lives, found that three-quarters of frontline services (76 %) have had to reduce their service delivery due to COVID-19 (UN Women, 2020b). In France, cases of **DV have increased** by 30 % since the lockdown in March, while helplines in Cyprus have experienced a 30 % increase in registered calls. Government agencies, women's rights groups and civil society partners in several Member States have indicated an increase in DV reports during the pandemic, together with an increased demand for emergency shelters. Meanwhile, in Italy, DV helplines noted a decline in registered calls by 55 % in the first two weeks of March, as women found it difficult to ask for help during the lockdown, with similar reports from the women's shelter network in the north of France (UN Women, 2020c).

Existing gender inequalities such as disproportionate decision-making positions occupied by women and unequal household and care responsibilities placed upon them, disadvantages them further. For instance, while **women make up 70 % of health and social sector workers**, only 25 % occupy the role of national legislators (UN Women, 2020d). Evidence further suggests that **men dominate decision-making bodies around COVID-19 response**, meanwhile women are systematically underrepresented among political, health and economic decision-makers, around the world. Excluding the positions and perceptions of women from health-crisis budgets and policy actions not only renders them ineffective; it places a heavier burden on women who already make up a disproportionately higher percentage of those involved in crisis response. Women who already shoulder more household and care responsibilities are burdened by the added pressure of home-schooling children and balancing remote work commitments (UN Women, 2020e).

Threats posed to women due to the COVID-19 pandemic are manifold. Restrictions on in-person contact and mobility limits women's, who are subject to violence in the home, chances of seeking out expert advice and support. In addition to that, reduced capacity of support services and emergency response units due to restrictions and reconfiguration of priorities to tackle COVID-19 cases, prevent women from seeking safety and professional support. Moreover, existing structural and social inequalities disadvantages women in terms of being involved in important decisions that affect their health and safety, as well as the amount and types of responsibilities they shoulder.

2.2. The EU response to violence against women

'[T]he realisation of equality between women and men in all areas' is a core objective and value of the EU to be realised in all its activities, resulting in its signing of the Istanbul Convention on 13 June 2017 (European Council, 2017a; 2017b). The signing of the Convention by the EU is an act that recognises the human rights dimension of VAW and its origins in pre-existing gender-based inequality. The accession of the EU to the Convention showcases a strong political commitment to combat VAW within the area of its competences. Aside from the accession to the Istanbul Convention, the EU adopted relevant legislation and policies to tackle VAW across the EU. This section presents an overview of those legal and policy measures.

2.2.1. Existing EU legislation and policies tackling violence against women and domestic violence

The EU treaties do not refer to VAW in their main text, with the only reference found in Declaration 19 to the Final Act of the Treaty of Lisbon (2007), referring to Article 8 of the Treaty on the Functioning of the European Union (TFEU), which states that the phrase 'eliminate inequalities between women and men' here should be read as including actions to combat all kinds of DV in EU policies. Beyond the narrow area of VAW, the Treaty on European Union (TEU) refers to 'equality between women and men' as an EU value (Article 2) and an EU objective (Article 3). **Articles 8 and 10 TFEU**, which have general application, empower the EU to mainstream gender-sensitive considerations in EU policies. More specifically, Article 8 refers to mainstreaming equality between women and men, and Article 10 refers to mainstreaming the combating of discrimination, including on the ground of sex. The **Charter of Fundamental Rights** established rights relevant to VAW and DV, including the right to equality between women and men in all areas (Article 23), the right to life (Article 2) and the right to respect their private and family life, home and communications (Article 7). The Charter echoes the rights under the European Convention on Human Rights (ECHR), on which the European Court of Human Rights (ECtHR) based its jurisprudence tackling DV and VAW. Lastly, Article 24 establishes the right of the child to such protection and care as it is necessary for their well-being and requires the child's best interests to be a primary consideration in all actions relating to children, whether taken by public authorities or private institutions.

The TFEU provides **two legal bases** for the EU to legislate on the topic of gender equality. Article 19 TFEU empowers the EU to adopt legislation to combat 'all forms of discrimination, including on the basis of sex'. Article 157 TFEU enables the EU to adopt legislation on equality between women and men in the field of employment and occupation. This latter has been interpreted by the Court of Justice of the EU (CJEU) to include a general principle of EU law (equal pay for equal work or work of equal value)⁵. This principle can be directly enforced by individuals against the state and other individuals⁶.

⁵ See, for example, Cases 117/76 and 16/77 Ruckdeschel ECLI:EU:C:1977:160, para. 7.

⁶ *idem*.

Similar to EU primary law, there is currently **no specific instrument to address VAW and DV**. The EU has however adopted legislative instruments that are relevant to VAW. In the field of home affairs, the EU has adopted legislation on **trafficking of human beings**, including women and children (Directive 2011/36/EU on combating trafficking; Directive 2004/81/EC on the residence permit issued to third-country nationals who are victims of trafficking). In the field of criminal law, the EU has adopted legislative instruments on **protecting victims of crime** by strengthening their rights, including in cross-border situations (Directive 2012/29/EU on the rights and protection of victims of crime; Directive 2011/99/EU on the European protection order in criminal matters). The EU has also adopted legislation on **mutual recognition of judgments** that could play a critical role in the recognition of restriction orders (Regulation (EU) No 606/2013 on mutual recognition of protection measures in civil matters) (De Vido, 2017). Lastly, in the field of non-discrimination, the EU has adopted legislation that protects against **(sexual) harassment committed in the workplace** (Directive 2006/54/EC, a recast of Directive 2002/73/EC, concerning equal treatment as regards access to employment and working conditions; Directive 2010/41/EU on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity; Directive 2004/113/EC on equal treatment in the access to and supply of goods and services).

The EU has adopted a significant number of policy measures to address different aspects of gender inequality. In policy frameworks, the Commission has recently adopted the **EU Gender Equality Strategy 2020-2025** (European Commission, 2020a). The Strategy entails objectives and actions to accelerate progress on gender equality by 2025. Its primary goal is to create a Union where ‘women and men, girls and boys, in all their diversity, are free to pursue their chosen path in life, have equal opportunities to thrive, and can equally participate in and lead our European society’ (European Commission, 2020, p.1). This includes ending gender-based violence.

The European Parliament has adopted several resolutions to tackle VAW and DV. These include calls for a strategy on female genital mutilation (FGM) and on forced marriage:

- European Parliament Resolution of 12 February 2020 on an EU strategy to put an end to female genital mutilation around the world (2019/2988(RSP));
- European Parliament Resolution of 28 November 2019 on the EU’s accession to the Istanbul Convention and other measures to combat gender-based violence (2019/2855(RSP));
- European Parliament Resolution of 12 September 2017 on EU conclusion of the Istanbul Convention, 2016/0062(NLE), 2016/0062(NLE);
- European Parliament Resolution of 4 July 2018 towards an EU external strategy against early and forced marriages – next steps (2017/2275(INI)).

In 2008, the Commission published ‘**EU guidelines** on violence against women and girls and combating all forms of discrimination against them’ (European Commission, 2008). The guidelines establish targets for EU countries and third countries through its external action. They aim to promote equality, combat women’s exposure to violence through legislation and public policies, improve data collection and design collaborative strategies.

2.2.2. Tackling violence against women and domestic violence through programmes and initiatives

In addition to legislative and policy actions, the EU can contribute to fighting VAW and DV through actions such as funding programmes, awareness raising and research. An overview of each of these is presented below.

A first set of actions consists of **funding**. The EU set an initiative to tackle VAW and DV as early as 1997 through the **Daphne Programme**, which aimed to ensure the protection of children, young persons and women from violence. The programme funded non-governmental organisations (NGOs) and research projects supporting women and child victims of violence. Initially a one-year initiative, it continued until 2013. From 2014, the Daphne Programme was integrated into the **Rights, Equality and Citizenship Programme**.

A second type of action falls within the category of **awareness raising**. Here, the EU has co-funded campaigns run by national governments and supported NGO projects combating violence against women and children (European Commission, 2020b). In addition, the Commission has implemented the NON.NO.NEIN. campaign, intended to raise awareness about VAW, promote the exchange of good practices and bring stakeholders together (European Commission, 2020c).

Thirdly, the EU has commissioned **research and studies** on VAW. One key objective in the last decade has been to facilitate the **collection of comparable data** on violence, as well as the development of relevant indicators. The EU has contributed to developing national capacities to collect comparable reliable data on VAW. **EIGE** has had a crucial role in that endeavour, creating an online mapping tool on administrative data sources and other statistics, as well as undertaking studies on VAW and FGM (European Commission, 2020c). EIGE is leading work to improve the collection and harmonisation VAW data collected by police, justice, health and social services authorities across the EU (European Parliament, 2019a). Since 2017, it has included VAW within its Gender Equality Index.

In 2014, FRA published the results of the first EU-wide survey of women's experiences of violence. A year later, Eurostat collected administrative data recorded by national authorities (police, judiciary) with the United Nations Office on Drugs and Crime (UNODC) (European Commission, 2020b).

Coordinated action is the final element to consider. In 2017, then European Commissioner for Justice, Consumers and Gender Equality, Vera Jourová, launched **a year of focused action to combat VAW**. Actions included publishing a Eurobarometer on gender-based violence, a study on gender-based violence in sport, and activities across the European Commission areas of competence. As part of the year of action, the European Commission provided EUR 15 million in funding to 12 national authorities and 32 projects, targeting awareness-raising and education activities to prevent and combat VAW (European Commission, 2020c).

Another example of coordinated action is the **Spotlight Initiative**, which is based on a partnership between the EU and the UN. The Spotlight Initiative aims to eliminate all forms of violence against women and girls by 2030 through promoting laws and policies preventing violence and tackling impunity, working on more gender-sensitive national institutions, prevention, adequate services for survivors of violence, improving data collection and empowering civil society. The EU has committed to providing EUR 500 million of funding to the Initiative.

2.3. What is the Istanbul Convention?

2.3.1. The Convention's adoption

The Istanbul Convention is an international treaty concluded under the auspices of the Council of Europe and adopted in 2011 by Member States of the Council. The Convention is open for signature and ratification to country members of the Council of Europe and non-members, on invitation by the Committee of Ministers of the Council of Europe.

The Convention is the first international treaty specifically tackling violence from a gender perspective. It recognises ‘the structural nature of violence against women’ and ‘that domestic violence affects women disproportionately’, while recognising that men may also be victims of such violence.

The Istanbul Convention aims to tackle violence in a holistic manner by including obligations structured around **four main pillars**:

1. Integrated policies;
2. Prevention of all forms of violence;
3. Protection of victims from further violence;
4. Prosecution of perpetrators.

2.3.2. Overview of the key obligations under the Istanbul Convention

The Istanbul Convention is an all-encompassing instrument tackling VAW and DV through a **gendered understanding of such violence**. It codifies and further develops ‘the understanding of violence against women as elaborated in the CEDAW [Convention on the Elimination of All Forms of Discrimination Against Women] General Recommendation No. 19’ as well as the jurisprudence from the CEDAW Committee and the ECtHR (Šimonović, 2014, p.602). The CEDAW Committee and the ECtHR have both upheld VAW as a human rights violation, while pointing to the need for comprehensive systems of prevention and protection of women (Šimonović, 2014). The Istanbul Convention aims to establish such a system through designing ‘a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence’, while promoting substantive equality, ‘including by empowering women’ (Article 1 Istanbul Convention).

The Convention is structured to reflect this **comprehensive framework**. Table 2 presents the themes underpinning the Convention, its key obligations and distinct features.

Table 2: Overview of the Istanbul Convention - key themes, obligations and distinct features

Themes	Key obligations	Distinct features
Equality and non-discrimination	<p>Parties shall take the necessary legislative and other measures to promote and protect the right for everyone, particularly women, to live free from violence in both the public and private sphere.</p> <p>The Convention must be implemented without discrimination on any ground, including the ground of ‘gender identity’.</p> <p>Parties shall adopt measures to exercise due diligence to prevent, investigate, punish and provide reparation for acts of violence covered by the scope of this Convention that are perpetrated by non-State actors.</p>	<p>The Convention defines gender-based violence as ‘violence that is directed against a woman because she is a woman or that affects women disproportionately’.</p> <p>The duty of due diligence, which formed part of international law and had been applied to VAW by the ECtHR is here reflected explicitly in a legally binding instrument.</p>
Integrated policies and data collection	<p>Parties must adopt and implement State-wide effective, comprehensive and coordinated policies encompassing all relevant measures to prevent and combat all forms of violence covered by the scope of this Convention and offer a holistic response to VAW.</p>	<p>This obligation recognises that results are enhanced when all relevant actors join forces at individual level on a particular case, as well as at policy level.</p> <p>It aims to ensure that the expertise and perspective of relevant stakeholders and institutions contribute to policy-making.</p>

Themes	Key obligations	Distinct features
Prevention	<p>Parties shall take the necessary measures to promote change in the social and cultural patterns of behaviour of women and men with a view to eradicating prejudices, customs, traditions and all other practices which are based on the idea of the inferiority of women or on stereotyped roles for women and men.</p> <p>Prevention should take the form of awareness-raising, education, preventive intervention and treatment, media self-regulation.</p>	<p>The Convention aims to tackle the root causes of VAW and DV that lie within systemic subjugation of women in society and stereotyped views of women and men.</p> <p>It recognises the need to actively involve men as part of the solution by requiring the adoption of measures to encourage everyone, especially men and boys, to contribute actively to preventing all forms of violence.</p>
Protection and support	<p>Parties shall take the necessary legislative or other measures to protect all victims from any further acts of violence.</p> <p>Those should take the form (at a minimum) of: general support services, specialist support services, assistance in complaints, shelters, helplines, rape crisis or sexual violence centres, protection of child witnesses.</p>	<p>The Convention specifies that the measures must be based on 'a gendered understanding of violence against women and domestic violence and shall focus on the human rights and safety of the victim'.</p>
Substantive law, including criminalising various forms of violence	<p>The Convention sets some legal standards in relation to civil remedies, compensation, custody and safety, sanctions, aggravating circumstances, prohibition of mandatory alternative dispute resolution.</p> <p>It requires criminalisation of the following forms of violence: psychological violence, stalking, physical violence, sexual violence, including rape, forced marriage, FGM, forced abortion and forced sterilisation, sexual harassment.</p>	<p>It tackles important gaps in national legislation on the acts of violence criminalised, reparation and compensatory measures.</p> <p>While the criminal law provisions should be drafted in a gender-neutral manner, this should not prevent the introduction of gender-specific provisions.</p> <p>The provision on alternative dispute resolution reflects that victims of such violence can never enter the alternative dispute resolution processes on a level equal to that of the perpetrator.</p>
Investigation, prosecution, procedural law and protective measures	<p>Parties shall ensure that investigations and judicial proceedings in relation to all forms of violence are carried out without undue delay, while taking into consideration the rights of the victim during all stages of the criminal proceedings.</p> <p>Measures must include prompt response to all forms of violence covered by the scope of this Convention, as well as adequate and immediate protection to victims, including: risk assessment and risk management, emergency barring orders, restraining or protection orders, measures of protection, <i>ex officio</i> proceedings.</p>	<p>The Explanatory Report highlights that 'concerns for the victim's safety must lie at the heart of any intervention in cases of all forms of violence'. To this end, the Convention requires an effective multi-agency approach to protect high-risk victims, through carrying out a risk assessment and managing that risk in a safety plan for the victim in question in order to provide coordinated safety and support if necessary.</p>
Migration and asylum	<p>Victims are granted an autonomous residence permit irrespective of the duration of the marriage or the relationship.</p>	<p>These obligations aim to ensure a gender-sensitive understanding of violence</p>

Themes	Key obligations	Distinct features
International co-operation	Gender-based VAW may be recognised as a form of persecution and as a form of serious harm, giving rise to complementary/subsidiary protection.	against migrant women and women asylum-seekers.
	Parties shall cooperate with each other through the application of relevant international and regional instruments on cooperation in civil and criminal matters. Where there are reasonable grounds to believe that a person is at immediate risk of sexual violence, FGM, forced marriage and forced abortion/sterilisation on the territory of another Party, States must cooperate to ensure that appropriate protection measures are taken.	The main objective of these requirements is to enhance cooperation through the exchange of information to tackle certain acts of VAW, some of which have a transnational dimension.
Monitoring mechanism	The Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) shall monitor the implementation of this Convention by the Parties. Parties shall submit a report on legislative and other measures giving effect to the provisions of this Convention, for consideration by GREVIO.	Through GREVIO, the Convention establishes a monitoring process, with periodic country reviews of the implementation of the Convention and compliance mechanism, including the possibility to initiate a special inquiry procedure in order to prevent a serious, massive or persistent pattern of VAW.

Source: Istanbul Convention and Explanatory Report.

2.3.3. EU Member States and Turkey's ratification of the Istanbul Convention

As of September 2020, **21 EU Member States and Turkey have ratified** the Istanbul Convention: Austria, Belgium, Croatia, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovenia, Spain and Sweden⁷.

Upon ratification, Member States are bound to review and, where necessary, adjust their national legal and policy frameworks to ensure the implementation of the Convention's requirements. This is usually done through amendments to national criminal legislation to introduce new offences (e.g. criminalisation of forced marriage and psychological violence) or stricter sanctions. Legal changes must be accompanied by effective policies ensuring the protection and support of victims and promoting preventive initiatives such as awareness-raising campaigns.

Article 78 of the Convention establishes that Member States can reserve the right not to apply certain provisions of the Convention.⁸ Fifteen member States have signed or ratified the convention with reservations.⁹

Table 3 below highlights the reservations made to the Convention in each of the 15 countries.

⁷ The following Member States have signed but not yet ratified: Bulgaria, Czechia, Hungary, Latvia, Lithuania, Slovakia.

⁸ Articles 30(2); Article 44 (1), (3) and (4); Article 55 (1); Article 58; and Article 59.

⁹ Article 2 of the Vienna Convention on the Law of Treaties: "reservation" means a unilateral statement, however phrased or named, made by a State, when signing, ratifying, accepting, approving or acceding to a treaty, whereby it purports to exclude or to modify the legal effect of certain provisions of the treaty in their application to that State.

Table 3: Reservations to the Istanbul Convention

Member State	Status	Reservations	Period Covered (From)
Croatia	Ratified 12/06/2018	Article 30(2)	01/10/2018
Cyprus	Ratified 10/11/2017	Article 30 (2) Article 44 (1e), (3) (4); Article 59.	01/03/2018
Czech Republic	Signed 02/05/2016	Article 44 (1e)	N/A
Denmark	Ratified 23/04/2014	Article 34; Article 44 (3)	01/08/2014
Finland	Ratified 17/04/2015	Article 55 (1)	01/08/2015
France	Ratified 04/07/2014	Article 44 (1e) (3) and (4); Article 58	01/11/2014
Germany	Ratified 12/10/2017	Article 44 (1e); Article 59 (2), (3)	01/02/2018
Greece	Ratified 18/06/2018	Article 44 (1.e), (3) and (4)	01/10/2018
Ireland	Ratified 08/03/2019	Article 30(2); Article 44(3)	01/07/2019
Latvia	Signed 18/05/2016	Article 55(1)	N/A
Malta	Ratified 29/07/2014	Article 30(2); Article 44(1)(e); Article 59	01/11/2014 to 01/11/2024
Poland	Ratified 27/04/2015	Article 30(2); Article 44(1e); Article 55(1); Article 58	01/08/2015
Romania	Ratified 23/05/2016	Article 30(2); Article 44 (1.e), (3) and (4); Article 55 (1); Article 59.	01/09/2016
Slovenia	Ratified 05/02/2015	Article 30(2); Article 44 (1.e), (3) and (4); Article 55 (1); Article 58; Article 59.	01/06/2015
Sweden	Ratified 01/07/2014	Article 44(3)	01/11/2014 to 01/10/2024

Source: Council of Europe. Reservations and Declarations for Treaty No.210 - Council of Europe Convention on preventing and combating violence against women and domestic violence. Available at: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/declarations?p_auth=N9eJLhtt

As illustrated above, Member States' main reservations relate to Article 44 (1e) and Article 30(2) of the Convention. Nine EU Member States (CY, CZ, DE, EL, FR, MT, PL, RO, SI) have reserved the right not to apply **Article 44(1e)** of the Convention on jurisdiction. Article 44(1e) provides that State Parties shall establish jurisdiction over any offence under the Convention, when the offence is committed: by a person who has her or his habitual residence in their territory. Member States having a reservation related to this provision are concerned about the concept of 'habitual residence' and by extension with the application of the Convention to certain categories of individuals such as foreigners, illegal migrants or stateless persons.

Furthermore, seven Member States (CY, HR, IE, MT, PL, RO, SI) reserved the right not to apply **Article 30(2)** of the Convention, on compensation. The provision specifically requires that State compensation be awarded “to those who have sustained serious bodily injury or impairment of health, to the extent that the damage is not covered by other sources”. Member States aim to limit the application of compensation scheme to the conditions set under their national laws. Those may potential discriminate between the types of victims or types of damage covered. Nevertheless, EU Member States are bound to implement the EU Directive 2004/80/EC on compensation to crime victims.

In addition to reservations, Member States may also issue **declarations** to the Treaty. A declaration is often used to provide interpretation or explanation in relation to the application of the Treaty to the national context. Interestingly, Croatia has made a Declaration touching upon the concept of ‘gender ideology’. In its Declaration, **Croatia** specified that “the provisions of the Convention do not include an obligation to introduce **gender ideology** into the Croatian legal and educational system, nor the obligation to modify the constitutional definition of marriage” (Council of Europe, 2020). This declaration was aimed at appeasing resistance to the Convention, mostly led by religious and conservative individuals and groups¹⁰. According to the Government, the declaration was justified “[d]ue to the sensitivity of one part of the public”. The Declaration has three main messages “that the Convention does not imply assuming any obligation to introduce anything that would be contrary to Croatia's legal order, that it does not introduce gender ideology in the country's legal system and that it does not change the definition of marriage.”¹¹

2.3.4. The Istanbul Convention and the EU

The **EU signed the Istanbul Convention** in 2017, following the adoption of two Council Decisions on judicial cooperation in criminal matters (EU) (2017/865) and on asylum and non-refoulment (EU) (2017/866) (European Parliament, 2017a; 2017b).

The procedure for the **conclusion of the Convention** by the EU has been ongoing since 2016, with negotiations taking place at the Council of the EU.

In order to progress matters, in April 2019, the Parliament adopted Resolution 2019/2678(RSP), inviting the Court of Justice of the European Union to provide further legal clarity by issuing an opinion on the scope of the EU accession to the Convention (European Parliament, 2019c). The CJEU is due to have a hearing in relation to the opinion in October 2020.

In the EU Gender Equality Strategy 2020-2025, the European Commission declared its intention to propose measures ‘to achieve the same objectives as the Istanbul Convention’ by 2021, in case the negotiation on the EU’s accession to the Istanbul Convention remain blocked at the Council (European Commission, 2020a).

Benefits of EU accession to the Convention include improvements to the health and lives of victims, the reduction of violence, enhanced data collection, and closer cooperation with the Council of Europe (European Commission, 2015).

When the EU concludes the Convention, the Istanbul Convention will form part of EU law insofar as EU competence is concerned (CJEU, 1974). Like every other signatory, the EU will be legally bound to implement and apply the Convention through legislation and policies, and to report to GREVIO.

¹⁰ Alcalde, M. and Šarić, J. (2018). *The Istanbul Convention in Croatia: Attending to the anxiety in the intersection of belief and policy-making*. Available at: <https://blogs.lse.ac.uk/religionglobalsociety/2018/04/the-istanbul-convention-in-croatia-attending-to-the-anxiety-in-the-intersection-of-belief-and-policy-making/>.

¹¹ Government of the Republic of Croatia (2018). *PM: Istanbul Convention deals with domestic violence, violence against women*. Available at: <https://vlada.gov.hr/news/pm-istanbul-convention-deals-with-domestic-violence-violence-against-women/23560>.

The Istanbul Convention will have the effect of strengthening the EU commitment to combating VAW and DV across the EU. It will require the EU to reinforce its legal framework in the area of criminal law in relation to the forms of violence within the scope of the Convention. Currently, the EU legal framework is broad and insufficiently specific to VAW and DV (De Vido, 2017). One key avenue for the EU to implement the Convention is through the adoption of a directive on VAW and adding (relevant forms of) VAW among the list of crimes. The European Commission recently published a roadmap for a fitness check of the EU legislation on VAW and DV (European Commission, 2020d). The initiative aims to assess the existing EU legislation and its gaps in preventing and combating VAW and DV. It will identify the need for further measures 'towards improved, coordinated protection against this persistent type of gender-based discrimination' (European Commission, 2020d, p.2).

The adoption of a directive on VAW would provide the EU with a strong instrument to implement the Convention. However, the extent to which the directive will be able to set high legal standards across the EU will be limited by its competence to act in the area, notably by the requirement of a cross-border dimension to establish minimum rules of serious crime (Article 83 TFEU) and to facilitate mutual recognition of judgments and judicial decisions (Article 82 TFEU). A key difficulty would be that a directive on VAW might be too general and risk becoming a mere copy-and-paste of the Istanbul Convention (De Vido, 2017).

EU implementation of the Istanbul Convention would require a toolbox of measures combining binding instruments with policy measures, initiatives and programmes. Lastly, the EU will be required to allocate adequate resources for the implementation of the Istanbul Convention.

3. THE ADDED VALUE OF THE ISTANBUL CONVENTION

KEY FINDINGS

- Across the EU-27 and Turkey, **all countries that have ratified the Convention, except Cyprus**, have **adopted new legislation** or amended existing laws. Following its recent ratification, Cyprus has a draft law whose adoption is pending. Two countries that have not ratified the Convention (LV, LT) **have not implemented any legislative changes** since 2014.
- **Ratification of the Istanbul Convention triggered amendments** to the existing legislation or/and the adoption of new legal measures. Legislative changes appear to be more extensive in ratifying countries.
- Most EU Member States have adopted **gender-neutral** legal texts and policies, presenting a challenge in tackling VAW and DV in some countries. Only two Member States have established a gender-specific offence: Sweden and Slovakia. Five countries (ES, MT, PT, RO, TU) have adopted gender-specific legislation, which defines gender-based violence or recognises the gendered nature of violence. The Convention itself defines criminal conducts in a gender-neutral manner, despite highlighting the gender dimension of those crimes. GREVIO **criticised the gender-neutral approach** of criminal offences related to VAW and DV.
- DV is defined in **19 countries**, either as a criminal offence or within national legislation on DV. Only **seven countries refer to the four forms of violence (physical, sexual, psychological, economic)** in their definition of DV.
- The Istanbul Convention requires State Parties to criminalise specific types of conduct. Ratification of the Convention **prompted some Member States to establish specific criminal offences** for those conduct previously falling under various broader offences, notably stalking, forced marriage and FGM. By comparison, the six countries having not ratified have no explicit provisions on FGM.
- **14 countries** have adopted an **National Action Plan (NAP) or strategy** specifically dedicated to gender-based violence and DV that remains applicable in 2020. Only two of the six countries that have not ratified (CZ, LT) have an NAP in place.
- **19 countries** have **regulated and/or standardised risk assessment/management** processes at national level, as per Article 51 of the Convention. In 10 countries, in protection orders can be issued for the four forms in violence in cases of DV.
- The study identified the provision of new specialised support services in 10 countries since ratification. The majority of the online consultation respondents noted **improvements in the availability/ accessibility of specialised support services**.
- The Istanbul Convention has **added significant value** by combining the existing international human rights framework into a single instrument and by establishing comprehensive national level requirements to prevent and combat VAW from its causes to consequences.
- Although not legally binding, the **monitoring mechanism encourages countries** to align with the Convention and prompts **better tackling of VAW**.

3.1. Implementation of the Istanbul Convention across the EU and Turkey

This section presents the legal and policy changes identified as a result of the ratification of the Istanbul Convention in the relevant EU Member States and Turkey. The legal and policy framework in those Member States that have not ratified are also analysed in order to offer some insights into the added value of ratifying the Convention.

3.1.1. Legislative developments following the ratification

One measure to assess the impact of the Istanbul Convention is to identify whether or not the ratification to the Convention triggered changes in the national legal framework. Changes in the national legislation can be compared between ratifying and non-ratifying countries to get a sense of whether or not the ratification prompted more significant changes. The research looked at changes in legislation in countries that have not yet ratified the Convention since 2014, the year of the entry into force of the Convention.

Of the EU-27 and Turkey, only three (two of which have not ratified the Convention) did **not have any legislative development** since ratification or 2014.

Cyprus is the only country that ratified the Convention but had no legislative developments¹². This is most likely linked to the fact that Cyprus ratified the Convention recently (in 2017) and is still in the process of revising its legislation. A new bill entitled 'Protection from harassment and stalking and other related issues, and enactment of other related laws' has been prepared and is due to be adopted.

The other two countries for which no relevant legislative developments were identified are **Lithuania** and **Latvia**, neither of which has ratified the Convention.

Table 4 below details the legislative developments linked to the Istanbul Convention at national level for the EU-27 and Turkey.

Table 4: Overview of legislative development since ratification or 2014

Countries	Year of ratification	Legislation adopted	Notes
AT	2013	Yes	Changes were already made prior to ratification. In addition, new legislation has been adopted since 2013, including <i>Gewaltschutzgesetz</i> 2019 (Violence Protection Act 2019), as well as amendments to the Criminal Code in 2015 to bring it in line with the Convention (introduction of new criminal offences, such as the violation of sexual integrity). In addition, the Code of Criminal Procedure related to the protection of victims was amended in 2016.
BE	2016	Yes	Changes were already made prior to ratification. In addition, two Acts were adopted on 18 June 2018: 1) Act on combating acts of violence perpetrated in the name of culture, custom, religion, tradition or so-called honour, including FGM and 2) Act on alternative forms of dispute resolution requiring consent to mediation.
BG	Not ratified	Yes	Law for Protection against Domestic Violence criminalising all forms of domestic violence was amended in 2019 by SG No. 24 of 22 March 2019.

¹² Small amendments were adopted in respect of the law on domestic violence in Cyprus (119(I)/2000) Laws 78(I)/2017 and 95(I)/2019. However, these were not relevant to the implementation of the Istanbul Convention.

Countries	Year of ratification	Legislation adopted	Notes
CY	2017	No	A new bill submitted on 27/1/2017 entitled 'Protection from harassment and stalking and other related issues, and enactment of other related laws' is to be adopted to implement the Convention.
CZ	Not ratified	Yes	Amendment to the Criminal Code No. 287/2018 Coll (<i>Poslanecká sněmovna Parlamentu České republiky</i>), including the criminalisation of forced marriage in order to better align the legislation with the Istanbul Convention.
DE	2017	Yes	Germany adopted legislation in 2016 to align the national legal framework with the Convention. Relevant amendments were made to the Criminal Code and the Criminal Procedure Code during the ratification process. One of the main legal changes in the course of the ratification was the 2017 adoption of a new law in addition to the national act on domestic violence, principally the inclusion of stalking as an offence. Another legal change expanded the existing definition of sexual violence to any act of sexual nature against the will of the person. The new Section 184i of the <i>Strafgesetzbuch</i> (German Criminal Code) criminalises sexual harassment.
DK	2014	Yes	Before ratification of the Convention, Act no. 168 of 26 February 2014 was adopted to align the legislation with the Istanbul Convention, by amending the statute of limitation for initiating criminal proceedings of violence by forced abortion and forced sterilisation. In addition, the Restraining Order Act was adopted in December 2016 introducing a new temporary restraining order.
EE	2017	Yes	The Penal Code was updated in 2017 (RT I, 26.06.2017) to include stalking, sexual harassment, forced marriage, FGM, forced abortion and criminal offence against sexual self-determination of a child. The Victim Support Act was amended to provide for the service of a women's support centre for victims of VAW, including both safe accommodation and counselling.
EL	2018	Yes	Adoption on 26 March 2019 of the new Law No. 4604/2019 on the enhancement of substantive gender equality, prevention and combating of gender-based violence. Law 4619/2019 amending the Penal Code on rape now includes the option 'denial of consent'.
ES	2014	Yes	Two new pieces of legislation were identified: 1) Reform of the Criminal Code by Organic Law 1/2015 of 30 March, which introduced the offence of stalking and forced marriage; 2) Law 4/2015 of 27 April on the statute of victims of crime, Royal Decree 1109/2015 of 11 December on the statute of victims of crime, regulating the offices for supporting victims of crime.
FI	2015	Yes	Changes were made upon ratification. The Act on the ratification of the Convention amended the Criminal Code on dual criminality and the provision of Section 54 of the Aliens Act on residence permits. In addition, the Criminal Code was modified by 12.4.2019/486 amending the provisions related to sexual abuse of children. The maximum penalty for sexual exploitation of a child was increased from four to six years in prison and a new penalty provision for aggravated child rape was added to the Penal Code.

Countries	Year of ratification	Legislation adopted	Notes
FR	2014	Yes	Changes were made upon ratification. For instance, the offences of FGM and forced marriage were introduced/amended in 2013 to align with the Convention. At least eight new pieces of relevant legislation were adopted: 1) 2018 Law on sexual and sexist violence; 2) 2017 Law on equality and citizenship amends several criminal offences related to VAW; 3) 2017 Law n° 2017-258 on public safety foresees electronic surveillance of protection order for victims of domestic violence; 4) 2016 Law on the protection of asylum seeker victims of gender-based violence; 5) 2016 Law on a framework to better support sex workers; 6) 2015 Law on social dialogue and employment foreseeing prohibition of sexist behaviour; 7) 2016 Decree establishing local committees to support victims in each department; 8) 2016 Law on child protection.
HU	Not ratified	Yes	Two legislative developments identified: Legislation on victim support in 2019: 1645/2019. (XI. 19.) and 2017 new Criminal Procedure Code.
HR	2018	Yes	In light of ratification, the new Act on the protection against domestic violence was adopted on 4 July 2017 to amend the categorisation of DV offences (inclusion of DV as a misdemeanour). The Act implements Directive 2012/29/EU and the Istanbul Convention.
IE	2019	Yes	The following legislative measures prepared Ireland for the ratification of the Convention in 2019: Law of 2018 - Domestic Violence Act replaced the existing 1996 Domestic Violence Act, the Criminal Justice (Sexual Offences) Act 2017 and Criminal Justice (Victims of Crime) Act 2017, transposing Directive 2012/29/EU on the rights of victims of crime.
IT	2013	Yes	Italy has taken a range of measures to implement the Istanbul Convention: Act No. 119/2013, on urgent provisions on safety and for the fight against gender-based violence, as well as on civil protection and compulsory administration of provinces. Law No.119/2013 formalised the authorities' duty to support and promote a vast network of support services for victims. Law No. 4/2018 contains several measures in favour of orphans of a victim of domestic violence. Law No. 69/2019 (the Red Code) aims to enhance the effectiveness of judicial responses to VAW and improve victims' protection.
LT	Not ratified	No	No new legislation adopted since 2014 identified.
LU	2018	Yes	The Act ratifying the Convention amended the Criminal Code, the Act of 8 September 2003 on domestic violence and the Act of 29 August 2008 on free movement and migration in order to align them with the Convention.
LV	Not ratified	No	No new legislation adopted since 2014 identified.
MT	2014	Yes	The Convention was implemented via the Gender-Based Violence and Domestic Violence Act adopted on 14 May 2018, setting out: 1) the introduction of a Commission for gender-based violence and domestic violence; 2) 'any ordinary law which is inconsistent with rights set out in the Convention, the latter shall prevail, and such

Countries	Year of ratification	Legislation adopted	Notes
			ordinary law shall, to the extent of the inconsistency, be void: Provided that where any ordinary law confers a higher degree of protection and/or further rights than those set out in the Convention, that ordinary law shall apply.'
NL	2015	Yes	The legislation was already aligned with the Convention prior to ratification (according to the Dutch government state report to GREVIO). The Criminal Code was amended in recent years, including in 2016 in relation to the human trafficking offence, to include harsher sentencing. The Social Support Act 2015 covers DV, support to victims and protection orders.
PL	2015	Yes	Since the entry into force on 1 August 2015 of the ratification of the Convention, amendments to the Penal Code and the Code of Criminal Procedure sought to give priority to combating VAW and family violence, including increased penalties for offences committed against minors and vulnerable persons, for offences involving the use of violence and for offences of a sexual nature; amendments of the provisions on the probationary period and of the provisions on the obligation to award damages are intended to better protect victims of violence.
PT	2013	Yes	In 2015, the Penal Code was amended (Law No. 83/2015) to comply with the Convention. It introduced three new crimes (namely FGM, stalking and forced marriage), while the offences of rape, sexual coercion and sexual harassment crimes were amended. In 2017, Residence status - Law No. 23/2007; Article 107, paragraph 4 was amended by Law No. 102/2017 - an autonomous residence permit can be granted to victims of domestic violence, irrespective
RO	2016	Yes	New legislation was adopted on 18 June 2018 to implement the Convention: Law No. 174/2018 amended Law No. 217/2003 to prevent and combat family violence; Law No. 178/2018 amending Law No. 202/2002 on equal opportunities and treatment between women and men; Emergency Ordinance No. 24/2019 to transpose provisions under Directive 2012/29/EU to implement measures to ensure the protection of victims of crime.
SE	2014	Yes	Following ratification, legal amendments were introduced expanding the scope of restraining orders, introducing Penal Code provisions against forced marriage. The Criminal Code was amended in 2018 (SFS 2018: 618 Act amending the Criminal Code) and 2019 (SFS 2019: 806 Act on Amendments to the Criminal Code) in relation to certain relevant offences (child sexual abuse, murder, etc.).
SI	2015	Yes	After ratification of the Convention, key improvements were made to the Domestic Violence Prevention Act in 2016, introducing the definition of DV (definition of physical, sexual, psychological and economic violence, along with neglect and stalking), the possibility of the first extension of a restraining order from 10 to 15 days, prohibiting the use of alternative forms of dispute settlement in all proceedings conducted in relation to violence. Forced marriage or a similar union was defined in a special article of the KZ1 (Slovenian Criminal Code) in 2015. In 2018, changes to the Foreigners Act allowed

Countries	Year of ratification	Legislation adopted	Notes
			victims of DV to obtain an independent permit for temporary residence.
SK	Not ratified	Yes	Adoption of the Act on victims of crime (effective from 1 January 2018) and the amendment of several legal acts, effective 1 January 2016. Among others, the expulsion order was prolonged from 48 hours to 10 days. An important step was the establishment of the Coordination-Methodological Centre for the Prevention of Violence against Women and the 24/7 free-of-charge helpline for women experiencing violence.
Turkey	2012	Yes	Law No. 6284 to protect family and prevent violence against women was adopted to implement the Convention. It entered into force on 20 March 2012. It aims to prevent violence and protect women, children and family members who are exposed to violence or in danger of violence, and victims of stalking. The definitions of violence, VAW and DV are consistent with the Istanbul Convention.

Source: Mapping of national legislative and policy development and country fiches completed for this study.

As Table 3 shows, most countries amended their legislation either prior to ratification or at the same time as the ratification. Seven countries (EL, ES, MT, PT, RO, SE, SI) made legislative changes to implement the Convention after its ratification.

It is clear from the review of legislative change that **the Istanbul Convention ratification triggered amendments** to the existing legislation or/and the adoption of new legal measures. Legislative changes also appear more extensive in ratifying countries. Several examples of the importance of the legislative changes triggered by the ratification to the Convention are presented below.

In **Italy**, GREVIO notes that 'as an expression of its genuine political will to prevent and combat violence against women, Italy has taken a range of measures to implement the Istanbul Convention' (GREVIO, 2020a). It points particularly to Italy's innovative legislation on stalking. The new legislation included:

- Act No. 119/2013 formalising the authorities' duty to support and to promote a vast network of support services for victims
- Law Decree No. 80/2015 granting women victims of violence special paid leave
- Law No. 4/2018 containing several measures in favour of orphans of a victim of domestic violence
- Law No. 69/2019 (the 'Red Code'), enhancing the effectiveness of judicial responses to violence against women and improving victim's protection.

In **Malta**, the Istanbul Convention represents a comprehensive legal instrument for tackling several forms of gender-based violence. It has provided a multifaceted legislative framework to prevent, prosecute and eliminate acts of VAW. After the Convention was given full legal effect in 2018, existing legislation on gender-based violence was overhauled. Following extensive research and public consultation, Act XIII of 2018 (the Gender-Based Violence and Domestic Violence Act) was introduced to strengthen the legal framework on VAW. The Act gives full effect to the provisions of the Istanbul Convention as it voids existing legislation that is inconsistent with the rights set out in the Convention, unless the existing law provides a higher degree of protection to victims (see Box 1).

Box 1: Maltese legislation gives prominence to the rights set in the Istanbul Convention

"The Convention, as reproduced in the Schedule to this Act, shall be, and shall be enforceable as, part of the Laws of Malta. Any ordinary law which is inconsistent with rights set out in the Convention, the latter shall prevail, and such ordinary law shall, to the extent of the inconsistency, be void: Provided that where any ordinary law confers a higher degree of protection and, or further rights than those set out in the Convention, that ordinary law shall apply."

Source: Malta Gender-Based Violence and Domestic Violence Act.

In **Sweden**, a review of Swedish legal practices following ratification of the Istanbul Convention identified the need for changes in several areas. Through ratification of the Convention, the provision of restraining orders was expanded to perpetrators who share a permanent resident with the victim. In addition, provisions against forced marriage were introduced in the Penal Code (Government of Sweden, 2017).

Similarly, in **Romania**, a Working Group was established with representatives of non-governmental organisations, ministries, judicial experts and academic experts. The Working Group was tasked to draft legislation to implement the Istanbul Convention. The outcome was the development of a legislative package including Law no. 174/2018 combating family violence and Law no. 178/2018 on equal opportunities regulating the concept of gender-based violence (Government of Romania, 2020).

Slovenia introduced the Domestic Violence Prevention Act (ZPND) in 2008, which focused on the prevention of violence and protection of victims. After ratification of the Convention, key improvements to the ZPND included:

- Definition of physical, sexual, psychological and economic violence, along with neglect and stalking;
- Measures for the protection of victims of domestic violence;
- Definition of family member includes former partners, children of partners and partners in a civil partnership;
- Determining the role of various state bodies and NGOs in dealing with domestic violence, their tasks and cooperation;
- Stipulating the adoption of a resolution on the national programme on the prevention of VAW and DV for a six-year period;
- Defining the possibilities for police and courts to take measures;
- Stipulating that providers of social care, healthcare, education and training must report on violence. This included specifying that the roles and responsibilities in dealing with domestic violence are distributed among these organisations;
- Introducing a prohibition on corporal punishment of children;
- Prohibiting the use of alternative forms of dispute settlement in all proceedings conducted in relation to violence.

Further legislative and policy changes were made after ratification of the Convention, including introducing harassment and sexual harassment as crimes to the Protection against Discrimination Act (2016) and amendments to the Foreigners Act in order to grant victims of domestic violence an autonomous residence permit irrespective of the duration of the marriage or the relationship.

In **Turkey**, the ratification of the Istanbul Convention prompted the adoption of the 6284 Law. Before the adoption of the 6284 Law, VAW was handled under the 4320 Numbered Law on Protection of Family, which was the first legislation on the matter in Turkey. The 6284 Law is far more progressive than its predecessor, with its first provision clearly stating that its purpose is to protect four groups of people; women, children, family members and victims of stalking, who are subjected to violence or at risk of being subjected to violence (Article 1(1)). In this context, women are protected within the scope of law solely because they are women, i.e. outside the realm of family violence or DV, and under any circumstance. In addition, the 6284 Law provides a new comprehensive array of prevention and protection orders.

For the countries that have **not ratified the Convention**, the absence of ratification does not mean that the Istanbul Convention did not influence legislative and policy developments.

In **Czechia**, the government reacted to the need to better align the legislative framework to the requirements of the international community in the area of VAW and DV (i.e. the Istanbul Convention) by submitting the Amendment to the Criminal Code No. 40/2009 Coll. The law was published on 13 December 2018 under No. 287/2018 Coll.

Nevertheless, some key gaps remain in the Czech legal framework, such as the lack of offence of forced marriage (see section 3.1.2 below).

3.1.2. New forms of violence adopted as criminal offences under national laws

An important contribution of the Istanbul Convention is the establishment of criminal offences for various forms of violence¹³. This section looks at the legal framework of the EU-27 and Turkey and assesses whether those forms of violence are reflected as criminal offences.

a. Gender-based violence and gender neutrality of legal provisions

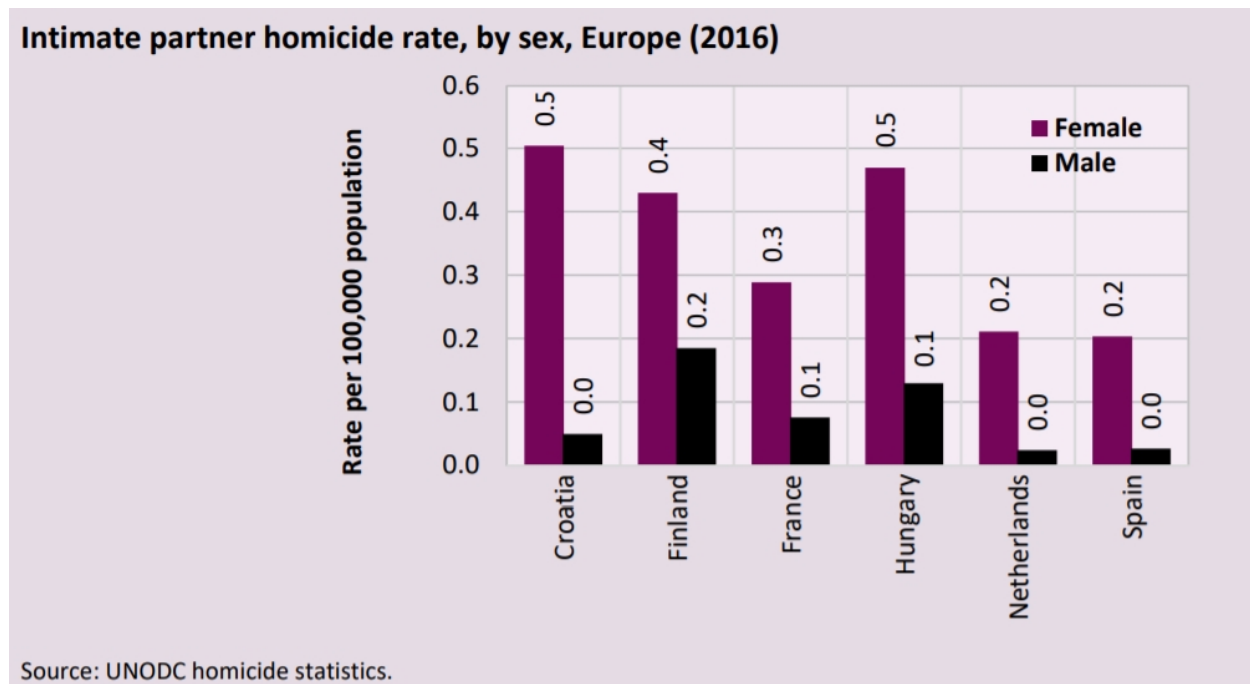
The Istanbul Convention is innovative in its recognition of the **gender dimension of violence**. The Convention acknowledges 'the structural nature of violence against women as gender-based violence, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men' (Preamble). It defines gender-based violence against women as 'violence that is directed against a woman because she is a woman or that affects women disproportionately' (Article 3).

Unusually, the Istanbul Convention does not limit the expression of VAW to DV, instead acknowledging several forms of such violence. It also recognises that women are disproportionately affected by DV. The Convention differentiates between VAW and DV that affects women, children and other vulnerable people (De Vido, 2017). State Parties to the Convention are required to pay 'particular attention to women victims of gender-based violence' (Article 2).

Figure 2 shows the gendered reality of violence in its most serious form. The rate of intimate partner leading to the killing of a woman by a male intimate partner is much higher than the killing of a man by the female intimate partner, which account to zero in three of the six countries.

¹³ The forms of violence established by the Convention include: psychological violence; stalking; physical violence; sexual violence, including rape; forced marriage; FGM; forced abortion and forced sterilisation; sexual harassment. In addition, DV is defined as comprising of four forms of violence: physical, sexual, psychological and economic violence.

Figure 2: Intimate femicide and homicide in Europe



Source: UNODC (2018).

In fact, the UNODC found that in general women are more vulnerable to intimate partner violence, including homicides perpetrated by intimate partners. Homicide cases 'when an intimate partner was implicated, **82 per cent of the victims were women**, while 18 per cent were men' (UNODC, 2018).

Acknowledging that **violence is not gender-neutral** is crucial if it to be tackled appropriately. The starting point that women are disproportionately affected by violence enables policy **responses to be directed to meet the actual needs** of victims. Understanding the gender differences in how violence is expressed is an important step in tackling the issue. A study in the Netherlands revealed that 'women are more often victims of violence committed by their partner or ex-partner and that men are more often victims than women of physical violence committed by "family friends" (a very different type of relationship)' (Althoff, Slotboom and Janssen, 2019). The study also showed that women are six times more likely than men to be victims of structural violence committed by their (ex)partner and that 'women are more severely injured than men' (p. 3).

The Istanbul Convention defines DV in gender-neutral manner in order to cover both women and men victims and perpetrators. Nevertheless, the Convention stipulates that DV is **distinctly gendered**. GREVIO clarified that the understanding that DV is 'a social mechanism that helps keep women in a subordinate position to men', was behind 'the convention's fundamental emphasis on the need for a comprehensive, holistic approach and coordinated policies to effectively combat violence against women' (GREVIO, 2020a, p. 25). A gendered approach to legislation can take the form of gender-specific offences, such as an offence specifically on VAW, or it can take the form of specific aggravating circumstance, whereby the gender dimension of the crime brings in a higher penalty.

Similarly as for the definition of DV, the Istanbul Convention drafted most of the substantive **criminal offences in a gender-neutral manner**, with the exception of FGM, forced abortion and forced sterilisation, which are formulated gender-sensitively, highlighting that they primarily concern women and more specifically their sexual and reproductive integrity.

The Convention's Explanatory Report notes that the sex of the victim or perpetrator should not itself constitute an element of the crime. However, State Parties can introduce gender-specific provisions.

In its first general report, **GREVIO criticised the gender-neutral approach** of national legal provisions and policy documents on DV. It stated that although DV is defined in a gender-neutral way, the Convention clearly establishes that violence affects women disproportionately and that domestic violence is distinctly gendered (GREVIO, 2020a).

According to GREVIO, the gender-neutral approach '**fails to address the specific experiences of women** that differ significantly from those of men thus hindering their effective protection' (GREVIO, 2020a, p. 25). Research shows that gender-neutral policies impact the protection of women, notably through under-funding of specialist women support services. In Norway, for example, the gender-neutrality of the law on shelters for DV victims resulted in 22 of the 51 shelters being reserved for men. In this case, **gender neutrality resulted in diverting funds** from much needed services. In fact, two years after the law entered into force, 10 of the men's shelters were not in use due to a lack of demand (WAVE, 2020). The gender-neutrality of legal provisions and policies tackling VAW and DV has thus consequences on how the violence is tackled by the various actors and authorities.

Gender neutrality not only fails to acknowledge that women and children predominantly suffer from violence at the hands of men but also to recognise 'domestic violence as a social mechanism that helps keep women in a subordinate position to men' (GREVIO, 2020a, p. 25). Gender-neutral policies hide or diminish the root causes of gender inequality and gender-based violence and threaten women-only services (WAVE, 2020).

Most EU Member States have adopted gender-neutral legal texts and policies, a fact that has been flagged as a challenge in tackling VAW and DV in some countries.

Since 2015, policies and services relating to violence in the **Netherlands** have lacked a gender-sensitive approach. For example, the National Action Plan on Violence (2018-2021) 'Violence Does Not Have a Place In the Home'¹⁴ takes a gender-neutral approach and does not recognise women as a group at particular risk of gender-based harm. This gender-neutral approach extends to victim support services. Safe at Home¹⁵ is the network of centres supporting victims of DV the Netherlands' municipalities. These services are open to 'victims of violence in dependency relationships' (GREVIO, 2020b) and are therefore open to both women and men. Critics¹⁶ note that the gender-neutral approach ignores the unequal power dynamics between women and men on which domestic violence is based, does not establish responsibility for abuse and control and thus presents a barrier to ensuring criminal accountability, and does not account for the many forms of VAW outside of dependency relationships (GREVIO, 2020b). The merging of child protection and DV services into a single service risks women deciding not to seek help due to fears over having their child removed from their care (GREVIO, 2020b).

In **France**, despite improvements, shortcomings persist in the understanding of VAW in its legal and policy framework (Rapport des Associations Spécialisées, 2018). The legal framework on violence generally remains gender-blind: legislative texts do not recognise the gender-based nature of VAW (and ignore the fact that some types of violence are specifically directed against women because of their sex/gender, or disproportionately affect women) (GREVIO, 2019a). According to GREVIO experts in that report, those shortcomings in the understanding of VAW lead to important deviations from the Convention standards. Most significant are the continuing use of mediation in cases that may involve DV (such as divorce proceedings) (Rapport des Associations Spécialisées, 2018), contradicting Article

¹⁴ https://vng.nl/sites/default/files/20190418_vws_brochure_geweld_hoort_nergens_thuis_v5_eng_def.pdf

¹⁵ <https://veiligthuis.nl/hoer-werkt-veilig-thuis/>

¹⁶ For example, the College for Human Rights in the Netherlands.

48 of the Convention, as such practices increase secondary victimisation and put women at risk of further violence, or the fact that French legislation still limits aggravating circumstances to specific forms of VAW and specific relationships between victim and perpetrator. The GREVIO report also attributes the lack of places in women's shelters to this limited recognition of the specificity of VAW and its equation with other types of violence.

Research for this study identified few gender-specific approaches in legislation. Only two Member State have established a **gender-specific offence**.

Sweden has a specific criminal offence of accounting for men's VAW. Under its offence of violation of the person's integrity, if committed by a man against a woman to whom he is or has been married, or with whom he is or has been cohabiting, he is instead guilty of **gross violation of a woman's integrity** and is sentenced to the same penalty. (Section 4a of the Criminal Code). A violation of the person's integrity consists of committing certain criminal acts (i.e. physical violence), when each of the acts was part of a repeated violation of the person's integrity.

Slovakia has formulated the criminal offence of rape in a gendered manner. Section 199(1) states that 'Any person who, by using violence or the threat of imminent violence, forces a woman to have sexual intercourse with him, or takes advantage of a woman's helplessness for such act, shall be liable to a term of imprisonment of five to ten years.'

Five countries have adopted **gender-specific legislation**, which defines gender-based violence or recognises the gendered nature of violence.

The Gender-Based Violence and Domestic Violence Act of 14 May 2018 defines gender-based violence, sets up a Commission on Gender-Based Violence and Domestic Violence and establishes the Istanbul Convention as part of the laws of **Malta**.

Law 61/91 on protection of women victims of violence (*Lei n.º 61/91, de 13 de Agosto: Lei de Protecção às Mulheres Vítimas de Violência*) of 13 August 1991 aims to strengthen mechanisms of legal protection due to women victims of violence in **Portugal**, namely:

- a. Establishment of a system of prevention and support for women victims of crimes of violence;
- b. Establishment of a helpline for women victims of crimes of violence;
- c. Creation by the criminal police of direct assistance to women victims of crimes of violence;
- d. An incentive regime for the creation and operation of women's associations for the purpose of defending and protecting victims of crimes;
- e. A system of adequate guarantees for the cessation of violence and the reparation of damage.

The law applies when the motivation for the crime results from a discriminatory attitude towards women, namely in cases of sex crimes and mistreatment of a spouse, as well as abduction, kidnapping or bodily harm. In **Romania**, Law No. 178/2018 introduced the concept of gender-based violence as violence directed against a woman or a man motivated by gender. Under the law, 'gender-based violence against women or violence against women represents any form of violence that affects women disproportionately. Gender-based violence includes, but is not limited to, domestic violence, sexual violence, genital mutilation of women, forced marriage, forced abortion and forced sterilisation, sexual harassment, trafficking in human beings and forced prostitution'.

In **Spain**, Organic Law 1/2004 of 28 December, on integrated protection measures against gender violence aims 'to combat the violence exercised against women by their present or former spouses or by men with whom they maintain or have maintained analogous affective relations, with or without cohabitation, as an expression of discrimination, the situation of inequality and the power relations prevailing between the sexes'. It establishes integrated protection measures to prevent, punish and

eradicate violence and ensure assistance to its victims: women and children. 'The gender violence to which this Act refers encompasses all acts of physical and psychological violence, including offences against sexual liberty, threats, coercion and the arbitrary deprivation of liberty' (GREVIO, 2019b).

In **Turkey**, Law no. 6284 to protect family and prevent violence against woman defines VAW in line with the Istanbul Convention and introduced new legal responsibilities in that regard, such as ensuring protective and preventive measures are taken by authorities to protect women and children at risk of violence (e.g. provision of shelter, financial aid, provision of psychological, professional, legal and social guidance and counselling services, temporary protection if in life-threatening danger, childcare, decision taken by a judge on house settlement if victim and perpetrator are married, etc.).

b. Domestic violence and its various forms

The Istanbul Convention defines domestic violence as 'all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim' (Article 3(b)). A key component of the definition is the recognition of the **four types of violence** as expressions of DV. In addition, such violence should not be limited to when the victim and perpetrator are living together or are in an intimate relationship, as violence can continue after the relationship has ended.

DV is not usually a criminal offence in and of itself but, rather, tends to represent an umbrella of criminal conduct within a family unit or in the context of intimate relationships.

DV is defined in 19 of the countries¹⁷ as either a criminal offence or within the national legislation on DV, which usually provides the mechanisms for protection orders and victims' rights (see Table 4). In some cases, the legal definition does not explicitly refer to the four types of violence. In fact, only seven countries (BG, HR, LT, LV, MT, RO, TU) refer to the four forms of violence (physical, sexual, psychological or economic) in their definition of DV.

In nine countries (AT, BE, CZ, DK, EE, FI, FR, IE, LU), DV is not defined at national level. However, the various forms of violence are covered fully or in part by various criminal offences. This means that the violence may be criminalised, but there is a lack of clarity on which violence falls under DV for the purpose of protection or barring orders and victims' rights. As a result, victims could find it challenging to seek out protection, unless police or prosecution practices or guidelines impose protection or barring orders for all four forms of violence.

¹⁷ BG, CY, DE, EL, ES, HR, HU, IT, LT, LV, MT, NL, PL, PT, RO, SE, SI, SK, TU.

Table 5: Overview of domestic violence definitions in the Member States and Turkey

Country	Defined within	Forms of violence	Notes
AT	Covered through various offences	Physical and psychological	Article 1, Federal Act on the Protection against Domestic Violence (<i>Bundesgesetz zum Schutz vor Gewalt in der Familie</i>) BGBl. No. 759/1996 t. The Act does not define domestic violence but establishes protection orders at the request of a person for whom further cohabitation is unreasonable for a close relative because of a physical attack, threat of such or behaviour that significantly affects mental health.
BE	Covered through various offences	All four forms	Covered through various criminalised conducts, such as the offence of bodily harm or homicide with aggravating circumstance if the victim is a child or the offence is committed by a family member. The Act of 15 May 2012 related to domestic violence does not define DV. It enables protection orders in case of serious and imminent threat for the safety of the person living in the house.
BG (not ratified)	Yes	All four forms	Article 2 (Amended, SG No. 102/2009, effective 22 December 2009) (1) DV shall be any act of physical, sexual, mental, emotional or economic violence, as well as the attempt for such violence, the forced restriction of privacy, personal liberty and personal rights committed against persons who are related, who are or have been in a family relationship or in <i>de facto</i> marital cohabitation.
CY	Yes	Physical, sexual and psychological	Violence in the family (prevention and protection of victims) Laws 2000 and 2004 cover physical, sexual or mental injury to any member of the family by another member of the family. The term 'violence' means any act, omission or behaviour that causes physical, sexual or mental injury to any member of the family by another member of the family and includes violence used for the purpose of having sexual intercourse without the consent of the victim, as well as of restricting their freedom.
CZ (not ratified)	Covered through various offences	Physical and sexual	Covered under various sections of the Criminal Code (e.g. Section 199 Abuse of a person living in a shared dwelling, which refers to 'abuse' without specifying the type of violence). As the Criminal Code only covers forms of physical and sexual violence, it is assumed that only those two forms are covered.
DE	Yes	Physical and psychological	Act on protection against violence (2001, amended 2017). DV seems to cover 'intentionally unlawfully injuries to the body, health or freedom of another person'. Sexual and economic violence are not explicitly covered.
DK	Covered through various offences	Physical, sexual and psychological	Covered under various sections of the Criminal Code, e.g. sexual offences (Articles 210-228); physical abuse in a relationship (Article 244 of the Danish Criminal Code), serious/aggravated assault (Article 245) and highly aggravated assault (Article 246); psychological violence (Articles 260 and 266 of the Criminal Code).
EE	Covered through various offences	Physical, sexual and psychological	Covered under various sections of the Criminal Code (rape, bodily harm, homicide, etc.).

Country	Defined within	Forms of violence	Notes
EL	Yes	Physical, sexual and psychological	Article 3 (prohibition on the use of force) of Law 3500/2006 for combating domestic violence states that the use of violence of any kind between family members is prohibited. All types of violence are addressed in the context of domestic relations, however there is no mention of economic violence (or equivalent) in the Act or Criminal Code.
ES	Yes	Physical, sexual and psychological	Spanish Law 1/2004 of protection measures against violent acts specifies that 'when injury is done to the woman with whom he shares or has shared an affective relationship constitute power and superiority actions before her, independently of the abuser's causes or purposes'. The Criminal Code therefore establishes concrete penalties for gender violence, differentiating it from ordinary injury felonies.
FI	Covered through various offences	Physical, sexual and psychological	Covered through various criminal offences (rape, bodily harm, homicide, etc.).
FR	Covered through various offences	All four forms	The four forms are recognised through criminal offences, with aggravating circumstances if committed by an intimate partner, cohabitant, etc. Act No. 2006-399 of 4 April 2006 strengthening the prevention and punishment of domestic violence and violence against minors and Law n° 2010-769 of 9 July 2010 on violence specifically against women, violence within couples and its impact on children provides key obligations, notably related to protection orders. Neither Act defines DV.
HR	Yes	All four forms	Law on the protection against domestic violence (<i>Zakon o zaštiti od nasilja u obitelji</i>) introduced new rights for victims of DV in misdemeanour proceedings. It defines DV as: 1. application of physical force as a result of which bodily injury occurred; 2. corporal punishment or other forms of degrading treatment of children; 3. psychological violence that violated the victim's dignity or caused anxiety; 4. sexual harassment; 5. economic violence, such as the prohibition or disabling of the use of joint or personal property, the disposition of personal income or property acquired through personal work or inheritance, the disabling of employment, the denial of funds for the maintenance of a joint household and childcare; 6. neglecting the needs of a person with a disability or an elderly person which leads to their distress or insults their dignity and thereby inflicts physical or mental suffering.
HU (not ratified)	Yes	Physical, economical and psychological	Unclear if sexual violence is included: Article 212a of the Criminal Code Article covers any person who, on a regular basis: a) seriously violates human dignity or is engaged in any degrading and violent conduct, b) misappropriates or conceals any assets from conjugal or common property, and thus causing serious deprivation, against the parent of their child, or against a family member, former spouse or domestic partner living in the same household or dwelling at the time of commission or previously, against their conservator, person under conservatorship, guardian or person

Country	Defined within	Forms of violence	Notes
			under guardianship is guilty of a misdemeanour punishable by imprisonment not exceeding two years, insofar as the act did not result in a more serious criminal offence. (2) Any person who commits: a) battery or slander.
IE	Covered through various offences	Physical, sexual and psychological	The Domestic Violence (2018) Act does not define DV. Instead, it is covered through various criminal offences, with an aggravating circumstance if the victim is or was a partner of the offender (spouse, civil partner or person in an intimate relationship). This includes many offences under the Non-Fatal Offences Against the Person Act (e.g. assault, threats, harassment, false imprisonment) and sexual assault offences.
IT	Yes	Physical and psychological	Article 572 (domestic violence): 'Whoever maltreats a member of the family shall be punished with imprisonment from 1 to 5 years. If a serious personal injury derives from the ill-treatment, the offender should be punished with imprisonment from 4 to 9 years; if a very serious personal injury derives from the ill-treatment, imprisonment from 7 to 15 years; when the death of the victim derives from the ill-treatment, imprisonment from 12 to 2 years.'
LU	Covered through various offences	Physical, sexual and psychological	Covered through the various criminal offences in the Criminal Code. Articles 1 and 8 of the Law of 8 September 2003 on domestic violence provides some indications of the legal concept of domestic violence but does not define it. Sexual violence is not explicitly referenced although likely to be covered in practice, economic violence is not reflected: Article 1: '[...] an offence to the life or physical integrity against a person with whom they cohabit, or that they are planning to commit an offence to the life or physical integrity against a person that has already been their victim.' Article 8: 'Where a person makes intolerable for a person with whom they are cohabiting or has cohabited in a family unit, the continuation of the common life, because they committed assaults or threats of assault or because they behaved in a way that seriously undermines their mental health [...].'
LT (not ratified)	Yes	All four forms	Article 2 of the Act on Domestic Violence defines violence as physical, psychological, sexual, economic or other form, from which the person is damaged in a physical, material or immaterial way
LV (not ratified)	Yes	All four forms	The definition of DV is provided for the purpose of protection orders by Article 250(45) of the Civil Procedure Law: (1) any physical, sexual, psychological or economical violence that occurs between former or present spouses or other mutually related persons regardless of whether a transgressor is living or has lived in one household with the infringed person. (2) cases when violent control is applied to a person - such activity or an aggregate of activities which includes infringement, sexual compelling, threats, debasing, intimidation or other violent activities the purpose of which is to be harmful, to punish or intimidate.
MT	Yes	All four forms	The Gender-Based Violence and Domestic Violence Act defines DV as follows: all acts or omissions, including verbal, physical, sexual,

Country	Defined within	Forms of violence	Notes
			psychological or economic violence, causing physical and/or moral harm or suffering, including threats of such acts or omissions, coercion, or arbitrary deprivation of liberty, that occur within the family or domestic unit, whether or not the perpetrator shares or has shared the same residence with the victim, and shall include children who are witnesses of violence within the family or domestic unit.
NL	Yes	Physical, sexual and psychological	Article 1 (domestic violence): 'Physical, mental or sexual violence or threat thereof by someone in the family circle.' Social Support Act 2015.
PL	Yes	Physical, sexual and psychological	Covered under the Criminal Code. Article 207§ 1: whoever physically or mentally abuses the closest person or over another person in a permanent or temporary relationship of dependence on perpetrators, shall be punishable by imprisonment from three months to five years.
PT	Yes	Physical, sexual and psychological	Covered under Article 152 of the Penal Code on DV: it includes anyone who imposes physical or mental abuse, including bodily punishment, deprivation of liberty and sexual offences (repeated or not).
RO	Yes	All 4 forms	DV is now defined by Law No. 217/2003 and includes verbal, physical, psychological, sexual, economic, social and spiritual violence.
SE	Yes	Physical, sexual and psychological	Known as 'gross violation of a woman's integrity' (Chapter 4, Section 4. A of the Swedish Criminal Code), which includes psychological, physical and sexual violence faced by women at the hands of men who were or are their spouse or cohabiting/non-cohabiting intimate partner. Gross violation of a woman's integrity lead to harsher sentences for men who carry out acts of assault, coercion, threat or sex offences against a former wife or live-in intimate partner.
SI	Yes	Physical, sexual and psychological	The ZPND (Domestic Violence Prevention Act) was introduced in 2008 and amended in 2016. The amended ZPDN defines forms of domestic violence – physical, sexual, psychological and economic violence, neglect and stalking.
SK (not ratified)	Yes	Physical and psychological	Criminal Code, Article 208: The offence of abuse of a close person and a trusted person covers acts causing physical suffering or mental suffering to a close person or to a person in his care or upbringing.
Turkey	Yes	All four forms	Law No. 6284 to protect family and prevent violence against women defines VAW in line with the Istanbul Convention: Any physical, sexual, psychological and economical violence between the victim of violence and the perpetrator of violence and between the family members and the people considered family members, whether or not they live in the same house.

Source: Mapping of legislative developments carried out for this study.

DV is often linked or conceptualised in relation to **physical violence** (i.e. bodily harm or homicide) and **sexual violence** (i.e. rape or sexual assault). The 2014 FRA survey found that ‘one in three women (33 %) has experienced physical and/or sexual violence since she was 15 years old’ (FRA, 2014). One of the reasons for this focus on physical and sexual violence is that these forms of violence are more visible and can leave traces on the body.

Psychological violence may also be covered by the concept of violence (i.e. threats, verbal abuse), but it often lacks definition in legal texts or is too broad to trigger sufficient prosecution or protection measures. Psychological violence is the most prevalent form of violence and is symptomatic of a pattern of violence. According to the 2014 FRA survey, 35 % of women in the EU have experienced controlling behaviour from their current or previous partner, while 32 % have experienced some form of psychologically abusive behaviour (FRA, 2014). The importance of psychological violence in the context of domestic violence is clear from the Istanbul Convention, which has established psychological violence as a standalone offence under Article 33. It is defined by the Convention in a restrictive manner as ‘the intentional conduct of seriously impairing a person’s psychological integrity through coercion or threats’. It is meant to capture ‘an abusive pattern of behaviour occurring over time’ rather than a single act (Council of Europe, 2011). Psychological violence can be harder to detect due to its subtle expression through repeated humiliation, verbal abuse and explicit or implicit threats (Bonewit and De Santis, 2016). This underlines the importance of clearly defining the conduct that can constitute psychological violence.

Economic violence is the least common form of violence. It is reflective of the controlling behaviour often present in DV. This form of violence is closely linked to psychological violence but can also be linked to physical violence. Economic violence is expressed in restricting access to resources, such as prohibiting the ability of the woman partner to earn independent income. Unfortunately, the Istanbul Convention does not define economic violence. The 2014 FRA survey found that ‘5 % of women have experienced economic violence in their current relationship and 13 % of women have experienced some form of economic violence in past relationships’, such as ‘the partner preventing her from making independent decisions on family finances or forbidding her to work outside the home’ (FRA, 2014). In the case of a former partner, it relates to not paying alimony.

Table 6 presents an overview of definitions of the four types of DV.

Table 6: Definitions of the four forms of domestic violence

Forms of violence	Definition
Physical violence	Any act which causes physical harm to the partner or former partner as a result of unlawful physical force. Physical violence can take the form of, among others, serious and minor assault, deprivation of liberty and manslaughter.
Sexual violence	Any sexual act performed on the victim without consent. Sexual violence can take the form of rape or sexual assault.
Psychological violence	Any act or behaviour which causes psychological harm to the partner or former partner. Psychological violence can take the form of, among others, coercion, defamation, verbal insult or harassment.
Economic violence	Any act or behaviour which causes economic harm to the partner. Economic violence can take the form of, among others, property damage, restricting access to financial resources, education or the labour market, or not complying with economic responsibilities, such as alimony

Source: EIGE (2017b). Terminology and indicators for data collection: Rape, femicide and intimate partner violence. Available at: https://ec.europa.eu/eurostat/cros/system/files/eige_terminology-and-indicators-for-data-collection.pdf.

Table 7 below provides an overview of whether and how the four forms of domestic violence (physical, sexual, psychological and economic) are reflected in the national criminal legislation of the EU-27 and Turkey.

As mentioned above, the absence of a definition of DV, unclear definitions or limited definitions do not necessarily mean that the four forms of violence are not covered by a range of criminal offences. In fact, as Table 6 shows, most forms of violence are covered by several criminal offences rather than by an all-encompassing clearly defined criminal offence. An example of such a **comprehensive offence** is found in **Croatia's** Law on the protection against domestic violence. Under that Law, DV is set as a misdemeanour offence and defined as '1. The application of physical force as a result of which no bodily injury occurred; 2. corporal punishment or other forms of degrading treatment of children; 3. psychological violence that caused the victim a violation of dignity or anxiety; 4. sexual harassment; 5. economic violence such as the prohibition or disabling of the use of joint or personal property, the disposition of personal income or property acquired through personal work or inheritance, the disabling of employment, the denial of funds for the maintenance of a joint household and childcare; 6. neglecting the needs of a person with a disability or an elderly person which leads to their distress or insults their dignity and thereby inflicts physical or mental suffering on them' (Article 10).

Both **physical and sexual violence** are reflected in each country's criminal legislation. For the most part, those forms of violence fall under several types of criminal conduct.

Psychological violence is present across the national legislation under various types of offences, such as threats, coercion, harassment, insult, blackmail, stalking, etc. **Czechia**, which has not ratified the Convention, does not have any identified forms of psychological violence in its legislation. In six Member States (EL, HR, IE, MT, PL, SE), psychological violence in the context of DV is explicitly reflected in a criminal offence (e.g. in **Poland**, the offence of psychological abuse towards relatives or persons with whom there is a permanent or temporary relationship of dependence (Article 207 of the Criminal Code)).

Economic violence is the form of violence that is **least reflected in national legislation**. Eleven countries reflect economic violence in their legislation. In 10 countries (AT, BE, BG, FR, HU, LU, LT, MT, NL, TU), economic violence falls under certain offences which represent conduct falling within the category of economic violence if it occurs in the context of DV (e.g. theft, concealing assets, not paying alimony, etc.). **Croatia** and **Hungary** are the only countries with a clear definition of economic violence in their legislation. The Istanbul Convention does not require the criminalisation of economic violence, instead linking it to psychological violence and the wider concept of DV. The lack of a specific economic violence offence in the Convention accommodates its absence from national legislation.

Table 7: Overview of forms of DV covered across the EU-27 and Turkey

Country	Physical violence	Notes	Sexual violence	Notes	Psychological violence	Notes	Economic violence	Notes
AT	C	The Austrian Criminal Code penalises offences against the person, including murder and offences causing bodily harm.	C	Rape (§ 201 StGB), sexual assault (§ 202 StGB), sexual abuse of a defenceless person or person with mental impairment (§ 205 StGB), violation of sexual integrity (§ 205a StGB).	C	Under the offences of coercion (Articles 105 and 106), serious threat (Article 107) and cyber-mobbing (Article 107c).	C	Amounts to a form of domestic violence if it reaches a critical level, e.g. denying financial support can constitute a breach of obligations under marriage laws.
BE	C	Covered through offences such as homicide (Art. 392 and 393 Criminal Code), bodily harm (Art. 398 and 418) with aggravating circumstances if committed by an intimate partner, cohabitant or family member (Article 405ter).	C	Rape (Article 375 Criminal Code) and indecent assault (Art. 372 against a child and Art. 373 against any person). It can be an aggravating circumstance if the offender knows the victim and higher penalties are foreseen if the victim is a child/minor.	C	Various offences, e.g. degrading treatment (Art. 417bis), harassment (Art. 442bis) and breach of the honour or consideration of a person (Art. 443), sexism (Act of 22 May 2014 on sexism). For harassment, aggravating circumstances if based on hatred, contempt or hostility based on sex.	C	Only partly covered by the offence of family abandonment for not paying alimony (Article 391bis of the Criminal Code).

Country	Physical violence	Notes	Sexual violence	Notes	Psychological violence	Notes	Economic violence	Notes
BG (not ratified)	C	Covered under bodily injury in the Criminal Code (Articles 128 to 135). Aggravating circumstances within the context of domestic violence.	C	Sexual assault against children under 14 (Article 155), rape against children under 14 (Article 151) and women (Articles 152, 153).	C	Article 144(1) (SG 62/82). Threat of a crime against a person or property or against the person or property of his relatives.	C	Protection Against Domestic Violence Act includes economic violence in its definition of DV. It can be combined with criminal offences, e.g. not paying alimony (Art. 181).
CY	C	Grievous bodily harm is criminalised under Violence in the Family Prevention and Protection of Victims Law (N119(I)/2000), Article 231.	C	Prevention and Protection of Victims Law N119(I)/2000, Article 151 (indecent assault on females), Article 153(1) (defilement of girls under 13), Article 152 defilement of girls between 13 to 16. Rape under Articles 144, 145, 146 Criminal Code.	C	Law on prevention and protection of victims) N. 119(I)/2000 and 212(I) of 2004, Article 3 violence in the family: 'Any act, omission or behaviour which causes physical, sexual or mental injury to any member of the family by another member of the family [...].'	N	
CZ (not ratified)	C	Covered under various sections of the Criminal Code, e.g. Sections 140 and 141 on murder and homicide, Sections 145 and 146 on bodily harm, Section 119 on commission of a	C	Covered under Section 187 on sexual abuse, Section 186 on	N	It could be partly covered under the Criminal Code (§ 199 abuse of a person living in a	N	

Country	Physical violence	Notes	Sexual violence	Notes	Psychological violence	Notes	Economic violence	Notes
		criminal offence by violence, Section 175 on extortion.		sexual coercion and Section 185 on rape.		shared dwelling). No specific offence relates to a form of psychological violence.		
DE	C	Covered under various offences, such as: murder (PKS key, Article 211), murder related to sexual offences (Article 211), bodily harm with deadly consequences (Article 227), dangerous and grievous bodily harm (Article 224, 226), intentional simple bodily harm (Article 223).	C	Section 177 sexual assault; sexual coercion; rape.	C	Stalking (PKS key 232400, Article 238), threat (PKS key 232300, Article 241). From 2017, includes coercion (PKS key 232200; Article 240).	N	
DK	C	Falls under the criminal offences of assault (Article 244 of the Danish Criminal Code), serious/aggravated assault (Article 245) and highly aggravated assault (Article 246).	C	Criminal Code Articles 210-228: criminal responsibility for sexual activity incurred as a result of (i) the age of the victim (below 15), (ii) the relationship between victim and perpetrator or (iii) the circumstances of the case such as use of force, threat of violence.	C	Covered by the general offences of duress and threat (Article 260 and 266 of the Criminal Code) and by the offence of assault (Article 245), if the psychological violence exerted has caused damage to the health of the victim.	N	
EE	C	Covered under Criminal Code: § 113 manslaughter, § 114 murder, § 117	C	Criminal Code § 141 on rape. Penal Code Division 7 offences	C	Covered by offences of § 120 threat; Article 130	N	

Country	Physical violence	Notes	Sexual violence	Notes	Psychological violence	Notes	Economic violence	Notes
		negligent homicide, § 121 physical abuse.		against sexual self-determination; §§ 1411 acts of sexual nature against will, combined with Article 58 Criminal Code on aggravating circumstances.		insult. Article 58 of the Penal Code defines aggravating circumstances if against a child, pregnant, of advanced age, a person financially dependent relationship with the offender, and against a former or current family member, who lives with the offender.		
EL	C	Article 6 - Law 3500/2006 - domestic bodily harm. Covered under Article 330 - unlawful violence in the Penal Code. Article 312 violence against vulnerable persons.	C	Law 3500/2006: DV includes marital rape, sexual violence and abuse, sexual assault. Rape (Article 336 of the Penal Code); sexual abuse (Article 337).	Yes	Article 7 - Law 3500/2006 - unlawful domestic violence and threat; Article 333 of Penal Code, on threatening.	N	
ES	Yes	Article 148 of the Criminal Code: injuries depending on the damages or the risk engendered: [...] 3. If the victim was aged under 12 or incapacitated. 4. If the victim was or had been the wife of the aggressor or shared an analogous affective	C	Criminal Code, Article 178 – offence against the sexual freedom of another person; Article 179 – rape; Article 181 - sexual abuse.	C	Covered under Article 171(4) of the Criminal Code 'Whoever lightly intimidates his wife or former wife, or woman with	N	

Country	Physical violence	Notes	Sexual violence	Notes	Psychological violence	Notes	Economic violence	Notes
		relationship, with or without cohabitation. [...].				whom he has been bound by a similar emotional relation even without cohabiting [...]; and the offence of coercion under Article 172 <i>et seq</i> of the Criminal Code.		
FI	C	Covered under Chapter 21: attempted manslaughter, murder or killing (sections 1-3), assault (section 5), aggravated assault (section 6), petty assault (section 7), other offences against life and health (sections 8-15) and Chapter 22 sections 5, 6.	C	Chapter 20 of the Criminal Code: rape offences; section 4, coercion into a sexual act; section 5 covers sexual abuse; sections 6 and 7 sexual abuse of a child; section 7b aggravated rape of a child.	C	Covered through offence of coercion (chapter 25, section 8) and menace (chapter 25, section 7).	N	
FR	C	Covered through homicide, violence leading to disability and violence leading to work incapacity with aggravating circumstances if committed by an intimate partner, cohabitant or family member.	C	Criminal Code: rape and sexual assault (Articles 222-22 <i>et seq.</i> and Articles 227-25), with aggravating circumstances if committed towards a child or committed by a cohabitant or intimate partner.	C	Psychological violence (Article 222-14-3), moral harassment in private life between spouses, partners, cohabitants or ex-partners (Article 222-33-2-1) and harassment	C	Law No. 2006-99 of 4 April 2006 theft between spouses when it concerns 'documents essential to the victim's daily life, such as identity documents, relating to the residence or

Country	Physical violence	Notes	Sexual violence	Notes	Psychological violence	Notes	Economic violence	Notes
HR						outside a marital relationship (Article 222-33-2-2).		residence permit of an alien, or means of payment'. In addition, non-payment of maintenance, Article 227-3 Criminal Code.
	C	Covered under Law on the protection against domestic violence (against a family member or close person) and various other criminal charges including bodily injury (Article 117 of Criminal Code); serious bodily injury (Article 118); especially serious bodily injury (Article 119).	C	Law on the protection from domestic violence: Article 10(4) on sexual harassment; Criminal Code Article 153 on rape; Article 152 on non-consensual sexual intercourse; Article 1154 on serious criminal offences against sexual freedom; Article 155 on lewd acts.	Y	Covered under coercion (Article 138 Criminal Code) and intrusive behaviour (Article 140). Law on the protection against domestic violence, Article 10(3) psychological violence that caused the victim a violation of dignity or anxiety.	Y	Law on the protection against domestic violence, Article 10(5). Economic violence such as the prohibition or disabling of the use of joint or personal property, the disposition of personal income or property acquired through personal work or inheritance, the disabling of employment, the denial of funds for the maintenance of a joint household and childcare.

Country	Physical violence	Notes	Sexual violence	Notes	Psychological violence	Notes	Economic violence	Notes
HU (not ratified)	C	Criminal Code Article 164 - bodily harm, section 160 homicide.	C	Rape, Criminal Code Article 197. Aggravating circumstances: offence committed against minor, by legal guardian; Section 198 sexual assault. Aggravating circumstance if child or if the victim is a relative or is under their care.	C	Covered under coercion (section 195 Criminal Code) and domestic violence (section 212/A (1)) A person who, on a regular basis and against a parent of his child or against his relative, former spouse cohabitant or [...], a) behaves in a violent and humiliating manner that seriously violates human dignity.	Y	Criminal Code section 212, failure to pay maintenance; Criminal code, section 212/A (DV): '(1) Any person who, on a regular basis: [...] misappropriates or conceals any assets from conjugal or common property, and thus causing serious deprivation, against the parent of their child, or against a relative, former spouse or domestic partner [...].
IE	C	Non-fatal Offences Against the Person Act 1997 covers assault; assault causing harm; causing serious harm; threats to kill or cause serious harm; coercion; etc. Aggravating circumstance if the victim is or was a spouse, civil partner or in an intimate relationship. Section 40 of the Domestic Violence Act 2018.	C	Sexual assault - section 2 of the Criminal Law (Rape) (Amendment) Act, 1990. Criminal Law (Sexual Offences) Bill 2015 - combating the sexual abuse and sexual exploitation	Y	Domestic Violence Act 2018 introduced a new criminal offence of coercive control	N	

Country	Physical violence	Notes	Sexual violence	Notes	Psychological violence	Notes	Economic violence	Notes
IT				of children and child pornography.				
	C	Covered under Penal Code Title XII crimes against the person, e.g. Article 572 (DV), Article 575 (murder), Article 581 (beatings), Article 582 (personal injury). Aggravating circumstances: if ascendant or descendant, a minor or against the spouse, even legally separated, against the other part of the civil union or against the person permanently cohabiting or linked to him by an emotional relationship.	Y	Articles 609-bis and 609-octies Criminal Code, sexual violence encompasses all sexual acts committed either by one or more persons, with the use of violence, threat, abuse of authority, abuse of the condition of 'physical or psychological inferiority' of the victim or by misleading the victim as to the perpetrator's identity.	C	Threat (Article 612 Criminal Code); Article 572 (DV).	N	
LU	C	Covered under several offences, such as homicide (Article 392 Criminal Code), murder (Article 393) and bodily harm (Article 398).	C	Covered under rape (Article 375 Criminal Code) and sexual assault (Article 372 Criminal Code).	C	Covered by the offence of obsessional harassment (stalking), Article 442-2 Criminal Code.	C	Partly covered by the offence of family abandonment for not paying alimony, Article 391bis Criminal Code.

Country	Physical violence	Notes	Sexual violence	Notes	Psychological violence	Notes	Economic violence	Notes
LT (not ratified)	C	Act on Domestic Violence, 2011. Criminal Code Article 129 murder, Article 132 negligent homicide, Articles 135, 136, 137, 138, 139, 140 various types of bodily harm. Aggravating circumstances if family member, hatred based on sex, pregnant women for murder and bodily harm offences.	C	Act on Domestic Violence, 2011. Criminal Code Article 149 rape, Article 150 sexual assault, Article 151 sexual abuse.	C	Article 135 Criminal Code - offence of severe health impairment and one of its forms is defined as negative influence or destruction of psychological health. Article 154 defamation, Article 166 digital and communications-based violence.	C	Act on Domestic Violence, 2011, specifies economic violence as one of the forms of DV for which criminal responsibility is envisaged. However, it is not defined.
LV (not ratified)	C	Covered through offences in the Criminal Code (homicide, bodily harm etc.). Section 125 intentional grievous bodily harm; section 126 intentional moderate injury; section 130 intentional minor injury; section 131 injury due to negligence. Any kind of violence against a partner or a relative is an aggravating circumstance.	C	Section 160 sexual assault, section 159 rape, section 161 sexual activities with a person under the age of 16 are covered under the Criminal Code. Any kind of violence against a partner or a relative is an aggravating circumstance.	C	Stalking is a separate offence under Article 132(1) of the Criminal Code with aggravating circumstances if child, kindship, spouse, intimate partner, etc. (Article 48(1)(15) of the Criminal Code).	N	
MT	C	Section VIII of crimes against the person in the Criminal Code (§ 251(1)) - whosoever shall use violence, including moral and/or psychological	C	Sub-title II of Title VII of Part II of the Criminal Code (Chapter 9 of the	Y	Section VIII of crimes against the person in the Criminal Code (§	C	Domestic Violence Act: all acts or omissions that are directed against a

Country	Physical violence	Notes	Sexual violence	Notes	Psychological violence	Notes	Economic violence	Notes
		violence and/or coercion, in order to compel another person to do, suffer or omit anything or to diminish such other person's abilities or to isolate that person, [...]		Laws of Malta), sexual offences, namely: rape (§ 198), abduction (§ 199), defilement of minors (§ 203), participation in sexual activities with persons under the age of 16 (§ 204D), unlawful sexual activities (§ 204D), non-consensual acts of a sexual nature (§ 207).		251(1)) - whosoever shall use violence, including moral and/or psychological violence and/or coercion, in order to compel another person to do, suffer or omit anything or to diminish such other person's abilities or to isolate that person [...]		person because of their gender, that result in, or are likely to result in, physical, sexual, psychological or economic harm [...]. Criminal Code § 251(1) - whosoever shall use violence [...] in order to diminish such other person's abilities or to isolate that person, or to restrict access to money, education or employment.
NL	C	Covered under sections 287-295 under serious offences against human life; Sections 300-306 under assault, causing death or bodily harm through negligence. Aggravating circumstances if committed against mother, father, spouse, partner, child, a child.	C	Rape, sexual assault and stalking are addressed in the Dutch Criminal Code (Articles 242, 246 and 285b respectively).	C	Coercion, section 284 Criminal Code and threats, section 285 Criminal Code.	C	Damage to or withholding property is covered under extortion and blackmail (Art. 318 Criminal Code). If it is done by a spouse, there cannot be any legal complaint and if it is done by divorced partners it can only happen

Country	Physical violence	Notes	Sexual violence	Notes	Psychological violence	Notes	Economic violence	Notes
								based on a direct complaint from the victim.
PL	C	Chapter XIX (injuries to life and health), Article 191 (violence to compel a certain behaviour), Article 217 § 1 (bodily harm), towards relatives or persons with whom there is a permanent or temporary relationship of dependence - Article 207 § 1 (in the form of physical ill-treatment).	C	Violence of a sexual nature, including rape - Articles 197, 198, 199, 200a and 203.	Y	Article 190 (punishable threat), Article 191 (coercion), Article 207 (psychological abuse) § 1 - whoever physically or mentally abuses the next of kin or another person in a permanent or temporary relationship [...]. § 1a. Whoever physically or mentally harasses a helpless person due to their age, mental or physical condition [...].	N	
PT	C	Physical abuse (Article 152-A), threat (Article 153), simple bodily injury (Article 143), serious bodily injury (Article 144), qualified bodily injury (Article 145). Aggravating circumstances: a vulnerable person, against or in the presence of a child,	C	Rape (Article 164), crimes against sexual liberty/ sexual coercion (Article 163).	C	Threat (Article 153) and coercion (Article 154, Criminal Code).	N	

Country	Physical violence	Notes	Sexual violence	Notes	Psychological violence	Notes	Economic violence	Notes
		and severe physical harm for the victim.						
RO	C	Covered under Article 188 (murder) and Articles 193 - 195 (Article 193 - hit or other violence, Article 194 - personal injury, Article 195 - deaths or injuries) committed on a family member. Reconciliation removes criminal liability. Article 197 of the Penal Code refers to 'violence in the family'. Aggravating circumstances if family member.	C	Article 218. of the Penal Code criminalises rape; Article. 219 of the Penal Code criminalises sexual assault; Articles 220-222 of the Penal Code refer to sexual acts/corruption of minors.	C	Criminal Code contains a series of regulations regarding the harassment and the violation of private life (Article206 – threat; Article207 – blackmail; Article 208 - harassment).	N	
SE	Y	Covered under 'gross violation of a woman's integrity' (section 4.A of the Criminal Code) which includes physical violence faced by women at the hands of men who were or are their spouse or cohabiting/non-cohabiting intimate partner. Chapter 3 on offences against life and health in the Penal Code, e.g. section 5 on assault and section 6 on gross assault.	Y	Gross violation of a woman's integrity (section 4. A, paragraph 2 of the Criminal Code), which includes sexual violence faced by women at the hands of men who were or are their spouse or cohabiting/non-cohabiting intimate partner. Sections 1 and 2 of chapter 6 on sexual offences.	Y	Gross violation of a woman's integrity (section 4. A of the Criminal Code) includes psychological violence faced by women at the hands of men who were or are their spouse or cohabiting/non-cohabiting intimate partner. Threats, coercion and other forms of psychological violence is	N	

Country	Physical violence	Notes	Sexual violence	Notes	Psychological violence	Notes	Economic violence	Notes
						grouped under this offence and prosecuted as one.		
SI	C	Covered under the following criminal offences: Article 296 maltreatment, beating, punishing in a painful or humiliating manner and use of force with an imminent attack on life or limb. Infliction of light (Article 121), aggravated (Article 123), and grievous bodily harm (Article 124).	Y	Article 171 of Criminal Code defines sexual violence as a crime. Other acts include: Article 170 (rape), Article 172 (sexual abuse of a defenseless person), Article 173 (sexual assault of a person under 15 years), Article 174 (violations of sexual integrity with abuse of position by a person to whom the dependent person was entrusted).	C	Criminal offence of DV (Article 191 KZ-1) sanctioning a threat in addition to direct maltreatment and violent conduct. Also covered under criminal coercion (Article 132 KZ-1), threat (Article 135 KZ-1).	N	
SK (not ratified)	C	Covered under many articles in the Criminal Code, including under Title One 'offences against life', sections 144 - 149.	Y	Sexual violence, which is committed by a person who by using violence forces another person to oral sex, anal sex or other sexual activities or who in order to commit	C	Coercion if the offender commits it with the use of psychological violence against another person.	N	

Country	Physical violence	Notes	Sexual violence	Notes	Psychological violence	Notes	Economic violence	Notes
				such crime abuses another person's vulnerability. Criminal Code, Article 200, Article 199 on rape, and Article 201 on sexual abuse.				
Turkey	C	Covered in the Criminal Code, including Article 81 (voluntary manslaughter - felonious homicide), Article 86 (felonious injury), Article 87 (consequential heavy injury). Aggravated forms of intentional murder if against a direct ascendant, direct descendant, spouse or sibling.	C	Covered under sexual harassment in Article 105, sexual assault in Article 102.	C	Article 106, breach of obligations conferred by family law (Article 233(1)) and cruelty to the person sharing the same dwelling (Article 232).	C	Law No. 6284 to protect family and prevent violence against women: any physical, sexual, psychological and economic violence that occurs between the victim of violence and the perpetrator of violence, even if they do not share the same household, or among other family members.

Source: Mapping of legislative developments carried out for this study.

Y: Yes; N: No; C: covered through another criminalised conduct.

No decisive pattern was identified when comparing countries that have/have not ratified the Convention. In Bulgaria, Hungary and Lithuania, all four forms of violence are reflected. In Latvia and Slovakia, the legislation covers three of the four forms - omitting economic violence, like many of the countries that ratified the Convention. Lastly, Czech legislation appears to only cover physical and sexual violence.

c. Additional types of violence to criminalise under the Istanbul Convention

In addition to the four forms of domestic violence, the Istanbul Convention requires State Parties to criminalise specific types of conduct that were included for their seriousness and the fact that they are widespread in Europe and beyond. According to the Explanatory Report, establishing a number of criminal offences 'facilitates action against crime at the national and international level' and the adoption of national measures to combat them (Council of Europe, 2011, p. 28).

The Convention does not oblige State Parties to reproduce the specific provisions of the Convention or to mirror the same conduct. States should, however, ensure that types of conduct are sufficiently reflected in the criminal offences. Therefore, while countries which criminalise a particular conduct under other (various) offences rather than a specific explicit criminal offence, may still be in line with the Istanbul Convention.

Table 8: Overview of the criminalisation of additional types of violence in the Istanbul Convention

Country	Stalking	Forced marriage	FGM	Forced abortion	Forced sterilisation	Sexual harassment
AT	Yes	Yes	Yes	Yes	Bodily harm (§ 83ff StGB)	Yes
BE	Yes	Yes	Yes	Yes	Bodily harm offence Article 398 Criminal Code)	Yes
BG (not ratified)	Yes	Yes	Articles 128, 129 and 130 of the Penal Code (bodily injury)	No	No	Yes
CY	No	Yes	Yes	Yes	Aggravated bodily harm (Article 230 Criminal Code)	Yes
CZ (not ratified)	Yes	No	Section 122 Criminal Code (bodily harm and grievous bodily harm)	Yes	Yes	Yes
DE	Yes	Yes	Yes	Yes	Serious bodily injury (Section 226 StGB)	Yes
DK	Yes	Yes	Yes	Yes	Yes	Yes

Country	Stalking	Forced marriage	FGM	Forced abortion	Forced sterilisation	Sexual harassment
EE	Yes	Only in the context of human trafficking: Article 133 Penal Code	Yes	Yes	Yes	Yes
EL	Yes	Limited to trafficking. Article 323a Criminal Code	Yes	Yes	Illegal violence (Article 330 Criminal Code)	Yes
ES	Yes	Yes	Yes	Yes	Yes	Yes
FI	Yes	Within human trafficking (chapter 25, section 3 Criminal Code) or coercion (chapter 25, section 8 Criminal Code)	Aggravated assault (chapter 21, sections 5 and 6, Criminal Code)	Yes	Assault (chapter 21 Criminal Code); coercion (chapter 25, section 8 Criminal Code)	Yes
FR	Yes	Yes	Violence leading to mutilation or permanent disability. Article 222-9 and 222-10 Criminal Code	Yes	Yes	Yes
HR	Yes	Yes	Yes	Yes	Particularly grievous bodily injury may be applied (Article 119 Criminal Code)	Yes
HU (not ratified)	Yes	Coercion (Criminal Code Article 195)	Criminal Code Article 164 - bodily harm	Yes	Criminal Code section 164 bodily harm and Article 165 professional misconduct	Yes
IE	Threat of serious harm (section 5), harassment (section 10), Non-fatal Offences Against the	Yes	Yes	Yes	Coercion, Non-fatal Offences Against the Person Act 1997	Yes

Country	Stalking	Forced marriage	FGM	Forced abortion	Forced sterilisation	Sexual harassment
	Person Act 1997					
IT	Yes	Yes	Yes	Yes	Aggravated personal injury (Article 583, Criminal Code)	Yes
LU	Yes	Yes	Yes	Yes	Bodily harm (Article 398 Criminal Code)	Yes
LT (not ratified)	No	No	Article 135 - severe health impairment	Yes	Causing bodily harm, Article 103 Criminal Code	Yes
LV (not ratified)	Yes	No	Section 125(1) Criminal Code (intentional serious bodily injury), section 126(1) (intentional moderate bodily injury), section 139 (illegal removal of tissue and organs from a human being)	Yes	No	Yes
MT	Yes	Yes	Yes	Yes	Yes	Yes
NL	Yes	Yes	Yes	Yes	Grievous bodily harm, section 302 Criminal Code	Yes
PL	Yes	Coercion to certain conduct (Article 191 § 1 Criminal Code)	Health offence (Articles 156, 157 Criminal Code) and coercion (Article 191 Criminal Code)	Yes	Serious damage to health (Article 156 Criminal Code)	Yes
PT	Yes	Yes	Yes	Yes	FGM Article 144-A Penal Code	Yes
RO	Article 207 blackmail, Article 206 threat, Article 208 harassment	No	Bodily injury, Article 194 Criminal Code	Yes	Bodily injury, Article 194 Criminal Code	Yes
SE	Unlawful harassment,	Yes	Yes	Yes	Yes	Yes

Country	Stalking	Forced marriage	FGM	Forced abortion	Forced sterilisation	Sexual harassment
	chapter 4, section 4b Criminal Code					
SI	Yes	Yes	Bodily harm (Article 122 Criminal Code)	Yes	Yes	Yes
SK (not ratified)	Yes	Criminal Code § 179 trafficking in human beings	Section 123 Criminal Code - health impairment	Yes	Yes	Yes
Turkey	Threat (Article 28), blackmail (Article 107) Criminal Code	Deprivation of liberty, human trafficking and sexual assault/rape (Articles 102, 103, 105 and 109 Criminal Code)	Article 86 Criminal Code, aggravated crime of malicious injury; Article 87, injury results with weakening or loss of any one of the senses or organs	Yes	Yes	Yes

Source: Mapping of legislative developments carried out for this study.

i. Stalking

Stalking is a specific form of psychological violence, consisting of an 'intentional conduct of repeatedly engaging in threatening conduct' (Council of Europe, 2011, p. 32). Most countries (22 out of the 28 covered here) have criminalised stalking in their national legislation. **Ireland, Romania, Sweden and Turkey** criminalise stalking under other criminal offences, such as threat, other forms of harassment and blackmail.

Of the six countries that have not ratified the Convention, only **Lithuania** has no offence akin to stalking.

Cyprus has no offence criminalising stalking or similar conduct. To implement the Convention, a draft law has been prepared to introduce a new offence of stalking: 'Protection from harassment and stalking and other related issues, and enactment of other related laws' (Cyprus Women's Lobby, 2018).

The ratification has led other countries to introduce the offence of stalking in their legal framework. **Estonia** updated its Criminal Code in 2017 (the year of ratification) to include harassing pursuit (stalking) under Article 157(3). **Spain**, in light of its ratification of the Convention, reformed the Criminal Code by Organic Law 1/2015 of 30 March, which introduced the offence of stalking and forced marriage. After ratification of the Convention, **Slovenia** adopted key improvements to the Domestic Violence Prevention Act in 2016 to introduce the definition of stalking (among others).

ii. Forced marriage

Seventeen of the 28 countries examined here have a criminal offence specific to forced marriage. **Czechia, Latvia and Lithuania** do not criminalise forced marriage, while in Hungary this would fall under the offence of coercion and in **Slovakia**, it falls under the offence of human trafficking. **Estonia**,

Greece, Finland and Turkey limit the criminalisation of forced marriage to the context of human trafficking.

Forced marriage is a form of **human trafficking** when it is used for recruiting women and girls for sexual or labour exploitation. Forced marriage in such cases constitutes a means to traffic women and girls for exploitation or it is the end goal of the trafficking, where victims are trafficked in order to be forcefully married (Myria, 2015).

Poland and Romania are the only countries who have ratified the Convention but established no criminal offence linked to forced marriage. In Poland, forced marriage can be criminalised under coercion to certain conduct (Article 191 § 1 Criminal Code). Arguably, forced marriage would also be criminalised in Romania under a similar provision. However, the absence of clear legal offences results in a lack of clarity that complicates the prosecution of forced marriage. The lack of clear legal scope and clarity in the legislation - such as the absence of a definition and of the elements of the crimes - have been identified as hindering prosecution (Psaila et al., 2016).

Ratification of the Istanbul Convention prompted some Member States to establish a criminal offence specific to forced marriage. This is the case for **France**, in which forced marriage is now an offence punishable by three years in prison (Article 222-14-4 of the Criminal Code, in accordance with Article 37 of the Convention)¹⁸. In **Portugal**, a key added value of the Istanbul Convention has been additions to the Criminal Code, including forced marriage through Law No. 83/2015 (GREVIO, 2017a). Preparatory acts for forced marriage are also considered crimes and can be punished separately. In **Sweden**, the ratification led to a review of the Swedish legal framework, which identified some gaps and triggered the adoption of provisions against forced marriage in the Penal Code (Government of Sweden, 2017).

iii. FGM

FGM is criminalised through explicit references in the legislation of 16 countries (AT, BE, CY, DE, DK, EE, EL, ES, HR, IE, IT, LU, MT, NL, PT, SE¹). In the remaining 12 (BG, CZ, FI, FR, HU, LT, LV, PL, RO, SI, SK, TU), it falls under acts such as bodily harm, health impairment, coercion and loss of an organ. The lack of clear FGM offence results in legal ambiguity as to whether all types of FGM (e.g. cuts, excision, infibulation) are criminalised.

The ratification of the Istanbul Convention has led some Member States to establish FGM as an offence or to better define it under their national legislation. For instance, **Greece** introduced a new specific reference to FGM in its Penal Code in 2018 with Law 4531/2018¹⁹ in response to its ratification of the Istanbul Convention. Article 315B of the Penal Code²⁰ criminalises individuals who persuade a woman to undergo FGM. In **Luxembourg**, the Law of 20 July 2018 implementing the Istanbul Convention²¹ introduced Article 409bis in the Penal Code, with a more detailed provision on FGM. The Article sanctions 'anyone who practises, facilitates or promotes the excision, infibulation or any other mutilation of all or part of the labia majora, labia minora or clitoris of a woman, with or without her consent'. In **Austria**, a recent amendment to the Criminal Code came into force in January 2020, introducing explicit reference to FGM under § 85 of the Austrian Criminal Code (bodily harm with

¹⁸ France has adopted an integrated approach to fight forced marriages. Article 222-14-4 of the Criminal Code was introduced in 2013 to transpose Article 37(2) into French law. GREVIO notes that evaluation of the impact of this legislation is limited, especially when the victim is forced to travel abroad. Article 202-1 introduces the 'matrimonial intent' as a condition for the validity of marriage, and the time period to request the annulment of the marriage has been extended. There are also provisions with regard to protection orders (a person who fears that they may be taken abroad and forced to marry can request a protection order that would prevent them from leaving the country) and consular assistance measures to encourage the return of victims to the national territory.

¹⁹ Law 4531/2018 - ratification of the Convention of the Council of Europe (Istanbul Convention) for the Prevention and Tackling of Violence against Women. Available at: <https://www.e-nomothesia.gr/oikogeneia/nomos-4531-2018-phek-62a-5-4-2018.html>

²⁰ Law 4619/2019: ratification of the Penal Code. Available at: <https://www.e-nomothesia.gr/kat-kodikis-nomothesias/nomos-4619-2019-phek-95a-11-6-2019.html>

²¹ Law of 20 July 2018 approving the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. Available at: <http://legilux.public.lu/eli/etat/leg/loi/2018/07/20/a631/jo>

severe and sustainable adverse effects). The provision now criminalises 'the mutilation or any other form of harm to the genitalia, that is able to cause sustainable negative effects to the sexual experience'.

Romania does not have an explicit criminal offence for FGM as yet. However, it is in the process of adopting new legislation to introduce such an offence. As a result of the work of the working group on the implementation of the Istanbul Convention, a draft law is being prepared to amend the Criminal Code. The draft Law will introduce new offences, including FGM, forced abortion, forced sterilisation (Government of Romania, 2020).

None of the six countries that have not ratified the Convention have explicit criminal provisions on FGM. In each case (BG, CZ, HU, LT, LV, SK), FGM can be criminalised under offences such as bodily harm or health impairment.

iv. Forced abortion

Bulgaria is the only country for which no explicit provision on forced abortion has been identified. Countries' legal provisions criminalise abortion without consent or forced abortion.

Abortion is a **strictly regulated medical act** in most countries. It is thus not surprising that all but one country has criminalised abortion without the consent of the pregnant person. Forced abortion is particularly problematic for people with disabilities, which remains a practice in certain Member States (CERMI Women's Foundation and the European Disability Forum, 2017). The vulnerability of **women and girls with disabilities** stems both from their capacity to consent and from practices that do not give these women and girls a voice in their reproductive rights.

GREVIO clarified 'the intention of Article 39 of the Convention to criminalise any medical interventions or surgical procedures which are carried out, for example, with the purpose of assisting a woman who lacks capacity to consent. Rather, the aim of this provision is to emphasise the importance of respecting women's reproductive rights by allowing women to decide freely on the number and spacing of their children and by ensuring their access to appropriate information on natural reproduction and family planning' (GREVIO, 2020a).

v. Forced sterilisation

The research identified specific forced sterilisation criminal offences in only **10 countries** (CZ, DK, EE, ES, FR, MT, SE, SI, SK, TU). Sixteen countries criminalise forced sterilisation under other broader offences, such as bodily harm, assault and coercion (AT, BE, CY, DE, EL, FI, HR, HU, IE, IT, LU, LT, NL, PL, PT, RO). **Portugal**, for instance, criminalises forced sterilisation under the grievous bodily harm offence (Article 144 Criminal Code), which covers 'whoever harms the body or the health of another person in a way that: a. Deprives them from important organ or limb, or deforms them in a serious and permanent manner; b. Takes or affects, in a serious way, their work capacity, intellectual capacities, of procreation or of sexual enjoyment or the possibility to use the body, the senses or the language' (Government of Portugal, 2017).

No provision potentially criminalising forced sterilisation has been identified in **Bulgaria** and **Latvia**. It is likely that such conduct would fall under the bodily harm offence.

In some of the Member States, sterilisation is a requirement to access **gender legal recognition**. In five Member States, this is an explicit legal requirement (CZ, CY, FI, RO, SK), while in Latvia and Lithuania, this can be imposed by a court in the absence of procedure laid down in national law (Arora at al., 2020). Legal gender recognition is not governed by the Istanbul Convention per se. However, such a legal requirement is akin to forced sterilisation. Article 39 of the Istanbul Convention would apply to any forced sterilisation of women. Since the Convention should apply regardless of gender identity, the question is whether it would apply to both women and men seeking to have their gender legally recognised.

Aside from Slovakia, no non-ratifying Member State has an explicit criminal offence related to sterilisation. In addition, three of those countries (LT, LV, SK) may require sterilisation in cases of the legal gender recognition procedure.

vi. Sexual harassment

All Member States and Turkey criminalise sexual harassment to a certain extent. In most cases, that criminalisation falls under various offences or is **limited to the workplace**. All Member States have transposed **Directive 2006/54/EC**, which prohibits sexual harassment in the workplace. In line with the Directive, sexual harassment in the workplace is considered a form of discrimination for which penalties must be established. The definition of sexual harassment under Article 40 of the Istanbul Convention almost mirrors the definition established by Directive 2006/54/EC Article 2(d), according to which sexual harassment is ‘any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment’.

Outside of the workplace, sexual harassment can be prosecuted under the offence of stalking, harassment, indecent assault, indecency, sexual intimidation or similar provisions. The fact that there is no comprehensive offence means that all the manifestations of sexual harassment are not criminalised comprehensively.

GREVIO points to the issue of scattered protection in its review of the implementation of the Convention by Italy, which does not have a criminal provision dedicated to sexual harassment. Rather, sexual harassment falls under a number of civil and criminal provisions, such as the offence of sexual violence (Articles 609-bis Criminal Code), which does not apply to physical sexual acts other than genitalia or erogenous zone, or the offence of ill-treatment (Article 572 Criminal Code), which is limited to family relations. Law No. 198/2006 on equal opportunities defines sexual harassment using the same definition as the Convention but is limited to sexual harassment in the workplace.

The GREVIO experts noted that while sexual harassment fell under various provisions, ‘**none of which, however, encompasses the entire spectrum of unwanted behaviour** of a sexual nature targeted by [Article 40 of the Convention]’ (GREVIO, 2020c).

Eleven Member States (AT, DE, EE, FI, FR, HR, LT, MT, PT, RO, SK, TU) have **more comprehensive offences** criminalising sexual harassment. Some examples of such offences include the following:

In **Austria**, sexual harassment and public sexual acts are criminalised under § 218 of the StGB. This is defined as ‘a situation in which a person commits a sexual act against or in front of another person such that the latter feels harassed – provided circumstances warrant the reasonableness of this response or a situation in which an individual purposefully touches a person on an intimate area of the body (for example the buttocks or thigh) such that the victim feels violated or a situation in which a person engages in public sexual activity in a way that creates a reasonable sense of offence’.

Germany criminalises sexual harassment under section 184i of the StGB, according to which sexual harassment is understood as ‘anyone who physically touches another person in a sexually determined manner and harasses them’.

The **Estonian** Criminal Code defines sexual harassment under § 1531 as ‘an intentional physical act of sexual nature against the will of another person committed against them with degrading objectives or consequences’.

In **Finland**, sexual harassment is defined by chapter 20, section 5(a), of the Criminal Code as ‘a person who, by touching, commits a sexual act towards another person that is conducive to violating the right of this person to sexual self-determination’.

No patterns are evident for this offence between countries that have ratified and those that have not.

3.1.3. Case-law developments

Searches for keywords in national case-law databases focusing on higher courts found references to the Istanbul Convention in only 11 countries (BE, EE, ES, FR, IE, IT, LT, MT, NL, PT, TU). In some cases, the Convention was invoked by the applicant or defendants, while in others the Court itself made reference to the Convention.

In some countries, the lack of reference to the Istanbul Convention by national courts stems from its recent ratification. In others, the absence of references may point to a lack of knowledge of the Convention among legal practitioners.

Table 9: Overview of case-law referring to the Convention since ratification or 2014

Countries	Case-law	Notes
AT	No	No national case-law identified referring to the Convention.
BE	Yes	Only one case identified citing the Convention ²² . The case related to the request to annul some provisions of the Act of 22 May 2014 on sexism in the public sphere, arguing that their broad wording leaves too much margin of interpretation to judges and that it infringes on the freedom of speech protected by the Belgian Constitution. The Constitutional Court argued that interference with the freedom of speech can be provided 'for by a law that is sufficiently accessible and precise, is necessary in a democratic society, meets a pressing social need and is proportionate to legitimate goals'. In analysing the legitimate goals of the fight against sexism, the Court noted that gender-based violence is a key concern of the EU and of the Council of Europe (through the adoption of the Istanbul Convention). The Court made no further mention or interpretation of the Convention. Interestingly, in two recent cases related to DV, the Constitutional Court mentions the ECHR but not the Istanbul Convention ²³ .
BG (not ratified)	No	No case-law identified mentioning the Convention.
CY	No	No case-law of the higher-level courts identified.
CZ (not ratified)	No	No case-law identified mentioning the Convention.
DE	No	No national case-law identified referring to the Convention.
DK	No	No national case-law identified referring to the Convention.
EE	Yes	Five cases identified from the County and Circuit Courts: 1. Divorce on request by survivor ²⁴ ; 2. Violent ex-partner threatened his partner and child, the Court has applied the articles on physical abuse and Article 157(3) of the Penal Code

²² Belgian Constitutional Court Case 72/2016 of 25 May 2016, <https://www.const-court.be/fr/common/home.html>

²³ Belgian Constitutional Court Case 4/2017 of 19 January 2017 and Case 69/2018 of 7 June 2018, <https://www.const-court.be/fr/common/home.html>

²⁴ Judgment of the Tartu Circuit Court No. 2-20-406/27 of 10 June 2020 (entered in force on 25 June 2020), <https://www.riigiteataja.ee/kohtulahendid/detailid.html?id=270161352>

Countries	Case-law	Notes
		<p>(stalking, Article 34 of the Convention) and referred to the Explanatory Memorandum 385 SE (XIII Parliament) due to missing case-law²⁵;</p> <ol style="list-style-type: none"> 3. A pregnant woman repeatedly physically abused by her partner. The Court referred to Article 35 of the Convention²⁶; 4. Article on stalking (157(3) Penal Code) was applied and explored. Reference was made to the Convention. Offender was sentenced with a restraining order for three years²⁷; 5. Article on stalking (157(3) Penal Code) was applied and explored. Reference was made to the Convention²⁸.
EL	No	No case-law of the higher-level courts identified mentioning the Convention.
ES	Yes	<p>Supreme Court referred to the Istanbul Convention in four cases.</p> <ol style="list-style-type: none"> 1. The Court referred to Article 55(1) to conclude that criminal proceedings are not dependent on the victim filing a complaint and shall proceed even if the victim withdraws their complaint²⁹; 2. In a DV case, the Court referred to Articles 1, 2 and 12 of the Convention to interpret the notion of VAW and whether the intent behind the violence plays a role in the qualification of the offence. Using references to the Convention, the Court concluded that the fact that physical violence against the woman partner took place was sufficient to qualify as VAW, no intent was required³⁰; 3. The case concerned the expulsion from the Spanish territory of someone who had committed several offences, including DV. The Court referred to the Istanbul Convention to confirm that VAW and DV constitute serious crimes which can be the basis for expulsion decisions³¹; 4. The case concerned the authorisation of long-term residence, and also temporary residence and work, where, in the case of a criminal record, the seriousness or type of crime against public order or public safety or danger posed by the person in question should be considered. The Court referred to the Convention (Articles 1 and 2) to conclude that gender-based violence constitutes an attack on human rights³².
FI	No	No national case-law identified referring to the Convention.
FR	Yes	No relevant case-law from higher level courts identified. There is some case-law referring to the Istanbul Convention from lower administrative courts, chiefly in relation to migration and asylum issues.

²⁵ Judgment of the Criminal Chamber of the Tallinn Circuit Court No. 1-19-4428/58 of 21 February 2020 (entered into force on 13 April 2020), <https://www.riigiteataja.ee/kohtulahendid/fail.html?fid=267096295>

²⁶ Judgment of the Criminal Chamber of the Tartu Circuit Court No. 1-19-5542/43 of 19 February 2020 (entered into force on 26 June 2020), <https://www.riigiteataja.ee/kohtulahendid/fail.html?fid=271521907>

²⁷ Judgment of the Criminal Chamber of the Tallinn Circuit Court No. 1-18-3231/61 of 28 January 2020 (entered into force on 4 May 2020), <https://www.riigiteataja.ee/kohtulahendid/fail.html?fid=268078679>

²⁸ Judgment of the Tartu Circuit Court No. 1-19-3527/28 of 18 October 2019 (entered in force on 6 April 2020), <https://www.riigiteataja.ee/kohtulahendid/fail.html?fid=267464500>

²⁹ Spanish Supreme Court Case No 231/2017, 25 April 2018. STS 1629/2018 ECLI: ES:TS:2018:1629, <http://www.poderjudicial.es/search/TS/openDocument/b680165259ac30a2/20180518>

³⁰ Spanish Supreme Court Case No 1653/2018, 25 April 2019. STS 1380/2019 - ECLI: ES:TS:2019:1380, <http://www.poderjudicial.es/search/TS/openDocument/83f9c9916caf02d7/20190510>

³¹ Spanish Supreme Court Case No 6068/2018. 3 June 2019. STS 1810/2019 - ECLI: ES:TS:2019:1810, <http://www.poderjudicial.es/search/TS/openDocument/b6bbf9b8de2977b4/20190611>

³² Spanish Supreme Court Case No 4687/2019, 29 July 2020. STS 2733/2020 - ECLI: ES:TS:2020:2733, <http://www.poderjudicial.es/search/TS/openDocument/25a187c6ae30cc9f/20200810>

Countries	Case-law	Notes
HU (not ratified)	No	No national case-law identified referring to the Convention.
HR	No	No national case-law identified referring to the Convention.
IE	Yes	Only one case identified where the Supreme Court mentioned the Convention. However, it did not use the Convention for interpretation, nor did it refer to any specific article. The case concerned sexual violence and DV ³³ .
IT	Yes	Aligning with Article 46 of the Convention, Italy's Supreme Court of Cassation ruled that sexual violence in marriage is not justified for cultural reasons. Under this ruling, two defendants were convicted of aggravated personal injury crimes against their spouses – one for injuring his spouse with a car door and another for threatening to injure his spouse. In both cases, the Court deemed that aggravating circumstances referenced in Article 577 of the Italian Criminal Code were applicable as there had been a marriage between the accused and the injured person, irrespective of whether the two parties had subsequently legally separated ³⁴ .
LT (not ratified)	Yes	One instance of case-law identified with reference to the Convention (by the applicant) ³⁵ . <i>Vilniaus Motery Namai</i> (Vilnius Women's Shelter) sued the Ministry of Social Affairs and Labour for not receiving funding for their projects' application in the open call for projects issued by the Ministry ³⁶ . Vilnius Women's Shelter cited the Convention, arguing that it calls for governments to provide adequate financial and human resources for services to support, prevent and assist all forms of DV. The Court ruled against the NGO and for the Ministry, arguing that the complaint was not justified within the current administrative framework for public procurement procedures.
LU	No	No case-law identified in the Luxembourg High Court.
LV (not ratified)	No	No decision of Latvian national courts mentions the Istanbul Convention.
MT	Yes	Istanbul Convention mentioned in the judgments of numerous criminal and constitutional cases: <ol style="list-style-type: none"> 1. Criminal Court: The judgment concerns kidnapping and sexual assault of young women. It refers to the Istanbul Convention, with one of the victim's counsel noting that 'A drunken "yes" is a "no", as reflected in the Istanbul Convention. No further interpretation was provided³⁷; 2. The judgment makes multiple references to the Istanbul Convention, as well as ECtHR cases referring to the Istanbul Convention. The Court assessed whether Article 18 was applicable to the case (on the need for the State to take measures to protect all victims from any further acts of violence). It quoted an ECtHR case, that 'special diligence is required in

³³ Supreme Court of Ireland, *Director of Public Prosecutions v F.E.* [2019] IESC 85 (06 December 2019), IESC 85.

³⁴ <https://www.altalex.com/documents/news/2020/05/27/violenza-sessuale-matrimonio-non-giustificata-da-ragioni-culturali>

³⁵ <http://liteko.teismai.lt/viesasprendimupaieska/detalipaieska.aspx>

³⁶ Case law number I-986-811/2017, <http://liteko.teismai.lt/viesasprendimupaieska/tekstas.aspx?id=57d043fe-5976-4aa7-a9b5-23df82420328>

³⁷ Criminal Court indictment number: 8/2018. Republic of Malta vs Makuochukwu Ngumezi and Bandaogo, 12 September 2019, <https://ecourts.gov.mt/onlineservices/Judgements/PrintPdf?JudgementId=0&CaseJudgementId=118213>

Countries	Case-law	Notes
		<p>dealing with domestic violence cases'. The Court concluded, inter alia, a violation of Article 18 of the Convention³⁸;</p> <p>3. The judgment concerns DV. For several years, the applicant experienced abuse from her husband. While the applicant reported her abuse to various police stations, law enforcement authorities failed to take appropriate measures to ensure her safety. The applicant claimed the State failed to fulfil its positive obligations to safeguard her safety, dignity, and privacy and that of her family. The court recognised an infringement of Article 18 of the Convention³⁹.</p>
NL	Yes	<p>The Istanbul Convention was mentioned in the judgments of numerous criminal and constitutional cases. Examples include:</p> <ol style="list-style-type: none"> 1. A case related to a temporary restraining order imposed on the home of the ex-partner. The decision of the temporary restraining order was appealed because the petitioner did not reside in the house or stayed there only occasionally. The Court considered that it could not be derived from the Istanbul Convention that a temporary restraining order could be imposed on a person who does not reside in a home or who resides otherwise than incidentally, considering that they separated for more than two years, with each having their own home and having no contact, other than occasionally. According to the Court, the Convention focuses on the need to intervene immediately if there is DV⁴⁰; 2. A Council of State decision in relation to a temporary restraining order where the mayor extended a temporary restraining order to an ex-partner. The Court considered that it cannot be implied from the Dutch legislation and the Convention that a temporary restraining order can also be imposed on a person who does not live or partially lives in that house with those who reside in that house. This would stretch the text of the law and the intention of the legislator too far⁴¹; 3. This case concerned a temporary asylum residence permit. The defendant sought asylum and asked not to be returned based on the fact that DV against women remains a serious problem in Ukraine. It is mentioned that Ukraine signed but did not ratify the Convention. The Court could not infer that the protection offered by the authorities is so inadequate that Ukraine is not a safe country of origin for women as victims of DV. The judgment did not follow the plaintiff's argument⁴².
PL	No	No national case-law identified referring to the Convention.
PT	Yes	One relevant case found that references the Istanbul Convention. The Lisbon Court of Appeal held that the crime of DV should be seen and treated as a violation of human rights and of victims' rights, regardless of gender. It referred to the Istanbul Convention, Article 12, paragraph 5, which requires States to ensure that culture,

³⁸ Civil First Hall (Constitutional Jurisdiction) Case 69/2017, 'X' vs The Attorney General and the Commissioner of Police, 16 July 2019, <https://ecourts.gov.mt/onlineservices/Judgements/PrintPdf?JudgementId=0&CaseJudgementId=117966>

³⁹ Constitutional Court Case 69/2017/1, Pisani vs Attorney General today State Attorney; Commissioner of Police, 27 March 2020, <https://ecourts.gov.mt/onlineservices/Judgements/PrintPdf?JudgementId=0&CaseJudgementId=121187>

⁴⁰ Court of Rotterdam, X vs the mayor of the municipality of Rotterdam, 7 September 2020. ECLI:NL:RBROT:2020:8040, <https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBROT:2020:8040>

⁴¹ Council of State, X vs the mayor of the municipality of Rotterdam, 11 January 2017. ECLI: NL: RVS: 2017: 19, <https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RVS:2017:19>

⁴² Court of the Hague, X vs the State Secretary for Justice and Security, 26 January 2018. ECLI: NL: RBDHA: 2018: 770, <https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBDHA:2018:770>

Countries	Case-law	Notes
		customs, religion, tradition or alleged honour are not a justification for acts of violence ⁴³ .
RO	No	No national case-law identified referring to the Convention.
SE	No	No national case-law identified referring to the Convention.
SI	No	No national case-law identified referring to the Convention.
SK (not ratified)	No	No national case-law identified referring to the Convention.
Turkey	Yes	In scanning the decisions of the Court of Appeal (General Board of Criminal Department) over the last five years, it can be seen that the Istanbul Convention was referenced in cases concerning sexual violence against women and children. In all of these cases, it was underlined that the Istanbul Convention was the first human rights treaty across Europe which defined VAW as a form of human rights violation ⁴⁴ . It was also emphasised that since the ratification of the Convention by Turkey, the instrument has been a part of the domestic legal framework and should be implemented in VAW cases. Again, in all cases, two articles of the Convention were specifically referenced - Article 3(a) and Article 5(2), underlining that sexual violence is included in the scope of the definition of VAW and that Turkey should exercise due diligence in addressing the matter.

Source: country fiches prepared for this study.

3.1.4. Policy responses to the ratification of the Istanbul Convention

This section assesses the policy response to tackling VAW and DV following ratification of the Convention, notably the presence and content of action plans.

Article 7 of the Convention requires that State Parties adopt and implement 'effective, comprehensive and coordinated policies' to prevent and combat all forms of violence covered by the Convention. Coordinated and holistic policies are best achieved where all relevant national and regional organisations, authorities and institutions draw up an NAP tackling the various forms of violence.

Table 10 shows that 14 countries have adopted an NAP or strategy specifically dedicated to gender-based violence and DV that remains applicable in 2020. Only two of the six countries that have not ratified (CZ, LT) have an NAP in place.

⁴³ Lisbon Court of Appeal, 21 March 2019. ECLI: PT: TRL: 2019: 974.16.0PEOER.L1.9.D5, <https://jurisprudencia.csm.org.pt/ecli/ECLI:PT:TRL:2019:974.16.0PEOER.L1.9.D5/>

⁴⁴ Decree no 2019/149E Merits no 2019/393 K; Decree no 2018/562E Merits no 2019/396K; Decree no 2018/626E Merits no 2019/397K; Decree no 2017/401E Merits no 2019/407K.

Table 10: Overview of NAPs or strategies on VAW and DV

Status of NAP or strategy on VAW and DV	Countries
NAP/strategy on VAW and DV adopted since ratification	CZ, DE, DK, EE, FI, FR, IT, LT, MT, NL, PT, RO, SE, TU
NAP/strategy on gender equality partly covering VAW	BG, LU
No NAP/strategy on VAW and DV	AT, EL, HU, SI
NAP/strategy on VAW and DV in place prior to ratification	ES, HR, IE, PL
NAP adopted after ratification but is not in date/has not been renewed	BE, CY, LV, SK

Source: mapping prepared for this study. The main sources of information used for the mapping included the reporting done to and by GREVIO as well as literature

The following action plans cover all forms of violence addressed in the Istanbul Convention:

Germany's NAP operates within the national legal framework and thus covers all forms of violence defined in the national legislation, where Article 1 defines DV as violence against the body, health or freedom of the person. On the launch of the NAP, ministers emphasised that it covers the fight against all forms of violence and quoted the Istanbul Convention. To date, the NAP has been most active in supporting women's shelters and support services, working to ensure that funding reaches victims of all types of such violence contacting these centres.

The NAPs in **France** and **Turkey** cover all types of violence but include no specific action on forced abortion or forced sterilisation.

In most countries, the NAPs focus on specific forms of gender-based violence or cover generally VAW and DV without attention to specific forms of violence.

The NAP for **Malta** covers gender-based violence generally, without addressing specific forms of violence. The Protocol on the Procedure in Cases of Domestic Violence, adopted in 2019 in **Croatia**, that targets relevant bodies in protection against DV and the introduction of a service for victims and witnesses at the Ministry of Justice and probation.

In **Romania**, the National Strategy for the Promotion of Equal Opportunities and Treatment for Women and Men and Preventing and Combating Domestic Violence 2018-2021, together with the operational plan for its implementation, were approved in 2018. The Strategy aims to improve the legislative framework, develop support services for victims of violence and aggressors, provide specialist training to ensure tailored care and support, strengthen institutional capacity to manage DV. Its goal is 'zero tolerance' towards DV.

The following NAPs cover specific types of violence:

- **Denmark's** NAP covers only psychological and physical violence. The Danish NAP pays attention to 'new' forms of violence, i.e. 'dating violence', and adopts related measures (e.g. victim programme for young people exposed to dating, dating violence debates and competition for students, information/theme days on DV/dating violence);
- **Estonia's** NAP only covers intimate partner violence;

- In **the Netherlands**, the NAP against violence - 'Violence does not belong anywhere' (2018-2021) - does not mention economic violence specifically and takes a gender-neutral approach that is problematic in the fight against VAW.
- The NAPs in **Portugal** and **Sweden** do not cover economic violence.

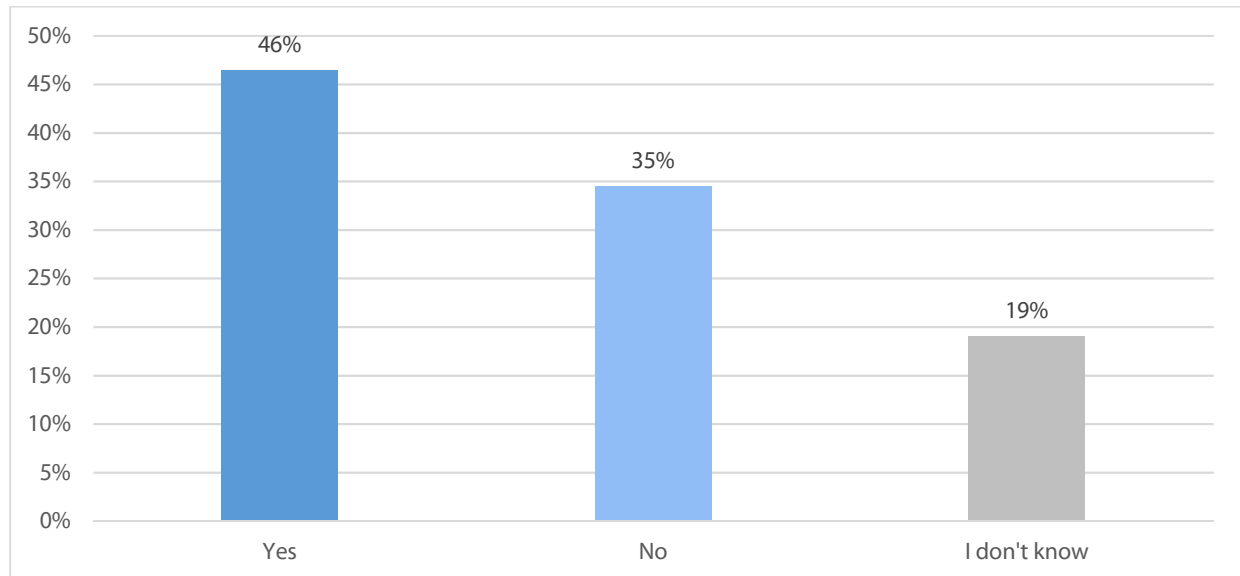
Respondents to the online consultation were asked whether they have seen **shifts towards more coordinated, comprehensive and integrated policies** on VAW and DV since ratification of the Istanbul Convention. **Almost half (46 %)** of respondents in countries that ratified the Istanbul Convention **agreed** with this statement. Examples of changes mentioned by respondents include:

- **Greece:** Improvements were noted in cooperation between the competent bodies. More coordinated efforts have been made through the network of structures at national level to support women victims, with more effective victim protection measures adopted and more awareness-raising among the public.
- **Finland** established a Committee for Combating Violence against Women and Domestic Violence (NAPE), which was mandated as the official coordinating body and given responsibility for preparing the implementation plan for the Convention. The first Action Plan (2018-2021) contained 46 measures and was completed at the end of 2017. As a cross-ministerial body, NAPE provides a platform for coordinated action and concerted efforts and the measures contained in the implementation plan extend to all relevant government agencies, as well as NGOs. In the latter half of 2020, NAPE's role was reinforced, through additional human resources and the position of Secretary General, in line with GREVIO's recommendation to Finland.
- **Germany:** Respondents note that efforts to comply with the provisions of the Istanbul Convention have grown, notably through coordination initiatives. At the federal level, a round table was established for the three levels of federal, state and local governments, together with a monitoring and coordination office. At local level, roundtables and systematic monitoring have been put in place.
- **Sweden:** County Administrative Boards have reinforced their efforts to support coordination at regional level. A greater number of multi-agency support centres for victims of abuse has been established across the country. The National Gender Equality Agency supports the coordination of national agencies, while the government has commissioned its key agencies to collaborate to enhance their efforts to detect violence and to ensure adequate referrals to support services and the judicial system.
- **Romania:** Effective functional training has been put in place with all professionals from justice and law enforcement, leading to more efficient coordinated interventions and convictions of abusers. New services have been opened, including a national helpline. Although accessibility and funding of support services still require improvements, protection of women has improved overall, with more information provided at different levels. Cases of VAW have been changed from low priority to high priority.

Some respondents reported **increased funding**, e.g. for support services and awareness-raising in Finland and for prevention and awareness-raising in Greece. In **Ireland**, more funding has been made available, although it remains insufficient to meet needs.

By contrast, around **one-third (35 %) of respondents did not agree** that there had been changes towards more coordinated, comprehensive and integrated policies since their country ratified the Istanbul Convention.

Figure 3: Whether stakeholders have seen shifts towards more coordinated, comprehensive and integrated policies on VAW and DV since their country ratified the Istanbul Convention (n=84)



3.1.5. Protection of women victims of violence and their children

One of the core pillars of the Convention is the adequate protection of victims from further violence, through support and assistance. Chapter 4 of the Convention lays down a range of obligations focused on the setting up of general and specialised support services to meet the needs of victims. Chapter 6 contains judicial tools to ensure protection of victims through risk assessment and safety plans to manage identified risk for the victim.

In the EU, any national level developments in relation to strengthening victims support and protection are influenced by EU legislation and policy in the area. The **Victims' Rights Directive** (Directive 2012/29/EU) establishes minimum standards on the rights, support and protection of victims of crime. The Directive has been transposed by all of the EU Member States and its provisions are binding.

The Istanbul Convention goes further than the Victim's Rights Directive in some respects: the Directive's provisions are formulated in terms of the rights of victims and are less indicative of support services requirements. For instance, while both the Istanbul Convention and the Victims' Rights Directive refer to general and specialised support services, the Convention prescribes that both should be established and specifies that helplines, shelters and rape crisis or sexual violence referral centres must be in place.

Similarly, the Victims' Rights Directive states that measures must ensure the protection of victims and their family members from intimidation and retaliation, including procedures for their physical protection. The **Istanbul Convention details** the types of protection measures countries must establish, including risk assessment and risk management, emergency barring orders, restraining or protection orders, and witness protection.

a. Risk assessment and risk management

Article 51 of the Convention requires State Parties to adopt standardised risk assessment and risk management procedures and to ensure that 'an assessment of the lethality risk, the seriousness of the situation and the risk of repeated violence is carried out by all relevant authorities'. This requirement is linked to the due diligence obligation (Article 5) to prevent acts of violence.

Risk assessments take into account the specific situation of the victim, the seriousness of the violence, frequency of repetition, perpetrator's access to firearms, and other variables.

According to the drafters of the Convention, 'concern for the victim's safety must lie at the heart of any intervention in cases of all forms of violence' (Council of Europe, 2011). This obliges all stakeholders involved to manage risk and engage in a coordinated response.

Table 11 below shows that 19 countries have regulated and/or standardised risk assessment/management processes at national level. In countries without any such processes in place, some actors may have certain risk assessment/management practices or guidelines but these are not systematically used or are limited in scope.

Table 11: Overview of the presence of regulated/ standardised risk assessment/ management processes

Regulated and/or standardised risk assessment/ management processes in place at national level	Countries
Countries having such processes in place	AT, CY, CZ, EE, EL, ES, FI, FR, IE, LT, MT, NL, PL, PT, RO, SE, SI, SK, TU
Countries with no regulated/ standardised processes in place	BE, BG, DE, DK, HR, HU, IT, LU, LV

Source: mapping prepared for this study; EIGE (2019).

b. Restraining and protection orders

Article 53 of the Istanbul Convention foresees the use of restraining or protection orders as measures to protect victims from further violence.

The Convention provides that restraining or protection orders should be available in relation to all forms of violence covered by the Convention. This study reviewed the availability of protection orders across the EU-27 and Turkey, in particular whether they covered the four types of violence covered by the Convention. Only 10 countries (BE, BG, FR, HR, LT, LV, MT, RO, SI, TU) cover the four forms of violence in the scope of the protection order available in cases of DV. This low number may reflect a lack of clarity in the legislation or the fact that the four forms are not criminalised in the national legislation.

Table 12: Overview of the scope of protection orders in covering the four forms of domestic violence (physical, sexual, psychological, economic violence)

Countries	All four forms covered	Notes
AT	Physical, sexual, psychological	As economic violence is not explicitly mentioned in the Austrian legislation, it is excluded from restraining orders. Austria is praised by GREVIO for its protection order system in general.
BE	All four forms	In principle, all forms are covered if they reach a sufficient level of seriousness to trigger the requirements for a restraining order to be issued. A restraining order can be issued 'if it appears from facts or circumstances that the presence of a person at the residence represents a serious and immediate threat to the safety of one or more persons occupying the same residence' (Law of 15 May 2012 related to domestic violence).
BG (not ratified)	All four forms	Protection orders against domestic violence are regulated in the specific Law on Protection against Domestic Violence of 2005 and the Regulation for its Implementation as part of civil law in a procedure often considered <i>sui generis</i> . The definition of DV covers the four forms of violence.
CY	Physical, sexual, psychological	A restraining order is issued in the case of actual bodily, sexual or mental harm that endangers the life, integrity, sexual or mental health of the victim.
CZ (not ratified)	Physical, sexual	Since only sexual and physical violence are criminalised, these are covered. An interim civil measure can be imposed by the court for up to one year if the victim's life, health, freedom or human dignity is in danger. Violation of a protection order is a criminal offence. The police can issue a barring order preventing the perpetrator from contacting the victim and removing them from the household.
DE	Physical, sexual, psychological	Restraining orders are available in connection to all forms of violence, but economic violence is not explicitly covered in the German legal framework.
DK	Physical, sexual, psychological	The Danish Act on Restraining Orders provides for three different types of orders: expulsion orders, restraining orders and exclusion orders, which apply to DV against others.
EE	Physical, sexual, psychological	Protection orders are available for all forms of violence but economic violence is not covered in the Estonian legal framework.
EL	Physical, psychological	In the event of a crime of DV, if it is deemed necessary to protect the physical and mental health of the victim, restrictive conditions can be imposed on the accused for as long as necessary, such as his removal from the family home, the prohibition to approach the premises of residence or work of the victim, etc. Protection orders include both restriction orders (RO) and interim injunction orders (IO), imposed in civil and criminal law. Sexual violence is not explicitly covered.
ES	Physical, sexual, psychological	Articles 544bis and 544ter of the Law of Criminal Proceedings foresee precautionary measures and protection orders, which can be applied to all victims. Protection orders, which also entail measures of civil law, as regulated by Article 544ter, can be applied to victims of gender-based violence and DV.
FI	Physical, sexual, psychological	Economic violence is not covered by any offence in the Criminal Code. An inside-the-family restraining order can be imposed based on the threat made, previous offences or other behaviour indicating the likelihood of committing an offence

Countries	All four forms covered	Notes
		against the life, health or liberty of a person living in the same household (Act on Restraining Order, Section 2).
FR	All four forms	Articles 515-9 to 515-13 of the Civil Code regulate protection orders, which can apply in situations of DV where 'there are serious reasons to consider as likely the commission of the alleged acts of violence and the danger to which the victim or one or more children are exposed'.
HU (not ratified)	Physical, economic, psychological	Hungarian law foresees the ability for law enforcement officials and the judiciary to issue protection orders to safeguard victims' physical and psychological integrity.
HR	All four forms	Law on misdemeanour (in relation to the Law on protection against domestic violence, which covers all four forms of violence) prescribe protective measures.
IE	Physical, sexual, psychological	Domestic Violence Act 2018 regulates protection orders: where there are reasonable grounds for believing that the safety or welfare of the applicant for the order concerned or of a dependent person so requires, the court can issue a protection order.
IT	Physical, psychological	Law No. 154/2001 regulates barring and restraining orders in cases of DV or if any individual within the family faces a serious prejudice to their physical or psychological integrity or liberty.
LT (not ratified)	All four forms	Act on Domestic Violence, 2011 covers the four forms of violence. Upon notification of DV, the following interim measures may be taken to ensure the protection of the victim: 1) an obligation for the perpetrator to leave the place of residence temporarily if they live with the person who has experienced the violence; 2) an obligation for the abuser not to approach the person who has experienced the violence, not to communicate, not to seek contact.
LU	Physical, sexual, psychological	The legislation does not include economic violence. It covers any 'offence to the life or physical integrity against a person'. Protection orders only apply to physical violence. For psychological violence, a restraining order may be sought based on a request to a tribunal. Act of 8 September 2003 on domestic violence.
LV (not ratified)	All four forms	Article 250*45 paragraphs (1) and (2) of the Civil Procedure Law on provisional protection against violence: (1) If any physical, sexual, psychological or economic violence, that occurs between former or present spouses or other mutually related persons regardless of whether a transgressor is living or has lived in one household with the infringed person, is turned against a person, a court or judge may, upon a reasoned application of the person or application which is submitted through the police, take a decision to provide provisional protection against violence.
MT	All four forms	The Gender-Based Violence and Domestic Violence Act: all acts or omissions, including verbal, physical, sexual, psychological or economic violence causing physical and/or moral harm or suffering, including threats of such acts or omissions, coercion, or arbitrary deprivation of liberty, that occur within the family or domestic unit.
NL	Physical, sexual, psychological	There is no clear legal provision on economic violence. Since 2009, a temporary restraining order can be put in place in cases of DV.

Countries	All four forms covered	Notes
PL	Physical, sexual, psychological	Economic violence is not covered under the Counteracting Domestic Violence Act of 10 June 2010: preventive measures can order an accused to leave the premises occupied jointly with the victim, provided there are reasonable grounds to believe that the accused could commit another violent offence against the victim.
PT	Physical, sexual	There are two types of barring orders which can be issued in cases of VAW. One is provided by Law No. 61/1991 on the protection of women against various forms of violence, including sexual violence, harassment, kidnapping and assault when motivated by a discriminatory attitude towards women. Barring orders can also be issued as an urgent coercive measure under Law No. 112/2009.
RO	All four forms	Temporary protection order (according to Article 22 Section 7) applied to all victims that are family members, according to the provisions of Article 5 of Law 217/2003 regarding preventing and combating domestic violence.
SE	Physical, sexual, psychological	A restraining order is applied if a person commits offences against another life, health, freedom or peace. The Non-Contact Order Act prevents crimes against and secures persons who are in danger of stalking and harassment. The Act covers four types of non-contact orders: a restraining order, an extended restraining order, a specially extended restraining order and a domestic exclusion order. The 2014 amendment to the Non-Contact Order Act removed the need for the risk of a crime to be obvious in order for a domestic exclusion order to be issued.
SI	All four forms	ZNPPol specifies the issue of restraining orders. Restraining orders are available to victims of all forms of violence. The amended ZPDN defines forms of DV – physical, sexual, psychological and economic violence, neglect and stalking.
SK (not ratified)	Physical, psychological	Preliminary orders to leave the common household as a protective measure are regulated in Act No. 150/2015 Coll. Code of Civil Procedure.
Turkey	All four forms	Restraining and protection orders are regulated in the 6284 Law (under the terms of preventive and protection orders- Articles 3, 4 and 5). The same law defines violence, and this definition includes physical, sexual, psychological and economic forms of violence (Article 2(d)) in accordance with the Istanbul Convention. All preventive and protective measures provided by the 6284 Law are applicable to four forms of violence against women (physical, psychological, sexual, economic).

Source: mapping carried out for this study.

While only 10 countries fully cover all four forms of domestic violence through their legislation, the Istanbul Convention has positively influenced developments in the national legislation in relation to protection orders.

For example, in **Estonia**, the Pärnu Pilot Project was carried out from December 2017 until 31 March 2018 at county level. The purpose was to provide the best and most effective protection to victims, to end violence, and to find ways to remove the offender from the house for 48 hours. The local government reserved vacant accommodation in the municipal housing stock for this purpose.

Croatia, the **Netherlands**, **Slovenia** and **Turkey** each improved their provisions regarding protection orders following ratification of the Convention.

c. Influence on the availability of support services for victims of violence

Access and availability of general and specialised support services for victims are central to the Convention. The Istanbul Convention sets out some detailed requirements on the types of support services State Parties must establish in order to ensure that victims' needs are met. This section analyses

the impact of ratification on the availability of four types of support services to victims: general support services (Article 20), specialised support services (Article 22), helplines (Article 24) and rape crisis or sexual violence referral centres (Article 25). It offers a snapshot of whether or not ratification of the Convention has influenced countries to set up new services.

i. General support services

The Convention foresees the setting up of both general and specialised support services. The general support service refers to services available to all victims, including victims of VAW and DV. Article 20 clarifies that such services should include, for instance, 'legal and psychological counselling, financial assistance, housing, education, training and assistance in finding employment'.

A study found that 'not all Member States have established universal, free of charge victim support services' (Altan and Ivanković, 2019). **Nineteen Member States** (AT, BE, CY, CZ, DE, EE, ES, FI, FR, HR, HU, IE, IT, MT, NL, PL, PT, SE, SI) have both general and specialised support services in place. In six Member States (BG, EL, LT, LV, RO, SK), **four of which have not ratified** the Istanbul Convention, there are **no general victim support services**, only specialised support services (Altan and Ivanković, 2019). It is surprising that despite the Victims' Rights Directive and the Convention, some countries still fail to provide comprehensive general victim support services. In some countries, the provision of such has been established recently and is in the early stage of development. This is the case in Italy, where the national network of victim support (*Rete Dafne*) was established in 2018, and in Croatia, where the availability of victim support depends on the jurisdiction, with 'a patchwork of different approaches' (Altan and Ivanković, 2019, p. 61).

The mapping carried out for this study identified new general support services or changes to the existing services in **three countries**: Cyprus, France and Sweden.

In **Cyprus**, following the adoption of Law 51(I)/2016, the Social Welfare Service provides free and confidential victim support services to any crime victims, taking into account the person's need. Where necessary, it refers victims to specialist support provided by NGOs (Argyridou and Michael, 2019).

In **France**, Decree No. 2016-1056 of 3 August 2016 established a local victim support committee (CLAV) in each department, responsible for coordinating and implementing local victim support arrangements and developing a local victim support scheme.

In **Sweden**, a pilot project was set up in the Gothenburg region in 2017, bringing together the police, the prosecutor, social services and healthcare services to support victims or witnesses of violence. This new pilot project is in addition to the existing Crime Victim Support Sweden, which provides support services to crime victims, including DV victims.

Most countries already had general support services in place prior to ratification and it is not surprising that few changes can be identified.

ii. Specialised support services

Specialised support services offer assistance tailored to the needs of certain group of victims (e.g. migrants, women), victims of specific forms of violence (e.g. sexual violence, FGM) or the type of support required (e.g. medical, psychological, legal). While general support services are often run by state authorities, the majority of specialised support services are provided by NGOs.

The Convention requires specialised support services to be provided 'in an adequate geographical distribution, immediate, short- and long-term specialist support services to any victim subjected to any of the acts of violence covered by the Convention' (Article 22). In addition, Article 22 requires the availability of women's support services for all women victims and their children.

The mapping carried out for this study identified the provision of new specialised support services in **10 countries** (BE, DE, FI, FR, LV, NL, PL, PT, RO, TU) since ratification. Examples of such new services are presented below.

In **Germany**, new women's shelters have opened, and existing shelters began to offer new services as of 2018.

In **France**, in 2018, authorities set up a platform for reporting gender-based and sexual violence. Accessible 24/7, the platform offers the possibility to chat with specially trained law enforcement officials.

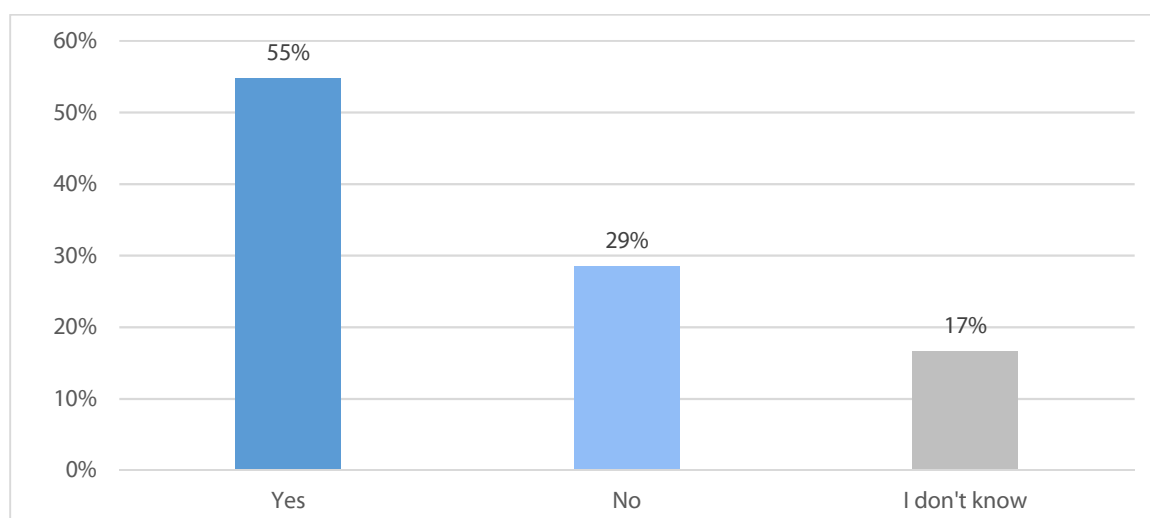
In **Portugal**, Law No. 80/2014 provided for the establishment of a new property rental support scheme for victims of DV, as well as preferential access to public housing. In addition, in 2016, the first crisis centre for women and girl victims of sexual violence was established in Lisbon.

In **Romania**, authorities adopted a project 'Support for the implementation of the Istanbul Convention in Romania', with funding of EUR 2.5 million. This enabled specialised support services to be set up, including residential services for DV victims, emergency reception centres, rape crisis centres, and functional services for perpetrators. The project is running from 2019-2022.

In **Turkey**, Law no. 6284 on the protection of the family and prevention of VAW established violence prevention and monitoring centres. They consist of a network of state-run entities responsible for protective measures, as well as providing general and specialist support services to victims.

The mapping indicates a trend towards establishing new, more tailored services for victims of VAW and DV. This is confirmed by the online stakeholder consultation, with the majority of respondents noting that they have seen changes to the availability and accessibility of specialised support services in their country (see Figure 4 below).

Figure 4: Whether or not respondents to the stakeholder consultation have seen changes in the availability and accessibility of specialised support services related to VAW and DV since their country ratified the Istanbul Convention (n=84)

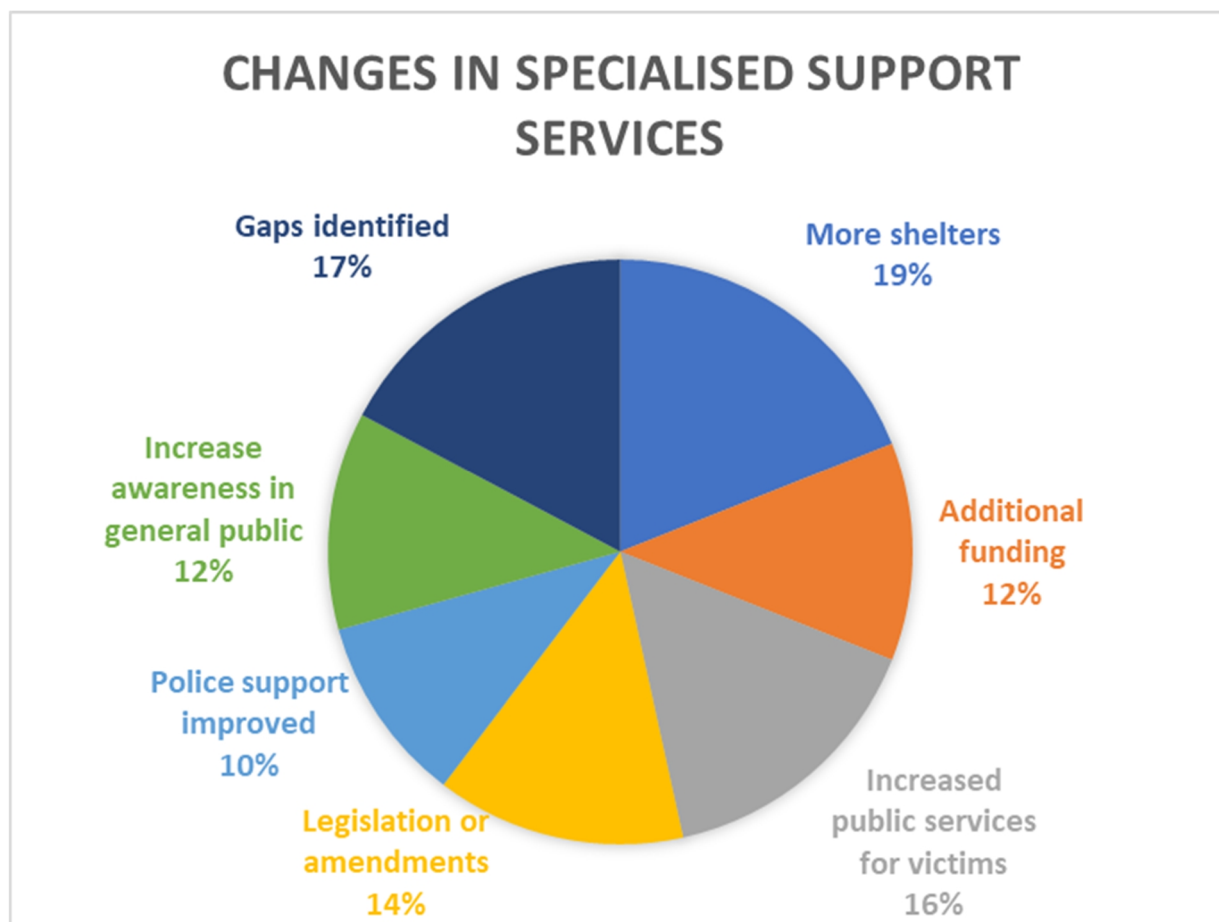


Source: stakeholder consultation for this study.

Note: Only stakeholders from countries which ratified the Convention were asked this question.

The respondents provided additional information on the types of changes seen in the provision of specialised support services. The most frequently reported change is an increase in the provision of shelters for victims, as well as increased public services for victims.

Figure 5: Respondents provided more information on changes in the availability and accessibility of specialised support services (n=46)



Source: stakeholder consultation for this study.

Note: Only stakeholders from countries which ratified the Convention were asked this question.

Examples of changes provided by respondents include:

In **Austria**, ratification of the Convention triggered further development of women's shelters and child protection centres, as well as more awareness of the need to work with perpetrators.

In **Cyprus**, Ministerial Decision No. 88.585 of 27 November 2019 establishes a 'Woman's House', a one-stop-shop service, providing services to women victims of violence and their children, which is expected to open by the end of October 2020. This project is set up in the context of a more targeted and comprehensive intervention for victims of gender-based violence and DV and to comply with the Istanbul Convention (Articles 22, 23 and 26).

In **Estonia**, respondents noted that more services were available to victims and that there is changes in attitude among specialists and society, as people feel more empowered to come forward to report violence.

In **Finland**, more funding has been made available for specialist support services since ratifying the Istanbul Convention, allowing new shelters to open.

In **Greece**, the network of nationwide protection was extended, with two additional counselling centres. The viability of the 63 state agencies comprising the network (i.e. counselling centres, shelters and the helpline) was also secured through additional funding. Women's empowerment and job counselling is now included in the services provided to survivors. The change seen after ratification of

the Istanbul Convention stems from a political commitment to the operation of counselling centres and shelters for women victims of violence. There has also been more public awareness and information available for women victims to seek support.

In **Italy**, ratification of the Istanbul Convention prompted the adoption of laws and measures that positively impacted the work of specialised women's services. Examples include the NAP, the national fund, minimum requirements for women's shelters, and women's centres.

In **Malta**, ratification of the Istanbul Convention increased the availability of specialised support services for victims of DV, both in terms of capacity of professionals and services available. The risk assessment service was added, meaning that all victims of gender-based violence and DV reporting to the police will be assisted by professionals through risk assessment and safety planning.

In **Romania**, the local authorities are more committed to addressing the issue of DV and creating social services for women victims of DV in partnership with NGOs.

In **Sweden**, the number of shelters has increased, according to a survey carried out by the National Board of Health and Welfare in 2020. Annual data on social services produced by the same Agency indicate that municipalities are providing an increased range of services.

However, respondents also identified the **gaps** that remain. For example, in **Romania**, there are still no rape and sexual violence crisis centres, in rural areas, services are not available and professionals lack training. In **Ireland**, the COVID-19 pandemic has highlighted shortages in the refuges provided, which does not meet the Istanbul Convention standards of one family place per 10 000 population. Additional funding has been provided for DV services during the pandemic to increase availability of emergency accommodation, but it is unclear whether such resourcing will be sustained beyond the immediate period of the pandemic. In addition, there is a lack of gendered analysis of homelessness, which would recognise women and children fleeing DV as homeless and could result in improved access to safe and secure accommodation and housing for women and children on a short, medium and long-term basis. In **Greece**, respondents noted that, despite some improvements, cooperation with NGOs has not been promoted effectively and a multiagency approach and response to DV is still lacking, especially with regard to the police, the judiciary and health system.

iii. Rape crisis or sexual violence referral centres

The Convention specifically requires the setting up of a specialised service for victims of sexual violence in the form of rape crisis or sexual violence referral centres. The centres must be easily accessible and provide 'medical and forensic examination, trauma support and counselling for victims' (Article 25).

The drafters were aware that sexual violence requires dedicated services and specific responses and supports. Victims of sexual violence need immediate medical care and forensic examination in order to collect the evidence needed for criminal investigation and prosecution (Council of Europe, 2011). In addition, victims need trauma counselling and long-term psychological support. The Convention aims thus to tackle both the immediate needs and long-term needs of victims of sexual violence. In addition, the services should be offered whether or not the victim has filed a complaint and the forensic examination, in particular, should be carried out regardless of whether or not the victim will report the violence to law enforcement. Centres should offer the option to take and store samples so that the victim can decide whether or not to report at a later date.

Such centres should ideally be available in hospitals. The drafters recommend that there should be one centre available per every 200 000 inhabitants, with sufficient geographical spread to be accessible in rural areas and cities.

The mapping carried out for this study identified sexual violence centres in **14 countries** (BE, DE, DK, EE, ES, FI, FR, IE, LU, MT, NL, PT, RO, SE), some of which qualify as rape crisis or sexual violence referral centres under the Convention, while others do not fully meet the Convention's requirements. Overall, ratification of the **Convention has contributed** to the setting up of such services in a number of countries (e.g. BE, FI, PT).

In **Belgium**, three sexual violence treatment centres were set up in 2017 (in Ghent, Brussels and Liège) as pilot projects, with the aim to open additional centres in other cities. They are located in hospitals, near the emergency room, with their own entrance and adapted space. The centres are a collaboration between hospitals, the police and the public prosecutor's office. They offer extensive medical, forensic and emergency psychological assistance by specialised staff. Forensic examination is provided for each victim using a new, less invasive forensic plan. After care, the victim can file a complaint with the police via a hearing directly at the centre. The case manager of the centre coordinates the medical and psychological follow-up for each victim and accompanies the victim through any legal steps. Each victim goes through a psychological screening to propose appropriate care. The centres are accessible 24/7. After one year of piloting, 'the three centres had assisted 930 victims, 90 % of whom were women and 29 % minors. The average age of the victims was 24 years old. 71 % of the victims went to a centre within 72 hours of their assault. 68 % of the victims in care decided to lodge a complaint as part of their support process with a sexual violence treatment centre' (Government of Belgium, 2019).

In **Denmark**, there are 10 Centres for Rape Victims (*Centre for Voldtægtsofre*), which are specialised in the treatment of victims of rape and other sexual assault. They are located in hospitals, mostly in university hospitals. Most of the Centres are available 24/7. Victims can access services without having to report to the police. They can remain anonymous or they can ask for the police and other social services to assist (Government of Denmark, 2017).

In **Estonia**, there are four RCCs, which are located in major hospitals in major cities. They provide crisis counselling, sexually transmitted infection (STI) testing, pregnancy prevention and forensic examination (WAVE, 2019).

In **Finland**, a working group was established in 2016 to set up a Finnish Sexual Violence Referral Centre (SERI) support centre for victims of sexual violence. A pilot centre was established in 2017 in Helsinki, with the aim of creating a national model. In the future, the plan is to set up a SERI support centre at each university hospital (online consultation for this study and WAVE, 2019).

In **France**, forensic units located in hospitals (UMJs) provide medical care and forensic examination for victims of rape and sexual violence. However, those units do not fully qualify as rape crisis and sexual violence centres due the insufficient geographical coverage and the prior requirement to file a complaint (WAVE, 2019).

In **Germany**, there are 183 RCCs as part of the Federal Association of Rape Crisis Centres and Women's Counselling Centres in Germany. They provide psychosocial support. Additionally, there are services for minor girl survivors of sexual violence. Sexual violence services are available in most regions (over 50 %) of the country (WAVE, 2019).

In **Ireland**, the rape Crisis Network Ireland was set up in 1985 and uses a survivor-centred and trauma-based model to support victims. There are 16 RCCs providing counselling and advocacy, as well as court and police accompaniment. In addition, there are six sexual assault treatment units providing medical care (WAVE, 2019).

In **Luxembourg**, some hospitals have specialised units (UMEDO, *unité de documentation médico-légale des violences*) providing victims of physical and sexual violence with care and forensic examination to collect evidence. Victims do not have to file a complaint to access the service.

In **Malta**, Sexual Assault Response Team (SART) was established in 2014 to work with victims of sexual assault. The SART operates 24/7 at the Mater Dei Hospital. It offers medical check-up, medical care, forensic examination and police intervention if the victim wishes to report. The victims are assessed in order to determine the support needed.

In **the Netherlands**, 16 Sexual Assault Centres (*Centrum Seksueel Geweld*) are available across the country 24/7. They offer psychological, medical and police support. Support is provided to organise contact with the police, forensic and medical experts, and mental health experts (WAVE, 2019).

In **Portugal**, the first crisis centre for women and girl victims of sexual violence was established in the metropolitan area of Lisbon in 2016. Another centre opened later - the UMAR Crisis Centre in Oporto (online consultation for this study and WAVE, 2019).

In **Romania**, 10 RCCs and eight centres for perpetrators were established under the project 'Support for the implementation of the Istanbul Convention in Romania' (Government of Romania, 2020).

In **Spain**, there are nine centres for survivors of sexual violence that provide comprehensive support but are not available 24/7 (WAVE, 2019).

In **Sweden**, sexual violence referral centres exist in some hospitals, such as the National Centre for Knowledge on Men's Violence against Women, at Uppsala University. However, the centres do not appear to fully comply with Article 25 of the convention (GREVIO, 2019c).

iv. Helplines

The Convention requires the establishment of nationwide round-the-clock (24/7) free-of-charge helplines for victims of VAW and DM, confidentially or with anonymity.

The mapping carried out for this study found that **all countries have helplines in place** for victims of violence. All countries except Luxembourg and Slovenia⁴⁵, have one helpline available 24/7 for victims. However, the helplines **may not be a specialised** helpline for crime victims or victims of DV. For example, in **Belgium**, several specialised helplines are available free-of-charge at specific times, with one general helpline available around the clock. Some of the specialised helplines refer to the general 24/7 helpline for support outside of their working hours. Some specialised helplines (such as that for intimate partner violence for the French-speaking population: *Ecoute violences conjugales*) are available 24/7, while others like that specialised in domestic violence in Flanders (1712) is only available Monday to Friday 9 to 6pm (but available by email 24/7).

In **France**, the main helpline for women victims of violence (3919) is operational Monday to Friday, from 9am to 10pm and Saturdays, Sundays and public holidays from 9am to 6pm. However, the 'service-public.fr' platform offers support 24/7 in the form of chat with specially trained law enforcement officials.

In **Turkey**, the state-run helpline provides general support free-of-charge and 24/7 to different groups (e.g. families, women, children), while the specialist NGO-run Emergency Domestic Violence Hotline is unable to operate 24/7 and free-of-charge (WAVE, 2019).

⁴⁵ Both countries have helplines available but these are not accessible 24/7.

Most of the specialised helplines are NGO run and rely on funding to operate 24/7 in line with the Convention. The Convention's requirements can help in improving access to support across the EU.

3.1.6. Impact of the Convention, good practices and remaining challenges identified across the EU-27 and Turkey

The above sections present a mixed picture of progress in national legislation and policy triggered by ratification of the Convention. While this includes important improvements, gaps remain in achieving full compliance with the standards of the Istanbul Convention. This section provides an overview of the overall impact of the Convention, including good practices and challenges for countries in aligning with the Convention.

a. Overall impact of the Convention

One measure that can be used to understand the impact of the Convention is to compare changes in legislation of those countries that have ratified with those that have not - either since ratification or since 2014 - and the level of alignment of national legislation with the Convention.

All of the countries that have ratified the Convention, **except Cyprus, had important legislative developments** since ratification. Cyprus alone had no legislative developments since ratification in 2017⁴⁶, as it is in the process of revising its legislation. A new bill entitled 'Protection from harassment and stalking and other related issues, and enactment of other related laws' has been prepared and is due to be adopted.

Of the six countries that have not ratified the Convention, two (LT, LV) did not have any legislative development since ratification or 2014. Looking at the extent of the legislative developments in the countries that did not ratify compared to those that did, it is clear that **legislative changes are less extensive in countries which did not ratify**.

Looking at recognition of the gender dimension in the legal framework, it is more difficult to draw conclusions based on whether or not countries have ratified. Overall, most countries have not integrated a gender dimension of violence in their legislation, with the exception of Sweden and Slovakia, which have at least one gender-specific offence. Malta, Portugal, Romania, Spain and Turkey have all adopted gender-specific legislation in relation to violence or recognising the gendered nature of violence.

In the six countries that have not ratified, DV is recognised as an offence or defined in only five (BG, HU, LT, LV, SK), with most defining DV as covering the four forms of violence (physical, sexual, psychological, economic). As the four forms are recognised in only four of the countries that have ratified (HR, MT, RO, TU), non-ratifying countries are better aligned with the Convention in that respect.

For specific types of conduct for which the Istanbul Convention requires criminalisation, the pattern is clearer between countries - ratification of the Istanbul Convention has prompted some Member States to establish specific criminal offences for those types of conduct that previously fell under various broader offence (e.g. stalking, forced marriage, FGM). By comparison, **countries that have not ratified are less likely to fully recognise those forms of violence** through specific offences in their criminal codes. None of the six non-ratifying countries have explicit criminal provisions on **FGM**. Czechia, Latvia and Lithuania do not criminalise **forced marriage**, while in Hungary this falls under the offence of coercion and in Slovakia, it falls under the offence of human trafficking. Slovakia is the only country that

⁴⁶ Small amendments were adopted in respect of the Law on domestic violence in Cyprus (119(I)/2000) Laws 78(I)/2017 and 95(I)/2019. However, these were not relevant to the implementation of the Istanbul Convention.

has not ratified and has a specific **forced sterilisation** criminal offence. Similarly, Slovakia is the only country with a more comprehensive offence criminalising **sexual harassment**.

In terms of NAPs or strategies tackling VAW and DV, **only two** of the six non-ratifying countries (CZ, LT) **have an NAP in place**, compared to 14 ratifying countries.

When it comes to regulated and/or standardised risk assessment/management, no decisive pattern can be identified, although the fact of not having ratified decreases the likelihood of having such regulation in place. 19 countries have processes in place at national level, including three that have not ratified the Convention (CZ, LT, SK).

Both the Istanbul Convention and the Victims' Rights Directive have influenced the availability of support services across the EU. The provision of new specialised support services has been identified in 10 countries since ratification. In the countries that have not ratified, only Czechia and Hungary have both general and specialised support services in place. In six Member States (BG, EL, LT, LV, RO, SK), **four of which have not ratified** the Istanbul Convention, there are **no general victim support services**, only specialised support services. **No RCCs or sexual violence referral centres** have been identified in the countries that have not ratified, while such services has been established in 14 ratifying countries (BE, DE, DK, EE, ES, FI, FR, IE, LU, MT, NL, PT, RO, SE). No decisive patterns can be identified between the categories of countries in respect of helplines.

Overall, the countries that have not ratified the Convention have a less comprehensive legislative and policy framework.

When asked their opinion on the **biggest positive impact of the ratification** of the Istanbul Convention by their country, respondents to the online consultation from countries which ratified noted the following:

- Changes in legislation (AT, EL, HR, IE, MT, RO, SE);
- Measures addressing perpetrators to prevent further violence (AT, SE);
- Greater awareness among policymakers and stakeholders (such as healthcare professionals, law enforcement agencies, etc.) on the need to tackle gender-based violence (BE, DE, EE, EL, FR, HR, LU, PL, RO, SE);
- Political commitment to fight VAW and DV, notably through actions and strategies (BE, DE, EL, FI, FR, HR, RO);
- Increase/ strengthening of support services (DE, EL, FI, LU);
- Increase in funding (DE, EL, FI);
- Improved public awareness and awareness-raising activities (DE, EL, HR, LU, SE);
- More victim-oriented approach/action (BE, IT, MT).

Stakeholders noted that the Istanbul Convention establishes a **strong comprehensive framework** and its **standards guide public action**. It has helped enormously in prioritising the fight against gender-based violence in public policy at all levels (national, regional, local). One stakeholder noted that the ratification of the Istanbul Convention enabled gender-based violence - in its different manifestations - to be linked to discrimination against women and girls, allowing an effective approach. Overall, the Istanbul Convention has created a push for better policy, services and discourse around VAW and DV. For instance, one stakeholder noted the importance of the Convention prohibition of out-

of-court settlement of compulsory disputes, including mediation and conciliation, in all forms of violence.

The Convention has brought **increased awareness** of the issue of VAW and DV at policy level, as well as changing attitudes in society. The Convention helps to create awareness of the need for knowledge on VAW for all kinds of professionals who encounter women subjected to violence, their children and perpetrators. One stakeholder noted that, previously, victims might have been left waiting in hospitals and cared for by untrained staff, while now procedures are in place and special attention is paid to their care. Another stakeholder mentioned that the Convention has **empowered professionals** at all levels (law enforcement services, social services, counselling and support services, etc.), which have benefited from this new impetus and are witnessing a heightened sense of awareness of the issue. One stakeholder pointed out that the protection of victims against violence is now widely accepted as a mandatory service.

b. Good practices identified across the 28 countries

The Istanbul Convention offers a common framework to address VAW through its 4 Ps - Integrated Policies (and data collection), Prevention, Protection and Prosecution. This section highlights some of the good practices – and the gaps - stemming from ratification of the Convention with respect to these 4 Ps.

i. Policies

Article 8 - allocate appropriate financial and human resources to implement integrated policies, measures and programmes

Increased funding has been reported in several countries, such as in **Finland**, additional funding has been allocated for support services and awareness-raising and, in **Greece**, funding has been increased for prevention and awareness-raising. In **Ireland**, more funding has been made available as well.

Some good practices emerged on this aspect, In **Romania**, authorities adopted a project "Support for the implementation of the Istanbul Convention in Romania" with a funding of 2.5 million euros allocated for the setting up of specialised support services, including rape crisis and sexual violence centres. The **German** Federal Ministry of Family, Seniors, Women and Youth will allocate EUR 120 million over the 2020-2024 period to develop and increase service delivery by support services and women's shelters. In **the Netherlands**, an average of EUR 17 million will be made available each year between 2018 and 2021 to fund the Safe at Home centres. That budgetary commitment will increase from EUR 11.9 million in 2018 to EUR 38.8 million in 2021. Following the outbreak of COVID-19, the Dutch government is due to increase the funding for Safe at Home by EUR 38.5 million for 2020-2021. A further EUR 15.5 million will be made available to increase the capacity of women's shelters.

Article 10 - coordinate implementation of their policy

Article 10 of the Convention requires the establishment or designation of an official body in charge of the coordination, implementation, monitoring and evaluation of the measures to prevent and combat VAW and DV. The coordinating body is also responsible for the collection of data. This requires appear to have led to a strengthening of the coordination and cooperation between the various actors in the sector.

Austria established a coordination unit VAW' (*Gewalt gegen Frauen*) in 2015 and **Malta** set up the Commission on Gender-Based Violence and Domestic Violence after the enactment of the Convention, strengthening coordination between civil society actors and government institutions. In line with

Article 14 of the 6284 Law, **Turkey** established 'Violence Prevention and Monitoring Centres' (VPMCs) under the remit of the Turkish Ministry of Family and Social Policies, with the specific aim of complying with Article 10(1) of the Istanbul Convention.

France established the independent High Council for Equality (*Haut Conseil à l'Égalité*) to evaluate its VAW policy. The Council comprises representatives from both public administrations and the voluntary sector, and provides independent evaluation of the legal framework on VAW, together with the measures contained in interministerial plans. GREVIO experts note that formalising the involvement of victim support associations' representatives provides them with a voice on VAW policies and programmes. The need for a multisectoral approach (Article 7 Istanbul Convention) is similarly acknowledged in **Croatia**, where an expert meeting on 'Improving the Position of Victims of Domestic Violence' was held at the police academy in Zagreb in November 2019. That meeting agreed on the need to build strong cross-sectoral cooperation and take an interdisciplinary approach to victim supports. **Ireland** has ongoing cooperation between government and civil society organisations, with events and conferences on VAW bringing together advocacy groups, researchers and policy makers. Such cooperation also strengthens accountability for measures to eliminate gender-based violence.

In **Greece**, the General Secretariat for Family Policy and Gender Equality (GSFPGGE) is responsible for monitoring the Istanbul Convention and is due to establish a Working Group to monitor implementation and propose relevant actions in respect of the Convention.

Evidence-based and integrated policies depend on knowing the scale and nature of the problem in each of the Member States – this requires measuring prevalence, monitoring and evaluating the measures taken, and collecting these data at regular intervals (Article 11 of the Convention). Some countries have already planned such data collection. For example, the **Irish** Human Rights and Equality Commission (IHREC) has announced a national survey to record the prevalence of sexual violence in the country, with disaggregated data on vulnerable women, women from ethnic minorities and the Roma community, women in the LGBTIQ+ community, homeless women, and other members of vulnerable groups (IHREC, 2019).

ii. Prevention

The general prevention obligations require State Parties to address the specific needs of those in vulnerable situations, to encourage men and boys to take action, to empower women and to pay attention to violence in the name of 'honour'. However, there are few actions targeting behaviour change through addressing stereotypes, gender equality and power imbalances between women and men.

Article 12 - encourage men and boys to take action to prevent VAW

In **the Netherlands**, Dutch NGO, Emancipator, launched its white ribbon campaign, calling on men not to engage in violent behaviour towards women. In 2018, this campaign became the Delta Plan – a social movement of organisations, which aim to involve boys and men in the fight against VAW. Similarly, **Slovenia's** SOS Helpline specifically targets men and boys through the campaign 'what can I do when I hear (about) violence against women?'

Article 13 - implement awareness-raising activities for the general public

One of the positive impacts reported by stakeholders has been the improved public awareness and awareness-raising activities. Article 13 of the Convention asks State Parties to promote or conduct regularly awareness-raising campaigns or programmes to increase awareness among the public of the

different manifestations of violence, their consequences and the need for prevention. This has translated in some good practices:

Germany's 'Stronger than Violence' initiative in 2019 brought together actors at federal, regional, local and communal levels to promote information on forms of violence and victim supports. In 2019, **Ireland's** IHREC launched a three-year national awareness campaign on sexual awareness and sexual violence (IHREC, 2019). In **Malta**, awareness-raising campaigns have fostered communication, improved mutual understanding, and promoted actions to eliminate VAW. Key awareness-raising campaigns include 'Full Cooperation: Zero Violence' (2017-2018) (Government of Malta, 2019). **Romania** created the Network for Preventing and Combating Violence against Women in 2015 to raise awareness of DV through campaigns, advocacy, fundraising, and information on legislation and available support services (Emprove project, 2016).

Article 14 – mandatory education on VAW

Sweden is an example of good practice in education. In 2017, the Swedish government amended the qualification descriptions in the systems of qualifications for a list of professional qualifications in higher education. Learning outcome for students in certain study programmes should now demonstrate knowledge of VAW and DV.

Finland's handbook 'Prevention of and intervention in sexual harassment at schools and educational institutions, for educational institutions' (published by the Finnish National Agency for Education) describes specific provisions in Finnish legislation and sets out how to prevent and address sexual harassment in curricula and through student welfare services. The handbook targets educators and student welfare personnel, as well as students and guardians.

Article 16 – programmes and interventions for perpetrators of gender-based violence

Countries with such programmes include **Sweden** (*Välj att sluta* ('Choose to stop' campaign) in the Stockholm region), **Slovenia** (Programme for men who perpetrate violence against women), **Germany** (federal working group of 80 organisations working with perpetrators), and **Spain** (intervention programme for aggressors in cases of gender violence (PRIA) and a programme for violent behaviour (PICOVI)).

Finland installed a rehabilitative programme aiming at removing the urge to DV among male perpetrators. The *Lyömätön Linja* (Uneatable Line) is an activity model that helps perpetrators to better understand their actions and underlying causes and to deal with their emotions in a non-violent way. Clients are provided with one-to-one counselling and group therapy.

Article 17 – participation of the private sector and the media

Some notable examples include the 'Handbook with Guidelines for Media Reporting on Domestic Violence' developed by the **Croatian** Ministry of Demography, Family, Youth and Social Policy issued in 2018, and the 2019 'Step-up!' online social media campaign. The Helsinki police department launched the 'Violence after Dark' awareness-raising campaign in **Finland**, in cooperation with advertising companies JCDecaux and TBWA/Helsinki. The campaign encouraged people to report DV by using real-time data gathered from calls to 112 (Sweden's emergency number). **Denmark** focused on the prevention of sexual harassment in the digital realm, including its 2017 package of initiatives against digital sexual abuse.

iii. Protection and support

The Convention obliges State Parties to take the necessary legislative and other measures to protect all victims from any further acts of violence.

Article 24 – telephone helplines

Romania has established national helpline to support victims of DV (Government of Romania, 2020). Established in 2015, the freephone helpline is provided 24/7 by ANES. **Spain** has a state-funded telephone helpline – the 01 Helpline - providing free information and assistance services to victims of gender violence. The service provides free professional care for women victims of gender violence, information on what to do, resources and rights, social services, financial assistance, shelter and legal advice. In January 2017, the **Polish** National Emergency Service for Victims of Domestic Violence, the ‘Blue Line’, expanded its activity. It is now available 24/7, free-of-charge, in Polish, English, Russian and sign language. It offers psychological and legal help to people experiencing violence and witnesses of DV. It facilitates contact with local institutions for those in need. It intervenes against persons convicted of violence and provides counselling for those dealing with DV in their professional work. From 1 June 2020, the **Austrian** Helpchat (www.haltdergewalt.at) provides daily online counselling from 19:00 to 22:00 hours for women and girls affected by violence. The victim logs in with a nickname to protect their anonymity. Counselling is offered in German, English, Turkish, Russian, Romanian and Italian.

Article 60 – gender-based asylum claims

France reformed its asylum law in 2015 to make FGM a serious form of psychological, physical or sexual violence. The law stipulated that the risk for women and girls to be submitted to FGM must be identified during evaluations of their application and that this should also be taken into account in implementing their rights, including the period during which their application is processed, in order to determine specific needs in terms of accommodation (Article L744-6).

Article 61, Article 27, Article 18(3) – international protection

A very important aspect of Law 4351/2018 in **Greece** concerns refugees and immigrants who are at risk of or who have survived DV. This law gives them the opportunity to report that violence, even when they are considered irregular migrants and do not have the necessary documents to stay legally in Greece. Their expulsion is prohibited in such cases.

iv. Prosecution

Article 51 – define; Article 53 – restraining orders; Article 56 – measures of protection (children)

States are obliged to assess the danger, the seriousness of the situation and the risk of repeated violence. Both Malta and Portugal have put in place relevant measures. In **Malta**, stakeholders reported in the online consultation that the Risk Assessment service had a strong positive impact since it ensures that all victims of DV have access to professionals who must carry out a risk assessment and draw a safety plan, and introducing them to the support services available. In 2018, a new Maternal Health Needs Assessment Clinic service was introduced in several Maltese health centres that provide antenatal and postnatal care (Naudi, 2018). Here, midwives use a specific screening and advisory tool to assess experiences with various forms of abuse (Naudi, 2018). Since 2014, **Portugal** uses a risk assessment tool for future violence, enabling appropriate precautions to be taken by authorities. The use of this tool resulted in the development of 28 449 security plans by security personnel in 2016, with the aim of reducing further victimisation. In **Estonia**, the *Pärnu* pilot project was carried out from December 2017 until 31 March 2018 at county level to provide the most effective protection to victims, end violence, and find ways to remove the offender from the house for 48 hours. The local government reserved vacant accommodation in the municipal housing stock for this purpose.

c. Remaining challenges in implementing the Convention

The Istanbul Convention has brought some positive changes in the ratifying countries. However, the research shows that there is room for improvements in all countries, across a number of issues. This

section presents an overview of the key challenges identified by the national experts and respondents to the online consultation.

i. Legal framework

Despite ratification, the national legal frameworks are not fully aligned with the Convention's requirements. For instance, the **lack of legal definition of DV** is an issue in nine EU Member States (AT, BE, CZ, DK, EE, FI, FR, IE, LU). In **Belgium**, DV is considered an aggravating circumstance rather than an offence in and of itself. This places lower priority on DV than if it were adopted as a dedicated offence. Similarly, where DV is defined, it does not always embrace all **four forms of violence**. Only seven countries (BG, HR, LT, LV, MT, RO, TU) refer to the four forms of violence (physical, sexual, psychological, economic) in their definition. It is important to define all four forms of violence in legislation in order to bring about stronger and more explicit legislation that will ensure their prosecution. In **Luxembourg**, psychological violence is not adequately reflected in the legislation – it is not defined, and the only form of violence criminalised in the Criminal Code is the offence of obsessive harassment (stalking) (Article 442-2 Criminal Code). The offence does not specifically target psychological violence in the context of DV or VAW. Stakeholders point to the need to consider psychological violence as a serious infringement of human rights, 'and not as a small-scale offence that remains within the sphere of private life' (Femmes en détresse, 2020). A 2015 study on DV in the Grand Duchy of Luxembourg found that reported acts of psychological violence (n=511) were double those of physical violence (n=218). This finding was confirmed by professionals and experts interviewed for this study. Studies have shown that psychological violence and physical violence are frequently closely linked (Fond-Harmant et al, 2015).

Not all forms of violence laid down in the Convention are expressly reflected in national legal frameworks. For instance, 10 countries (CZ, DK, EE, ES, FR, MT, SE, SI, SK, TU) have the specific offence of forced sterilisation criminalised in their legislation. Eleven of the 28 countries examined do not have a criminal offence specific to forced marriage. Lastly, while the offence of sexual harassment is criminalised in all 28 countries, that criminalisation is often limited to the workplace.

The **gender neutrality** of legislation has been recognised as an issue with the need to acknowledge the gendered nature of DV. The lack of recognition of the specificity of VAW means that the legislation remains gender-blind, as does the response to VAW and DV (BE, DK, FI, FR, NL, SI). In **Finland**, the use of gender-neutral language results in a lack of specific guidance in policies, protocols and instructions on how to address VAW as gender-based violence. The existing tools continue to refer to violence perpetrated against women with gender neutral terminology (Laaksonen et al., 2018). In **Denmark**, for many years DV was addressed in the framework of men's violence against women. Since then, the political discourse and policy approaches have gradually shifted to emphasise violence in the family or intimate relationships and violence experienced by men and boys (GREVIO, 2017b). Changes in the policy framework resulted in the re-orientation of support services to offer support to female and male victims of violence. As a result, fewer women-only specialist support services exist. The previously visible dedication to addressing DV as a form of gender-based violence, for example, has been replaced by gender-neutral concepts⁴⁷ and terminology (GREVIO, 2017b). While it is important to address all experiences of violence, some forms of violence still affect women disproportionately, for example rape, stalking, forced marriage, FGM and forced abortion/forced sterilisation.

ii. Policies

The most common issue in relation to the national policy frameworks is the lack of a holistic, coherent, nationwide policy approach in practice (AT, BE, BG, CY, DE, DK, FR, PT). In **Germany**, the Federal Ministry

⁴⁷ For example, the use of the term 'patient' or 'client' instead of 'woman'.

of Family, Seniors, Women and Youth has overall policy responsibility for tackling DV. At the same time, three other federal ministries play a strong role (Ministry of Justice, Ministry of the Interior and Ministry of Social Affairs and Labour). There are numerous federal – regional – commune-level working groups, including a recently established roundtable⁴⁸ involved in the implementation and support structures. Thus, a number of expert assessments consider a lack of centralised overarching coordination framework and overarching strategic approach as an area for further development (Rabe and Leisering, 2017; Bff 2017). Similarly, in **France**, shortcomings in institutional coordination mechanisms has been reported as a challenge. Although several bodies are involved in the fight against VAW, GREVIO experts note a persistent lack of institutional coordination, resulting in a multitude of actors having a limited overview of the actions of others (GREVIO, 2019a). They point out that multi-agency partnering remains piecemeal and based to a large extent on the individual initiative of some committed professionals.

iii. Support services

Limited capacity of support services to meet needs, limited availability of services, and the need for additional specialised services have been reported as key challenges in the majority of countries (AT, BE, BG, CY, CZ, DE, DK, EE, EL, FI, FR, HR, IE, IT, LT, MT, PL, PT, SE, SI, TU). While the Istanbul Convention's requirements have certainly improved the setting up of new services and the availability/funding of existing ones, much remains to be done to meet the actual needs.

WAVE published a detailed study on the availability of support services for victims of VAW across the 46 European members of its network. Of the 46 countries, only five meet the Istanbul Convention's minimum standards on **bed spaces in shelters** accessible to women. More specifically, according to WAVE, '25 out of 28 EU Member States (89 %) and 16 out of 18 countries outside of the EU (89 %) fail to meet [Istanbul] C[onvention] standards on minimum required bed spaces in shelters accessible to women survivors of domestic violence' (WAVE, 2019).

Another important gap is evident in **RCCs and sexual violence referral centres** (Article 25 of the Istanbul Convention). The Convention recommends establishing one centre for every 200 000 inhabitants, yet WAVE reports a concerning lack of such centres in Europe, 'with approximately 87 % of rape crisis centres or sexual violence referral centres missing in EU countries' (WAVE, 2019).

iv. Funding

Increased funding has been reported as one of the positive impacts of ratification of the Convention. Yet lack of funding remains a substantial issue across the European countries.

In **Austria**, the successful implementation of the Convention suffers from a lack of funding, specifically directed at the resolution of the problem of DV (GREVIO, 2017c). GREVIO notes that while the Federal Ministry of Health and Women's Affairs is in charge of most of the relevant funding, NGOs and other non-governmental initiatives do not have regularly available financing. For instance, there is no sufficient funding for the family counselling centres run by NGOs.

In **Belgium**, the overall budget allocated to tackle VAW is unknown. The NAP does not specify the budget allocated to each measure, partly because they are implemented by different governing entities. Organisations report a lack of secure long-term funding to support their services (Together Against Violence coalition, 2019).

In **Spain**, the central government transferred between EUR 4.5 million and EUR 6 million to regions and municipalities. According to the Spanish Istanbul Shadow Platform, this is not enough to cover 'the basic minimum' for professional care of victims of gender violence, for which it only provides between 1.7-3.3 hours of care per year for every woman that files a complaint (Spanish Istanbul Shadow Platform

⁴⁸ <https://www.bmfsfj.de/bmfsfj/gemeinsam-gegen-gewalt-an-frauen/128304>

2018, p. 16). The Platform notes that funding of gender violence programmes run by NGOs was also reduced in 2017.

In **Poland**, in recent years, NGOs combating VAW have had difficulty in obtaining public funding for their activities. The Ministry of Justice justified⁴⁹ the refusal of a grant by arguing that organisations providing support to women discriminate against other people harmed in the offence.

v. *Cultural attitudes*

The 'gender ideology' discourse, as well as victim-blaming attitudes, have been reported as key obstacles for tackling VAW and DV in several countries (CZ, EE, HR, HU, LT, LV, RO, SK, TU).

In **Estonia**, different understandings of gender, gender roles and stereotypes were reflected in the media and during debates on the Istanbul Convention before it was signed and ratified. Right-wing radical and conservative forces have begun to see issues of gender equality - from combating DV to transgender rights - as part of a larger war on traditional gender roles that threaten the very foundations of Estonian society as a whole. Serious resistance to the Istanbul Convention and acceptance of genders and gender fluidity comes from the Foundation for the Protection of the Family and Tradition (SAPTK).

In **Hungary**, victim-blaming attitudes persist in society. An awareness-raising campaign launched by the police in 2014 (*Tehetsz róla, tehetsz ellene* - You are responsible, you can do something about it)⁵⁰ received widespread criticism by civil society organisations for emphasising that victims could prevent violence by dressing and behaving modestly⁵¹. The media campaign was followed by a public safety statement published by the police ahead of the International Day for the Elimination of Violence against Women, which stated that young women's flirting could lead to violence⁵². Due to this attitude (among other factors), VAW remains under-reported and stigmatised. A 2016 Eurobarometer found that, in Hungary, less than 65 % of the population trusted the police (European Commission, 2016). In addition, EIGE's Gender Equality Index found that levels of disclosed violence were higher where people had more trust in justice institutions (EIGE, 2015).

In **Romania**, a new Draft Law L87/2020 amending the National Education Law nr. 1/2011, was passed in June 2020 and adopted by the Parliament, restricting what can be taught about gender equality at schools and universities (EWL, 2020). This proposes to restrict education regarding so called 'gender identity theory' and to not make distinctions between gender and biological sex (Accept, 2020).

More on the challenge related to 'gender ideology' is presented in section 4.

vi. *Data and reporting*

The lack of systematic data collection on VAW is reported in several European countries (BE, BG, CY, DE, DK, EL, ES, FI, FR, HU, IE, SI), as are obstacles for women reporting incidents of violence to the authorities (BG, EL).

In **Cyprus**, there is no systematic data collection on gender-based violence. Data are not available on all forms of VAW disaggregated by sex and age of victim and perpetrator, type of violence, relationship between victim and perpetrator, as prescribed by the Istanbul Convention (Cyprus Women's Lobby, 2018).

⁴⁹ A letter of Ministry of Justice Department of International Cooperation and Human Rights, Ref.: DWMPC-V-5611-33/15 and DWMPC-V-5611-23/15). After: Commissioner for Human Rights of the Republic of Poland (n.d.).

⁵⁰ <https://www.hrw.org/news/2014/11/27/dispatches-hungarian-police-blame-victims-anti-rape-campaign>

⁵¹ The video features a group of young women drinking and dancing with men at a nightclub after which one of them is sexually assaulted by a stranger

⁵² <https://www.bbc.co.uk/news/world-europe-30198319>

In **Ireland**, the lack of availability of relevant data on the prevalence of gender-based violence hinders the effective implementation of the Istanbul Convention. In 2017, the Central Statistics Office found that fewer than 500 crime incidents had recorded the relationship between the victim and the perpetrator (IHREC, 2019). This issue is partly due to ‘chronic under-reporting’ by women in vulnerable groups, such as victims with disabilities and women in the Traveller and Roma communities (IHREC, 2019).

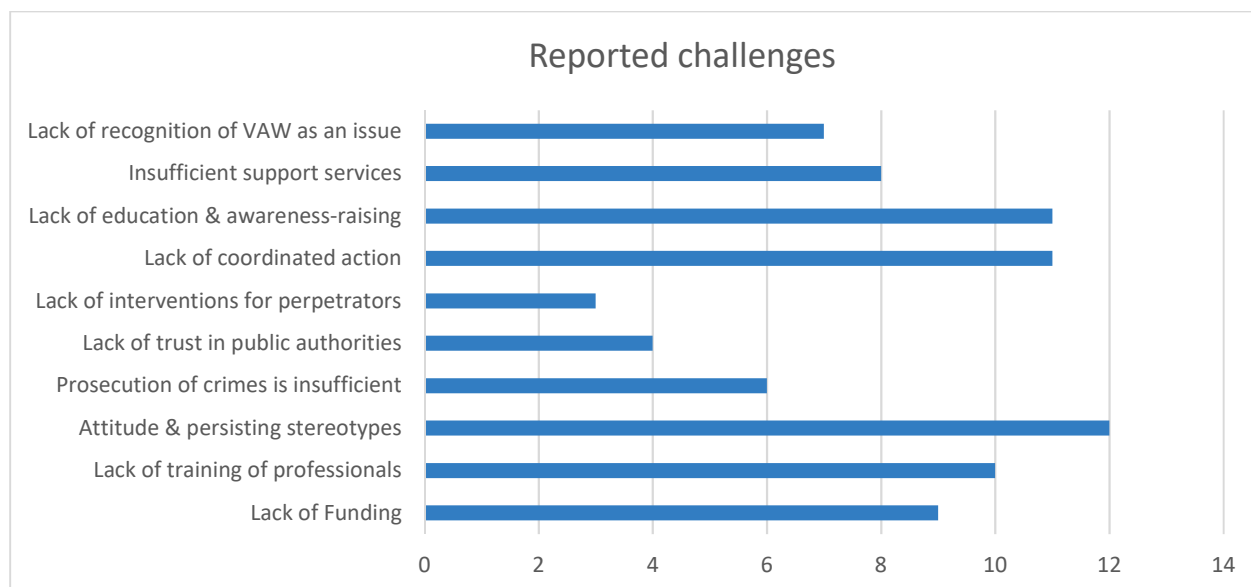
Bulgaria had the lowest reporting rate of violence against women and children in the European Union in 2017 (OHCHR, 2019). The UN Special Rapporteur on VAW stated that one of the reasons for this is that the Office of the Prosecutor issued an ordinance which requires a victim to prove three episodes of physical, psychological and sexual violence in order for a criminal case to be opened. The focus on violence being ‘systematic’ is a barrier in this regard.

In **Greece**, many victims of VAW do not report an incident of such violence because the submission of a report requires an administrative fee of EUR 50 (excluding cases of DV). In addition, although survivors of DV and trafficking of human beings are entitled to free legal aid, they rarely receive it in practice, as there is no system of referrals between the police, the courts and the various bar associations (Centre of Gender Studies and Research, Diotimia, 2019).

vii. Stakeholders’ views

Stakeholders responding to the online consultation reported a number of challenges – the most frequent are presented in Figure 6 below.

Figure 6: Respondents provided more information on the challenges to tackle VAW and DV despite ratification to the Convention (n=83)



Source: stakeholder consultation for this study.

Note: Only stakeholders from countries which ratified the Convention were asked this question.

The most persistent challenge, according to stakeholders, is the attitude and enduring stereotypes. In **Finland**, stakeholders report that the idea that women are the primary victims of intimate partnership violence and DV is still often questioned. In **Greece**, the stereotypes and patriarchal perceptions about the position and roles of women and men remain prevalent in society. This leads to challenges in the handling of women victims when reporting to the police and the fear of reporting violence. In **Estonia**, stakeholders report that the persistence of stereotypes and stigmas hamper tackling VAW and DV.

Lack of knowledge and awareness-raising is also reported as a key challenge, highlighting the needs for education on prejudice and stereotypes and increased awareness of the causes of DV and the means of prevention and reporting. In **Croatia**, these challenges are evidenced in the lack of training and education for police workers, social service workers and legal workers from experts in the field of VAW, the lack of awareness of the general public, and education on gender equality. In **Poland**, stakeholders mentioned the lack of proper education and information about DV, its manifestations, causes and effects, and how to get help. They note that raising awareness – and thus counteracting - stereotypical roles of women is particularly socially beneficial.

The third biggest challenge is the lack of coordinated action. In **Austria**, stakeholders highlight that a major challenge is to coordinate all actors so as to ensure the best possible protection for those affected. Similarly, in **Cyprus**, coordination among the relevant services in managing the cases effectively is a barrier to effective handling of VAW and DV. In **Malta**, one stakeholder notes that despite positive developments, further coordination is needed between service providers to enhance the effectiveness of the work done with women and DV victims.

3.2. How does the Istanbul Convention bring added value?

This section presents an overview of the added value of the Convention beyond legislative and policy changes at national level.

3.2.1. Innovations from the Convention

The Convention presents some key innovations stemming from both the latest developments in the ECtHR and human rights, as well as the drafters' intention to tackle VAW comprehensively. The Convention thus has enormous added value by combining the existing international human rights framework into a single instrument and by establishing comprehensive requirements to prevent and combat VAW from its causes to consequences. Some of these innovations also strengthen national legal and policy frameworks.

a. A gendered approach to domestic violence

The Istanbul Convention adopted a gendered approach to violence. This is its most innovative feature – and the most controversial aspect for its opponents. It recognises that women are disproportionately affected by violence. Although it applies to men and children, it recognises that violence is gendered and stems from the wider issue of inequality between women and men, as well as stereotyped roles and prejudice against women.

The gendered approach to violence is not itself new, having been recognised by the CEDAW Committee, other UN bodies and the ECtHR. Rather, the innovation is in dedicating itself to tackling this gendered dimension and adopting tools to prevent, protect, prosecute and combat it.

The Istanbul Convention has formulated its definition of DV and most of the substantive criminal conducts criminalising various forms of violence in a gender-neutral approach. The Convention meant to ensure that women and men victims and perpetrators are covered by the criminal provisions related to those various forms of violence. This has, however, led to countries to keep a gender-neutral approach to criminalising VAW and DV. GREVIO has criticised countries for adopting a gender-neutral approach and recommended they ensure the gendered dimension of violence is reflected in legislation and policies (GREVIO, 2020a). Understanding the role of gender is crucial to develop the adequate response to VAW and DV.

b. New legal offences

The Istanbul Convention requires the criminalisation of certain conduct and harmful practices. While some of this conduct was already explicitly criminalised (e.g. sexual violence and rape) or criminalised under various offences (e.g. physical violence), the drafters of the Convention were aware that national legislation had gaps in certain conduct (e.g. psychological violence) and offences (e.g. FGM, forced marriage, stalking) (Council of Europe, 2011).

All of the countries that ratified the Convention amended (or are in the process of amending) their national legislation to ensure that all four types of violence are fully reflected in their legislation. More substantive legislative developments have been identified in those countries that have ratified (see section 0).

c. Due diligence

Due diligence has long been part of international law. In relation to VAW, it recognises a State's obligation to adhere to some key obligations when addressing such violence: prevention, investigation, prosecution, and compensation (EIGE, n.d.). The due diligence standard is a tool for victims 'to hold States accountable, providing an assessment framework for what constitutes effective fulfilment of a State's obligations, and for analysing its actions or omissions' (United Nations General Assembly, 2014). VAW constitutes a violation of human rights, thus **Article 5** of the Istanbul Convention provides that States must 'take necessary legislative and other measures to exercise due diligence to prevent, investigate, punish and provide reparation for acts of violence covered by the scope of this Convention that are perpetrated by non State actors'.

While the requirement of due diligence already existed in international law in relation to VAW, the Convention is the **first instrument to include the requirement explicitly in relation to violence**. The CEDAW Committee General Comment No 19 confirmed that the duty of diligence 'to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation' (CEDAW, 1992). The CEDAW Committee and the Human Rights Committee⁵³ have interpreted the due diligence obligation in the context of VAW, including femicide⁵⁴.

The ECtHR jurisprudence has extensively laid down the requirements of due diligence in the context of DV and VAW on the basis of Article 2 ECHR (right to life), Article 3 (prohibition of torture), Article 8 (right to respect for private and family life), Article 13 (right to an effective remedy) and Article 14 (principle of non-discrimination). The ECtHR first dealt with domestic violence in 2006 in the *Kontrová v. Slovakia* case⁵⁵ in relation to the killing of children. In 2009, the ECtHR dealt with its first cases of femicide (*Branko Tomašić and Others v. Croatia; Opuz v. Turkey*)⁵⁶.

The inclusion of the requirement in the Convention should contribute to stronger national provisions to organise States' responses to all forms of violence 'in a way that allows relevant authorities to diligently prevent, investigate, punish and provide reparation for such acts of violence' (Council of Europe, 2011). Failure to act diligently would engage state responsibility and imply victims' right to reparation and compensation.

⁵³ UN Treaty Bodies jurisprudence database available at: <https://juris.ohchr.org/>.

⁵⁴ *ahide Goekce (deceased) v. Austria*, CEDAW/C/39/D/5/2006 and *Fatma Yildirim (deceased) v. Austria*, CEDAW/C/39/D/6/2006.

⁵⁵ ECtHR *Kontrová v. Slovakia* ECLI:CE:ECHR:2006:0613.

⁵⁶ ECtHR *Branko Tomašić and Others v. Croatia* ECLI:CE:ECHR:2009:0115; ECtHR *Opuz v. Turkey* ECLI:CE:ECHR:2009:0609.

d. Holistic, comprehensive and integrated approach

Adopting a coordinated and integrated approach to eliminating VAW and DV is one of the five objectives of the Istanbul Convention. The Convention is structured around four pillars, each of which target a key line of work to tackle VAW. Article 7 specifically requires State Parties to adopt comprehensive and coordinated policies.

The Convention acknowledges that addressing VAW and DV requires the involvement of multiple actors and a wide range of measures. The drafters were aware that results are enhanced when law enforcement, the judiciary, support services and competent organisation work together (Council of Europe, 2011).

e. Victim support services

The Istanbul Convention dedicates a chapter to protection and support, which requires State Parties to establish a wide range of services to ensure that all victims are accommodated. State Parties must establish both general and specialist support services. In addition to those support services, the Convention requires the establishment of a helpline, shelter(s) and rape crisis or sexual violence referral centres. This wide range of support services caters to victims' specific needs and empowers them to prevent further violence and file a claim.

For instance, the Convention's requirement on establishing rape crisis or sexual violence referral centres has led to the creation of three pilot sexual assault referral centres in Belgium. 'In one year, the three Centres received 930 victims, 90 % of whom were women and 29 % minors. The average age of the victims was 24 years. 71 % of the victims went to a Centre within 72 hours of their assault. 68 % of the victims in care decided to lodge a complaint as part of their support process' (Government of Belgium, 2019). The percentage of victims lodging a complaint as a result of the support provided is extremely high compared to the 2014 FRA survey, which found that only 15 % of women contacted the police as a result of the most serious incident of sexual violence by a current or previous partner, while 14 % of women did so following the most serious incident of sexual violence by a non-partner.

The sexual assault referral centres have adopted a coordinated and integrated approach, yielding higher results in filing complaints and having a tremendous impact in facilitating protection, support and prosecution of violence.

f. Prevention

Chapter 3 of the Convention sets out a number of obligations to tackle the root causes of violence and preventing further violence. The measures adopted range from awareness-raising, education and training to preventive intervention and treatment programmes for offenders.

This prevention pillar stems from 'the conviction of the drafters that existing patterns of behaviour of women and men are often influenced by prejudices, gender stereotypes and gender-biased customs or traditions' (Council of Europe, 2011). State Parties must thus adopt measures to tackle the behaviours that contribute to the various forms of violence.

3.2.2. A stronger international law framework tackling violence against women

By integrating the latest development in international human rights and harmonising the standards through specific requirements, the Istanbul Convention plays an important role in strengthening the international law framework on VAW and the broader gender equality framework, leading to agreed rights and principles. It brings together the standards and principles established through various

bodies, instruments and case-law, codifying the framework and bringing further clarity to the legal standards.

This effort towards harmonisation means that any country (whether having ratified or not) can use the Istanbul Convention as a reference point to improve its national framework and national courts can use it as source of interpretation.

Additionally, the monitoring mechanism strengthens the standards established by the Convention (see 3.2.3).

3.2.3. The GREVIO process and closer monitoring

This section presents the monitoring of countries' implementation of the Convention and its added value in improving standards of protection for women and children.

a. Istanbul Convention monitoring process: GREVIO and the Committee of the Parties

Chapter IX of the Istanbul Convention lays down the monitoring mechanism to ensure effective implementation of the Convention. The drafters considered it one of the **strengths** of the Convention to have its monitoring done by an independent body of experts (GREVIO) and a political body (the Committee of the Parties, composed of the representatives of State Parties).

GREVIO is charged with monitoring implementation of the Convention. Monitoring is based on a questionnaire prepared by GREVIO, a report on legislative and other measures giving effect to the provisions of the Convention, data, expert analysis and country visits, where necessary.

In ratifying the Convention, countries are bound by its monitoring mechanism. Article 10 states that State Parties must designate or establish one or several coordination bodies, in charge of the 'coordination, implementation, monitoring and evaluation of policies and measures' required under the Convention'. As a Party to the Convention, the national implementation of the Convention is regularly reviewed by GREVIO and the Committee of the Parties.

GREVIO publishes its evaluation and recommendations and the Committee of the Parties also formulates recommendations. Although their recommendations are not legally binding, the monitoring mechanisms **effectively exercise pressure** for countries to align with the Convention and **prompt** better tackling of VAW.

Article 68(13) establishes a **special procedure** in case of 'serious, massive or persistent pattern of violence against women'. In such cases, GREVIO can request the submission of a special report from the State Party in question on the measures adopted in response. This procedure can be triggered from reliable information received 'by the Party concerned and by any other source of information' (Council of Europe, 2011).

Overall, while the monitoring system cannot force countries to act, it can influence policymakers towards improvements and support countries to regularly assess their implementation of the Convention. The monitoring's strength lies in the involvement of independent experts who can clarify interpretation and best practice implementation of the Convention.

The drafters stated that 'a strong and independent monitoring mechanism is of utmost importance to ensure that an adequate response to this problem is given in all Parties to the Convention' (Council of Europe, 2011).

b. GREVIO monitoring: trends and findings

GREVIO started the monitoring process in 2016 and has met 21 times to date. It adopted a questionnaire for use by State Parties in compiling their State reports for submission and is reviewing the baseline reports of ratifying countries. It has published its evaluation reports for 14 countries, with monitoring ongoing for another 10 countries.

A number of early trends and challenges were identified by the GREVIO Committee in its first General Report on GREVIO's Activities, June 2015-May 2019 (GREVIO, 2020a). The report is based on the baseline evaluation reports for Austria, Denmark, Portugal, Sweden, Albania, Monaco, Montenegro and Turkey, and on-site evaluations of Finland, France, Italy, the Netherlands and Serbia.

i. *Good practices identified by GREVIO*

The introduction to the first GREVIO report states that the Convention has put gender-based violence to the forefront of the public debate and increased victims' and society's awareness of the urgent need to tackle such violence. It is well-regarded by women's organisations, victims' associations and state authorities. Good practices were identified in respect of the 4Ps – Integrated Policies, Prosecution, Protection, Prevention.

Integrated policies:

- Many State Parties are successfully developing NAPs and public policies that address more forms of VAW;
- There are efforts to create national coordination mechanisms in line with Article 10 of the Convention, as an essential step in developing accurate data and information and informed responses.

Prevention:

- A number of countries have developed systematic initial and in-service training for relevant professionals in contact with victims and perpetrators of VAW.

Support and protection:

- Improvements in support structures for victims, particularly those run by women's NGOs;
- A number of countries have included gender-based persecution as a ground for the recognition of refugee status in asylum law;
- Official recognition of women's specific experiences as refugees is gaining ground in asylum law of State Parties;
- Some countries increased the funding allocated to support services/shelters;
- Support services for victims of sexual violence have been established/increased in a number of countries and the need for such centres is increasingly recognised;
- Strong support is noted for the need to protect women from violence;
- Some State Parties have set up new telephone helplines.

Prosecution:

The GREVIO report notes general progress with respect to improvements in the laws and policy documents, with many States expanding their legal norms of VAW and DV and adopting required action plans. More specific improvements include:

- Criminalisation of more forms of violence in a number of countries, e.g. stalking, FGM, forced marriage;

- Amendments introduced to provisions on sexual violence so that they are no longer founded on coercion but, rather, on consent.

ii. Areas for improvement noted by GREVIO

The GREVIO report states that the Convention's ratification and implementation has been impeded or slowed in some countries by the deliberate spreading of false narratives about its aims (see section 4).

Several gaps are noted in the non-discriminatory implementation of the Convention's provisions and the absence of effective measures addressing the needs of women from vulnerable groups who experience intersectional discrimination in their access to protection and assistance.

Integrated Policies:

- Full integration and effective implementation are hampered by insufficient resource allocation, particularly in support for specialist support services and NGOs. Other barriers are the lack of a coordinated systematic approach and continued deliberate circulation of misconceptions about the Convention;
- GREVIO noted that NAPs often consist of project-based activities, that are limited in duration and thus fall short of ensuring sustainable and integrated structural policies. NAPs do also not always cover all forms of VAW, or may prioritise certain forms of violence;
- There is a need to ensure necessary political and financial support if mechanisms are to be effective;
- The extent and effectiveness of measures to tackle VAW is limited because the structural link between gender equality and VAW is not (sufficiently) recognised, impeding effective implementation or failing to develop comprehensive policies;
- Some countries have a gender-neutral approach in legal provisions and policy documents that address violence (Denmark, Finland,) which hampers the development of a comprehensive, holistic approach and coordinated policies;
- Coordinating bodies, where they exist, are not sufficiently robust, as they often have a limited mandate and lack sufficient financial and human resources. Relevant NGOs are not systematically involved in the design and coordination of policies;
- There is an inadequate collection of data to monitor the implementation of the provisions of the Convention.

Prevention:

- The improvements in support structures for victims and in the area of public awareness-raising and training for professionals remain limited in scope.

Protection and support:

- The number of specialist support services for victims of VAW is insufficient and its funding is extremely volatile. In some countries, the geographical coverage of such services is also insufficient;
- Services for victims of sexual violence are non-existent in some countries;
- Telephone helplines do not always meet the standards provided under the Convention;
- There are insufficient measures to ensure the safety of mothers who are victims of DV and their children in the decision and exercise of child custody and visitation rights in all State Parties reviewed to date. Shortcomings are also noted in custody and visitation decisions and the ban on obligatory mediation in civil procedures;

- A lack of adequate implementation of legal frameworks providing for protection measures and/or protection orders, as well as inadequate enforcement of such orders by the relevant authorities;
- There are difficulties in ensuring gender-sensitive asylum determination procedures and gender-sensitive reception facilities.

Prosecution:

- In some countries (Austria, Portugal), not all manifestations of DV are captured in definitions and criminal laws.

4. THE REASONS FOR AND IMPACT OF NOT RATIFYING THE ISTANBUL CONVENTION

KEY FINDINGS

- **Six EU Member States** have **not ratified** the Convention: Bulgaria, Czechia, Hungary, Latvia, Lithuania and Slovakia. **Hungary** and **Slovakia** have issued a **formal rejection** of the Convention. **Poland** and **Turkey** have also threatened their **withdrawal** from the Convention.
- Critics have argued that the Convention introduces a **'gender ideology'** that disregards existing gender definitions outlined in national constitutions. The arguments focus on a notion of gender as based on **biological** sex and following **'natural law'**. This notion of gender has been **widely discredited** since the 1960s, **with social science and international human rights law** recognising that gender-based violence is a reflection of **socially conditioned behaviours**.
- Countries that have not ratified the Convention often have **rigid gender definitions** codified within their national constitutions. In Bulgaria and Slovakia, government bodies and/or courts have deemed the Convention to be unconstitutional, and a similar process is taking place in Latvia.
- Opposition has centred on the definition of gender in Article 3(c) of the Convention, the mention of 'gender identity' in Article 4(3), eradicating prejudice (Article 12(1)), the mention of non-stereotyped gender roles in Article 14(1), and the ability for professionals to report serious acts (Article 28).
- Resistance to the Convention has been led by conservative political leaders and religious actors. A worrying thread among the factors contributing to the opposition to ratification is **the involvement of religious actors in political decision-making**, often placing direct pressure on policymakers.
- Five of the six countries that have not ratified the Convention also have constitutional **bans on same-sex marriage** (BG, HU, LT, LV, SK). Fears that ratification of the Convention would encourage the protection of similar rights for same-sex couples have been used to block accession to the Convention.
- The Istanbul Convention **applies to all victims** of DV, including men and children, but only asks States Parties to pay specific attention to women victims of gender-based violence. Gender identity and sexual orientation are mentioned once in the Istanbul Convention; 'non-stereotyped gender roles' is mentioned twice, and 'gender-based violence' is referenced 10 times. This indicates that the focus of the instrument is violence affecting women and DV affecting children (and to an extent, men). The Convention **does not regulate family values, same-sex marriage or other** LGBTIQ+ rights.
- Overall, resistance to the Convention represents a push back against progressive legal or policy reforms that are at odd with conservatives' political agendas, rather than any concrete understanding of the Istanbul Convention itself.

The first GREVIO report highlighted opposition to the Istanbul Convention in some EU Member States, with individuals and organisations expressing their concern about the 'gender ideology' promoted by the Istanbul Convention.

Gender ideology is a term initially created to **promote 'traditional family values' and oppose women's and LGBTIQ+ rights activism**, as well as social reforms linked to 'sexual and reproductive rights, same-sex marriage and adoption, new reproductive technologies, sex education, gender mainstreaming, protection against gender violence and others' (Paternotte and Kuhar, 2017). Groups leading campaigns against the Convention warn against the 'dangers' of gender ideology for (Christian) families. While campaigns target local organisations and issues, they also find the roots of gender ideology to be 'global' and 'totalitarian'. Thus, anti-gender voices also target legal changes at international and EU levels (Paternotte and Kuhar, 2017).

Those voices reached the European Parliament. On 25 November 2019, a plenary debate took place on EU accession to the Istanbul Convention (European Parliament, 2019d). While several speakers argued in support of EU accession to the Convention, others claimed that the Convention promoted unwelcome gender ideologies and that certain provisions exceeded the scope of the Convention's declared objectives. Nevertheless, on 28 November 2019, the Parliament subsequently adopted Resolution 2019/2855(RSP) on EU accession to the Istanbul Convention and other measures to combat gender-based violence (European Parliament, 2019e). The Resolution supports the EU's ratification of the Convention, urges the Council to conclude the EU's full accession to the Convention and calls on Member States and civil society organisations to disseminate information about the Convention.

This section provides a review of the main reasons given by Member States for not ratifying the Convention, the nature of the campaigns and the influences working against the Convention.

4.1. Understanding some of the national resistance to ratifying

4.1.1. Overview of signature and the failed ratification processes

As of July 2020, all EU Member States have signed the Istanbul Convention, while 21 Member States and Turkey have ratified the Convention⁵⁷. Bulgaria, Czechia, Hungary, Latvia, Lithuania, and Slovakia have yet to ratify the Convention. Table 13 presents an overview of the attempts and status of ratification in those countries.

Table 13: Overview of the attempted ratification processes

Member State	Signature	Ratification process	Status
Bulgaria	21 April 2016	In January 2018, the Bulgarian government adopted a draft bill for the ratification of the Convention. After widespread resistance from certain political parties and organisations, the decision was transferred to the Constitutional Court, which decided in its judgment of 27 July 2018 that the Convention does not comply with the Constitution of the Republic of Bulgaria, as the Convention allows for the interpretation of gender as both a biological and social category, which contradicts the constitution of Bulgaria. The ratification process was then halted.	Ratification process has been terminated with no plan for ratification in the future.
Czechia	2 May 2016	The Convention was due to be ratified in 2018 but resistance from conservative groups means that the process is still ongoing. On 24 July 2020, the Czech government issued proposal No. 824/20 for the ratification of the Istanbul	Ongoing process.

⁵⁷ AT, BE, CY, DE, DK, EE, EL, ES, FI, FR, HR, IE, IT, LU, MT, NL, PL, PT, RO, SE, SI.

Member State	Signature	Ratification process	Status
		Convention. It intended to pass the document to the Chamber of Deputies of the Parliament but it is not clear when this will be done.	
Hungary	14 March 2014	The Convention was initially supported by the government, notably by the former Minister of Justice, who confirmed that ratification was an important task. The preparations had started for the ratification of the Convention, involving different government departments and civil society organisations. The ratification process, however, stalled by the new government due to concern about 'gender ideology'. Finally, on 4 May 2020 the Parliament adopted a Declaration rejecting the Istanbul Convention.	Ratification process halted and will not proceed. Formal rejection of the Convention.
Latvia	18 May 2016	Preparation for ratification started in June 2016. However, in February 2018, the Cabinet of Ministers decided to postpone the submission of a draft decision on ratification to the Parliament. This decision was influenced by an open letter against the Convention by the Latvian Catholic Church and the Latvian Evangelical Lutheran Church, warning that the Istanbul Convention could have serious consequences for the concept of family and gender in the Latvian legal system and strongly advising that it not be ratified. The issue of ratification arose again in 2019., when it received an insufficient number of votes at Parliament. The liberal political party 'Development/For' applied before the Constitutional Court asking to provide the opinion if the Istanbul Convention is compatible the Constitution of the Republic of Latvia. The opinion is under preparation now.	Ongoing process, facing challenges and the decision of the Constitutional Court.
Lithuania	7 June 2013	In 2018, then-President of Lithuania, Dalia Grybauskaitė, put forward the ratification of the Convention to the national Parliament. The issue was discussed in the Parliament in 2018 but no agreement was reached. For the ratification process to start, the national Parliament has to adopt the question of ratification into its formal agenda of proceedings, requiring the support of 47 MPs (out of 140 MPs). The absence of such number of supporters indicates the divisive nature of the ratification question.	Ongoing process, facing challenges due to the lack of sufficient support for the ratification.
Slovakia	11 May 2011	The National Council of the Slovak Republic approved a proposal asking the government not to proceed with the process of ratification on 29 March 2019. On 25 February 2020, the National Council of the Slovak Republic rejected the Convention, with 93 out 113 Members of the National Council voted against it. Once signed by the President, the Slovak Republic will formally reject the Convention.	Ratification process blocked. Formal rejection of the Convention.

Source: country fiches prepared by national researchers for this study.

Countries which have signed but not yet ratified the Convention are bound by international law, more specifically Article 18 of the Vienna Convention on the Law of Treaties, to refrain from acts which would defeat the object and purpose of a treaty. This obligation remains until a country clearly expresses that it will not become a party to the treaty, as in the case of Hungary and Slovakia.

4.1.2. Understanding the arguments against the ratification

Various political and social factors have inhibited the remaining six Member States (BG, CZ, HU, LT, LV, SK) from acceding fully to the Convention. Several common threads can be identified in the reasoning of the six countries in question.

i. The Istanbul Convention is declared to oppose traditional values

Arguments against ratification stem from **the belief that the Istanbul Convention is a threat to the 'traditional values'** certain groups want to uphold in their countries. Those traditional values are based on a vision of families grounded in 'natural' or 'biological' roles of women and men, excluding any LGBTIQ+ rights, which they believe threaten traditional families. Some of the arguments go as far as propagating fears among citizens that the Convention would directly attack their families and take away their children (iROZHLAS, 2018).

ii. Gender is a biological concept

Arguments against the Convention dispute the existence of a stereotyped notion of gender. Conservative activists and religious leaders claim that **gender is a biological category** based on biological sex and **follows the 'natural law'**, which translates into a binary understanding of gender. They claim that the biological gender approach is grounded in scientifically proven fact and the concept of **gender based on stereotype is an ideology** advocated by LGBTIQ+ and feminist activists. Conservatives rely on an outdated pre-1960s ideology that has long been abandoned. According to the ideology of natural law, the notion of gender that is constructed and based on stereotypes would threaten 'to eradicate natural order in society, causes a flood of abortion, and leads to the collapse of western culture' (Bosak and Vajda, 2019, p. 78). This argument entirely overlooks the fact that the Istanbul Convention is the culmination of international human rights standards focused on evidence-based solutions following modern developments in social science (Bosak and Vajda, 2019).

Violence of men towards women has long been recognised as a reflection of socially conditioned behaviours. The **CEDAW Committee** highlighted this understanding of gender in its General Comment No. 19 which pointed out that 'attitudes by which women are regarded as subordinate to men or as having **stereotyped roles perpetuate widespread practices involving violence** or coercion, such as family violence and abuse, forced marriage, dowry deaths, acid attacks and female circumcision. Such prejudices and practices may justify gender-based violence as a form of protection or control of women' (CEDAW, 1992). The Committee's General Comment No. 35 states that 'the prohibition of gender-based violence against women has evolved into a principle of customary international law. General recommendation No. 19 has been a key catalyst for this process' (CEDAW, 2017).

iii. Fear of (global or foreign) progressive reforms clashing with conservative nationalist political agendas

These arguments appear to use the Convention **to squash any progressive legal or policy reforms that are at odd with conservatives' political agendas rather than an understanding of the Istanbul Convention itself**. Such arguments often refer to the Istanbul Convention as a global threat led by feminist and LGBTIQ+ activists. Conservative and religious actors sometimes associate gender mainstreaming with a global conspiracy (Zamfir, 2018).

The concept of gender ideology has been used by conservative and nationalist politicians **to build a (foreign) enemy figure**. They use this umbrella term to resist various issues attributed to the liberal agenda, such as reproductive rights, LGBTIQ+ rights and gender equality, with feminism, human rights and progressive reform framed as foreign-steered projects dangerous to national interests (Grzebalska and Peto, 2018). This discourse is particularly evident in Hungary, where the Istanbul Convention is

presented as a **threat to national sovereignty**. The concept of the traditional family is positioned as the foundation of the nation, on which the survival of the state depends. Women's rights issues are presented as a threat leading the nation to moral and biological deterioration and undermining national sovereignty (Grzebalska and Peto, 2018).

iv. *Involvement of religious actors in policy-making*

Another clear and worrying thread among the factors contributing to the opposition to ratification is **the involvement of religious actors** in political decision-making. These religious actors are often **directly pressuring policymakers**, with their voices relayed by conservative politicians (see section 4.1.3(g) on factors contributing to the resistance).

v. *The Istanbul Convention will lead to the recognition of LGBTIQ+ rights*

The final key anti-ratification thread among the six countries is the **fear** that the implementation of the Convention would require recognition of same-sex marriage/partnership and **LGBTIQ+ rights** more generally. For instance, in Lithuania, Catholic bishops⁵⁸ have been influential in preventing ratification, claiming that the Convention would have a negative impact on the education system. They argue that the Convention obliges the State to teach non-stereotypical gender roles, which could also include homosexuality and transsexuality. Such obligations are considered against the education system of Lithuania and moral values of many parents.

Those arguments show a profound misunderstanding of gender as something chosen individually and irrationally, rather than the lived experience of individuals. They refuse to acknowledge that gender is the result of socially constructed roles attributed to women and men, while, ironically, imposing a single understanding of gender that fits within a hetero-normative conception of families.

Table 14 illustrates the arguments against ratification in each of the six Member States that have yet to ratify the Convention.

Table 14: Arguments and actors against non-ratification

Member State	Arguments against ratification	Involved actors pushing against the ratification
Bulgaria	The Convention would require the introduction of legal definitions of 'gender' and 'gender identity'. The term 'gender' corresponds to 'gender according to choice' which will consequently affect the gender of the 'woman' and the related special provisions and privileges available to biological men (Society and Values, 2018). Ratification will allow for a biological man to self-identify as a woman and thus marry another biological man, resulting in same-sex marriage.	The political party <i>Vazrazhdane</i> was one of the first political forces to oppose the ratification of the Convention by joining the open letter of Society and Values. Four other political parties (Bulgarian National Movement Party, Bulgarian Socialist Party, Union of Democratic Forces, Volya Party) also took a position against ratification. The campaign against ratification was supported by political leaders and the Orthodox Church.
Czechia	The main arguments against ratification include degradation of the relationship between women and men to antagonistic measurement of forces, classification of society defined as equal human	The Roman Catholic Church and other conservative circles strongly opposed the ratification of the Convention. An official letter addressed to the

⁵⁸ <https://www.lrt.lt/naujienos/lietuvoje/2/215959/vyskupai-stambulo-konvencijos-ratifikavimas-nepadetu-sumazinti-smurto-pries-moteris>

Member State	Arguments against ratification	Involved actors pushing against the ratification
	<p>beings into artificial categories and programme relativisation of shared values of European culture (church representatives). Claims were made that the Istanbul Convention pushes the agenda of genderists and homosexuals, with consequences for families, including taking children away from their families (iROZHLAS, 2018). Arguments pointed to the so-called gender ideology in Article 14 of the Convention, which is perceived as a threat to the concept of traditional family due to defining the 'third sex' and manifesting application of social engineering. Article 28 – Reporting of professionals of the Convention could result in 'breaking legal professional secrecy', while Article 12 represents a risk of 're-education of society' (Kovářová, 2018).</p>	<p>members of the Parliament was published and counter-signed by several representatives of different churches⁵⁹ on 7 June 2018⁶⁰. The Christian and Democratic Union (KDU-ČSL), including ministers in the Czech government (at the time) and Czech MEPs. A group of legal professionals have also criticised the Convention, such as the President of the Union of family lawyers (<i>Unie rodinných advokátů</i>) which focuses on protecting the concept of traditional family.</p>
Hungary	<p>The Istanbul Convention defines gender as 'the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men' (Article 3). The political declaration against the ratification states that Hungary cannot accept this definition as it goes against the cultural and religious norms accepted in the country. In its rejection of the Convention, the Hungarian Parliament raised concerns regarding its 'gender ideology' and that the migration provisions may ease migration restrictions. The Centre for Fundamental Rights argued that the Convention could lead to the amendment of the Fundamental Law and endanger sovereignty.</p>	<p>The Parliament adopted a Declaration rejecting the Convention, which was initiated by the Christian Democratic People's Party. The Centre for Fundamental Rights, a Hungarian research institute dealing with legal analysis funded by the government, 'posing as an NGO' (Kovářová, 2018), was one of the organisations strongly opposing the ratification on the grounds of sovereignty.</p>
Latvia	<p>Opinions against the ratification warn against the serious consequences that the Istanbul Convention may have for the concept of family and gender in the Latvian legal system. The central argument is that the Convention endangers traditional family values and consequently Christian values. In particular, the term 'gender' in the Convention is used in such a way that it is separated from 'sex', thus the Convention 'denies' the difference between the sexes. It means that any person belonging to one sex could claim to be the opposite gender and marriage between persons of the same sex would be possible.</p>	<p>The Latvian Catholic Church and the Latvian Evangelical Lutheran Church expressed their opinions against the Convention. The majority of politicians decided to follow this opinion, in particular the New Conservative Party (<i>Jaunā Konservatīvā Partija</i>) and KPV LV, which support conservative views.</p>
Lithuania	<p>Bishops argued that the Convention repeats most of the concepts already adopted in the Lithuanian legislation and will not add any value in the national context. What is required is the effective implementation of the current national framework.</p>	<p>The conference of Lithuanian bishops⁶¹ has been key in the expression of arguments against ratification, along with some conservative MPs. The Catholic Church is one of core</p>

⁵⁹ Roman Catholic Church, Greek Catholic Church, Unity of the Brethren, the Seventh-day Adventist Church, Evangelical Methodist Church in the Czech Republic, Silesian Evangelical Church, Church of the Brethren.

⁶⁰ The letter is titled '*Úmluva Rady Evropy o prevenci a boji proti násilí na ženách a domácímu násilí*' (Council of Europe Convention for the Prevention and Combating of Violence against Women and domestic violence (Istanbul Convention)).

⁶¹ <https://www.lrt.lt/naujienos/lietuvoje/2/215959/vyskupai-stambulo-konvencijos-ratifikavimas-nepadetu-sumazinti-smurto-pries-moteris>

Member State	Arguments against ratification	Involved actors pushing against the ratification
	Due to its concept of gender, the ratification would create serious problems as it would introduce confusion in the national framework and jeopardise the implementation of family support policies. They argued that the Convention's concept of gender changes the traditional understanding of gender in Lithuania and even support unwelcome understandings of homosexuality. The Convention arguably tries to enforce ideological concepts that are incompatible with the natural human rights concepts and attempts to construct an artificial attitude towards women and men.	influencers in the Lithuanian society. Other actors include representatives of NGOs (Free Society Institute, the National Association of Parents and Families).
Slovakia	The rejection of the Convention is based on its 'discriminatory and gender-ideological character'. The gender ideology does not correspond with the findings from the scientific research and represents a threat to the most vulnerable group – children. This conservative type of reasoning is closely related to the Christian worldview, claiming that gender ideology could lead to 'moral panic' (Sekerák, 2020). As in Bulgaria, criticism that the 'gender ideology' of Article 3 contravenes the national constitution's definition of heterosexual marriage has impeded ratification.	93 of 113 Members of the National Council of the Slovak Republic rejected the Convention. 'Our Slovakia', a nationalistic and conservative political party has been particularly vocal against the Convention. The Alliance for the family addressed a petition to the Prime Minister of the Slovak Republic, calling for the Convention to be rejected.

Source: national research (country fiches) carried out for this study.

More detail on the country-specific reasons for opposing the ratification are presented below.

4.1.3. Arguments and actors resisting the Convention country-by-country

a. Bulgaria

Bulgaria signed the Istanbul Convention on 21 April 2016 (Council of Europe, 2020b). Years later, in January 2018, the Bulgarian government adopted a draft bill for the ratification of the Convention (Oxford Human Rights Hub, 2018). The bill was rejected by MPs and faced serious opposition from political parties, nationalist groups and civil society organisations due to concerns regarding the Convention's perceived gender ideology (Oxford Human Rights Hub, 2018).

The Bulgarian Socialist Party and the United Patriots Coalition (VMRO), as well as the political party *Vazrazhdane*, are among the main opponents of the ratification of the Convention in Bulgaria (Balkan Insight, 2018a). On 28 December 2017, a statement was published by the VMRO party, maintaining its position against the ratification of the Convention (Balkan Insight, 2018b). The statement argued that the ratification of the Convention could promote the **legalisation of a 'third gender'** within legislation and that it would allow introduce topics of **homosexuality, and gender fluidity** within the educational curriculum.

The informal civic association 'Society and Values', which is a member of the World Congress of Families (WCF) also had a critical role against the ratification of the Convention. In 2017, it launched a petition against the ratification of the Convention, which gathered 11 000 signatures and it published its 'Position on the Bill on Ratification of the Istanbul Convention' (Society and Values, 2018), in which it stated that Articles 3 and 4 of the Convention are ambiguous and would require the introduction of

legal definitions of the terms 'gender' and 'gender identity' in Bulgarian legislation. Such **legal change would enable the concept of 'gender by choice'** (Society and Values, 2018), which will impact the gender of the woman and related special provisions and privileges available to biological men. Another argument was that its ratification will allow for a biological man to self-identify as a woman and thus marry another biological man, resulting in **same-sex marriage**.

The campaign against the ratification of the Convention was supported by eminent political leaders and the **Orthodox Church** and was based on distortion of the content of the Convention and the term 'gender', leading to the creation of an inhospitable environment for women's rights' organisations (United Nations, 2020).

On 27 July 2018, the **Constitutional Court** of Bulgaria ruled that the Convention contravenes the national Constitution⁶². The case was initiated on 8 February 2018 after 75 MPs from the 44th National Assembly requested that the Bulgarian Constitutional Court provide a legal opinion on the constitutionality of the Convention. The objections were to Article 3(c), Article 12(1), and **Article 14 (1), which define gender as 'socially constructed'**.

On 20 March 2018, the Court invited civil society organisations, NGOs, and experts in the field to submit written legal opinions. NGOs consulted include the Bulgarian Human Rights Advocates Foundation, Animus Association Foundation, Association for Protection against Gender-Based Violence, Bulgarian Women's Fund Foundation, and the Institute for Modern Politics. Institutional opinions were also presented by the President of Bulgaria, the Minister of Foreign Affairs, the Minister of Justice, the Minister of Health, and the State Agency for Child Protection. Finally, the expert legal opinions of three professors were offered, all of which stated that certain provisions of the Convention do not comply with the Bulgarian Constitution.

The Court ruling on 27 July 2018 argues that while the declared objectives of the Convention align with the constitutional principles of Bulgaria, the Convention contravenes the national Constitution. The ruling points out the lack of clarity regarding the definitions of the terms gender, gender identity and sex (Constitutional Court of Bulgaria, 2018). The main argument of the Constitutional Court was that the **Convention allows for the interpretation of gender as both a biological and social category, which contradicts the Constitution of Bulgaria**.

b. Czechia

Czechia was among the last Member States to sign the Istanbul Convention, on 2 May 2016 (Council of Europe, 2020b). After signing, ratification was set to take place in 2018 (Vláda České Republiky, 2016). The ratification of the Istanbul Convention requires the support of the Senate and the House of Representatives. However, concerns over the **gender ideology** of the text, particularly the mention of **non-stereotyped gender roles** in Article 14, generated opposition from politicians (such as KDU- SL), civil society organisations and the Roman Catholic Church).

In 2018, the issue became increasingly public and polarised after the proposal for the ratification of the Convention was adopted. The Czech Prime Minister held meetings with the Czech Women's Lobby, discussing the ratification of the Istanbul Convention (Czech Women's Lobby, 2018). The Prime Minister also stated his intention to ratify the Convention on Twitter (iDNES, 2018).

In the same year, the Convention faced severe scrutiny in political spheres, with the KDU- SL and the Christian-Democratic Union Party among its main critics. In May 2018, KDU- SL issued a press release on its stance on the Convention (KDU- SL, 2018). The press release argued that the Convention **threatens the traditional family unit of 'one man and one woman'**, and that **prematurely introduces sexual education**. It also claimed that the 'gender ideology' outlined in the Article 14 of

⁶² Resolution No.13 of 27 July 2018.

the Convention is a threat, as it establishes a **'third sex'** and manifest application of **social engineering** (Kopecký, 2016).

In June 2018, several representatives of **churches**⁶³ across the country signed an official letter addressed to MPs, stating their opposition to the ratification of the Convention⁶⁴. The letter argued that the Convention is neither necessary nor beneficial for the EU Member States. The Convention, according to the letter, **would result in the degradation of the relationship between women and man** to antagonistic measurement of forces, classification of society defined as equal human beings into artificial categories, and programme relativisation of shared values of European culture. A Catholic priest also gained notoriety for criticising the ratification of the Convention during a sermon at St Vitus Cathedral (Herd, 2018). He claimed that 'according to the Istanbul Convention, we are to legislate this on behalf of a **powerful pressure group of genderists and homosexuals. Your families will be torn apart**. They will take the children from you and hide them from you, where they sent them, where they sold them, where they imprisoned them' (iROZHLAS, 2018).

Legal professionals have also argued against the ratification of the Convention. For example, the former Minister of Justice opposed Article 28, on legal and professional secrecy, and Article 12, on general obligations of the Convention, stated that they represented a risk of 're-education of society' (Ková ová, 2018).

On 24 July 2020, the government of the Czech Republic issued the programme for its meeting on 27 July 2020. The programme included a proposal for the ratification of the Convention (No. 824/20). However, according to the meeting notes, the proposal was postponed.

c. Hungary

The Istanbul Convention was signed by Hungary on 14 March 2014 (Council of Europe, 2020b). The preparations for the ratification of the Convention started the same year, involving different government departments and civil society organisations⁶⁵.

In recent years, however, ratification of the Convention has undergone scrutiny due to concerns regarding its 'gender ideology' and the idea that its provisions might ease migration restrictions.

The anti-gender discourse emerged in 2008-2009, appearing on the political agenda for the first time in 2010, in response to an amendment of the curricula for preschool education (focusing on tackling gender stereotypes) by the socialist government. From 2014 onwards, anti-gender discourse intensified due to right-wing press denouncing 'gender ideology' and an increasing interest in this discourse by conservative politicians (Kováts, 2019).

The gender ideology discourse became even more pronounced in 2017 (Kováts, 2019). In February, the conservative organisation CitizenGo published a petition against the ratification of the Istanbul Convention, framing the Convention as a **'Trojan horse' to usher in unwanted 'gender ideology'** into the country.

In the discourse against ratification, the Istanbul Convention has been framed as a tool against national sovereignty and the **cultural and religious values** of Hungarians⁶⁶. This argument has been widely

⁶³ Roman Catholic Church, Greek Catholic Church, Unity of the Brethren, the Seventh-day Adventist Church, Evangelical Methodist Church in the Czech Republic, Silesian Evangelical Church, Church of the Brethren.

⁶⁴ The letter is titled '*Úmluva Rady Evropy o prevenci a boji proti násilí na ženách a domácím násilí*' (Council of Europe Convention for the Prevention and Combating of Violence against Women and domestic violence (Istanbul Convention))

⁶⁵ <https://www.parlament.hu/irom40/00346/00346-0001.pdf>.

⁶⁶ Examples of this rhetoric include: The real attack on Christianity is coming from the West: https://mandiner.hu/cikk/20200802_az_igazi_tamadas_nyugatrol_eri_a_keresztenyseget; Ratification of the Istanbul Convention would be detrimental to society: <https://magyarnemzet.hu/belfold/karos-lenne-a-tarsadalomra-az-isztambuli-egyezmény-ratifikalása-8078093/>; The Istanbul Convention would devour Hungarian society as a Trojan horse: <https://magyarnemzet.hu/belfold/az-isztambuli-egyezmény-trojai-falokent-falna-fel-a-magyart-tarsadalmat-7728077/>.

supported through mainstream media. A recent study argues that the concept of gender ideology has been used by political elites as an enemy-figure that has allowed 'illiberal actors to unite various issues attributed to the liberal agenda under a single umbrella term, among them reproductive rights, rights of sexual minorities, gender studies and gender mainstreaming' (Grzebalska and Peto, 2018). The authors note that feminism, the human rights sector and progressive political actors in general have been framed by illiberal elites as foreign-steered projects and agents, potentially dangerous for national interests. This discourse views the traditional family as a foundation of the nation and presents 'various **gender equality and women's rights issues as a threat leading the nation to moral and 'biological' deterioration, undermining national sovereignty**' (Grzebalska and Peto, 2018). In line with this rhetoric, the Fundamental Law of Hungary, which replaced the Constitution, declares that Hungary 'shall protect the institution of marriage as the union of a man and a woman' **because the family is 'the basis of the nation's survival'** (Ministry of Justice, 2018).

The Centre for Fundamental Rights is a Hungarian research institute dealing with legal analysis funded by the government, 'posing as an NGO' (Kováts, 2019). The Centre was one of the organisations strongly opposed to ratification on the grounds of sovereignty. A declaration⁶⁷ published by the organisation states that monitoring the implementation of the Convention through GREVIO can be used as a 'soft measure' to force states to accept gender as a social construct. The Centre for Fundamental Rights argues that this could lead to the amendment of the Fundamental Law and **endanger sovereignty**⁶⁸.

In May 2020, the Hungarian Parliament adopted a declaration rejecting the ratification of the Istanbul Convention (Hungary Today, 2020). The Convention was rejected due to concerns relating to its approach to gender as a 'social construct', and that the Convention disregards the 'traditional values' of the country (Grzebalska and Peto, 2018). The Fundamental Law of Hungary states that the family is 'the basis of the survival of the nation' and refers to marriage as a union between a woman and a man (Ministry of Justice 2018). Opponents of the Convention argue that **the promotion of 'non-stereotyped' gender** roles in the Convention contravenes the Fundamental Law of Hungary and ultimately **undermines national sovereignty** (Grzebalska and Peto, 2018).

The Convention has also undergone scrutiny in Hungary due to concerns that gender-based violence can be used as grounds for subsidiary protection. Critics of the Convention argue that the migration provisions may ease **migration** restrictions⁶⁹. This argument was also reflected in the political declaration rejecting the Convention, which highlighted that Chapter VII of the Convention contradicts the government's efforts to combat 'illegal migration'.

d. Latvia

On June 2016, Latvia became the final EU Member State to sign the Istanbul Convention (Council of Europe, 2020b). Nevertheless, the process of ratification has proven contentious in political and public discourses.

In January 2018, the Cabinet of Ministers postponed the submission of a draft decision on ratification to the Parliament (Baltic Times, 2018). The process of ratification was postponed due to ongoing debates about the concepts of gender and sex introduced within the Convention and concerns that the Convention undermines 'traditional' national values.

⁶⁷<http://alapjogokert.hu/wp-content/uploads/2018/09/A-v%C3%A1laszt%C3%A1sok-ut%C3%A1n-sem-ker%C3%BCIhet-sz%C3%B3ba-a-gender-egyezm%C3%A9ny-elfogad%C3%A1sa-m%C3%A1solata.pdf>.

⁶⁸<http://alapjogokert.hu/wp-content/uploads/2018/09/A-v%C3%A1laszt%C3%A1sok-ut%C3%A1n-sem-ker%C3%BCIhet-sz%C3%B3ba-a-gender-egyezm%C3%A9ny-elfogad%C3%A1sa-m%C3%A1solata.pdf>.

⁶⁹<https://hungarytoday.hu/hungary-istanbul-convention-parliament-declaration/>.

The central argument against the Istanbul Convention is that implementing the Convention would ultimately endanger traditional family values and, thus, Christian values. The concern is that the Convention defines **the term 'gender' in a manner that separates 'sex' and 'gender', consequently 'denying' the difference between sexes**. The opinion of legal experts has been influential in arguing that the Convention is not compatible with the Latvian Constitution. Dr Baiba Rudevskā prepared a legal opinion for the Ministry of Justice on the compatibility of the Istanbul Convention with the Latvian legal system (Jauns.lv, 2016). The legal opinion, influenced by her ideological views against LGBTIQ+ rights, held that the definition of gender of the Istanbul Convention would be in the breach of Article 110 of the Constitution, which explicitly mentions that the state protects marriage – a union between man and woman (Chancery of the President of Latvia, 1918). The argument is based on a fear that the Istanbul Convention would result in **same-sex marriages** as any woman or man could claim to be of the opposite gender. The above arguments are based on religious and ideological considerations. Critics argued that the argumentation is either not legal or is mistaken from the legal perspective, while socio-anthropologists stressed that the documents 'plays' with social rather than legal arguments (Sedlenieks, 2016).

The **Latvian Catholic Church** and the **Latvian Evangelical Lutheran Churches** have weighed heavily in the discourse against the Convention, stating that it disregards the concept of family and gender entrenched in the national legal system (Katolis, 2016) and undermines 'traditional' family values. Conservative politicians have followed the churches' opinions, in particular from the parties of 'Unity' (*Vienotība*), 'Development/For' (*Attīstībai/Par*), 'New Conservative Party' (*Jaunā Konservatīvā Partija*) and KPV LV, all of which hold conservative views.

In an investigation into a 'campaign' for signing the citizens' initiative against ratification of the Istanbul Convention, journalists found that the initiative appeared to be led by the heads of the Latvian Catholic Church and the Latvian Evangelical Lutheran Church, supported by other Christian religious organisations. **The heads of major religious organisations approached the leaders of conservative political parties individually**. Later, those politicians publicly denied being influenced by the heads of the main churches in Latvia. The campaigning took place through mass media, TV, radio, on Facebook via private posts and (likely) through private WhatsApp messages. The campaign spread misleading and false information, for example, 'Istanbul Convention contains 'genderism ideology' with an aim to re-programme societies and destroy biological differences via gender neutral social norms'. The 10 000 signatures required were collected in an extremely short time (Strausa and Sprīde, 2018). The initiative went to the Parliament but was not followed by any official decision of the Parliament.

In 2019, during a joint press conference between the Prime Ministers of Latvia and Slovakia, the Latvian Prime Minister, Krišjānis Kariņš, stated that the ratification of the Convention lacks majority support. This explains the stagnation of the ratification process in Latvia (Baltic News Network, 2019).

e. **In 2020, members of the political party *Attīstībai/Par* asked the Constitutional Court to issue a legal opinion on the constitutionality of the Convention⁷⁰. On 3 August 2020, the Constitutional Court opened a case to investigate the constitutionality of Article 3(c), Article 4(3), Article 12 (1) of the Convention⁷¹. The opinion is currently being prepared.** Lithuania

The Istanbul Convention was signed by Lithuania on 7 June 2013 (Council of Europe, 2020b). The Lithuanian President, Dalia Grybauskaitė, put forward a proposal for the ratification of the Convention to the Parliament in June 2018 (ILG2, 2020). While a series of debates ensued in the Lithuanian Parliament, no consensus was reached on the ratification of the Convention (Baltic News Network,

⁷⁰ Latvijas Republikas Satversme, Official Gazette No.141, 30 June 1922.

⁷¹ Constitutional Court of the Republic of Latvia, Case No. 2020-39-02.

2018). For the proposal to pass, the favourable vote of 47 MPs was needed (out of 140 MPs), and the failure to reach that number of supporters indicates the divisive nature of the ratification question.

Concerns over the introduction of non-stereotypical gender roles impede the ratification of the Convention. In 2018, a declaration against the ratification of the Convention was adopted by a **coalition of Lithuanian bishops and Conservative MPs** (LRT, 2018). The declaration argues that the Convention attempts to introduce concepts of gender as a social construct under the 'guise' of protecting women (Lithuanian Bishops' Conference, 2018). It also argues that national legislation is sufficient to effectively combat gender-based violence and that the Convention fails to add value to the existing national framework. The declaration claims that ratification could introduce confusion in the national framework and jeopardise the implementation of family support policies.

In a formal statement against ratification, the **conference of Catholic bishops** argued that the Convention covertly proposes the artificial constructs of gender⁷². Masked in the laudable aim of protecting women, the Convention tries to enforce ideological concepts that are incompatible with the '**natural**' human rights concepts and attempts to construct an artificial attitude towards women and men. Instead, they argued, there should be more support to the uniqueness of women and men as individuals, support to the institution of the family and respect for other persons.

Several Lithuanian **civil society organisations**, such as the Free Society Institute and the National Association of Parents and Families, have criticised the 'gender ideology' promoted within the Convention⁷³. Opponents of the Convention argue that the **introduction of non-stereotyped gender roles into the educational system could undermine the cultural values of parents**. This argument on the negative impact of the Convention on the education system was also raised in the formal statement of the Conference of Catholic bishops⁷⁴, which argued that the Convention obliges the States to educate children on non-stereotypical gender roles, which could include homosexuality and transsexuality. According to the bishops, such an obligation is against the education system of Lithuania and the moral values of parents.

Critics argue that the Convention focuses too narrowly on gender discrimination and fails to acknowledge systemic causes of DV, including poverty, unemployment, and drug and alcohol dependence. The arguments suggest that the Convention's **understanding of DV as arising from inequality and discrimination is an ideological description**.

An open petition against the ratification launched by the Free Society Institute on 8 March 2020 (International Women's Day) cited the incorrect concepts of gender as one of the grounds for rejection of the Convention (as of July 2020, the petition was signed by over 1 000 people)⁷⁵.

Some MPs, such as member of the ruling Lithuanian farmers and green party, Mindaugas Puidokas, maintained that **non-discrimination based on gender would introduce confusion in society**.

This understanding has been challenged by other stakeholders, including equality experts, legal experts, and the Vice-Chair of the Parliament, who confirmed that there are **no conceptual legal obstacles to the ratification** due to the interpretation of the concept of gender⁷⁶. The supporters of ratification pointed out that similar definitions of gender are used in other pieces of Lithuania's legislation. They noted that Lithuania ratified the UN Convention against Discrimination against Women back in 1995, which contained similar gender concepts and definitions⁷⁷.

⁷² <https://www.lrt.lt/naujienos/lietuvoje/2/215959/vyskupai-stambulo-konvencijos-ratifikavimas-nepadetu-sumazinti-smurto-pries-moteris>.

⁷³ <https://manoteises.lt/straipsnis/stambulo-konvencija-baimes-ir-kaip-yra-tiesu/>.

⁷⁴ <https://www.lrt.lt/naujienos/lietuvoje/2/215959/vyskupai-stambulo-konvencijos-ratifikavimas-nepadetu-sumazinti-smurto-pries-moteris>.

⁷⁵ <https://laisvavisuomene.lt/stambulo-konvencijai-ne/>.

⁷⁶ <https://www.alfa.lt/straipsnis/50404450/stambulo-konvencijos-likimas-lietuvoje-kodel-ji-vis-dar-nera-ratifikuota>.

⁷⁷ <https://www.e-tar.lt/portal/lt/legalAct/TAR.26051CC28A19>.

f. Slovakia

Slovakia was among the first countries to sign the Convention, in May 2011. However, on 29 March 2019, the National Council of Slovakia approved a resolution urging the government to halt the process of ratification (Schneiderová, 2019). The Parliament did so, on the grounds that certain provisions of the Convention contravene the Slovak Constitution. More specifically, criticism that the '**gender ideology**' of Article 3 **contravenes the Constitution's definition of heterosexual marriage** has impeded ratification.

The Alliance for the Family (*Aliancia za rodinu*), an organisation aiming to support the traditional concept of family and marriage, launched a petition against the 'gender-ideological IC' and for the adoption of a non-discriminatory law on victims of crime. In the introductory letter of the petition to the Prime Minister of the Slovak Republic, the Alliance asks **that the Convention be rejected due to its discriminatory and gender-ideological character**. The petition provides the traditionally used argument that gender ideology does not correspond with the findings of scientific research and represents **a threat to the most vulnerable group – children**. This conservative type of reasoning is closely related to the Christian worldview, claiming that the gender ideology **could lead to 'moral panic'** (Sekerák, 2020).

The organisation is financed through contributions from donors (Aliancia za rodinu, 2020). The Ministry of Interior of the Slovak Republic reported that it was reviewing the financing of the Alliance, following suspicions that it had introduced a public collection on its website (Val ek, 2015).

In 2018, members of the National Council affiliated to Kotlebists – People's Party, Our Slovakia, a nationalistic and conservative political party, expressed negative attitudes towards the ratification of the Convention at the National Council meetings. For example, member of the National Council, Natália Grausová, stated that gender ideology and **the Convention fall within the realm of the neomarxist ideology** in Europe and Party Chair, Marián Kotleba, highlighted that the **gender propaganda is against the 'natural order'** (Sekerák, 2020).

On 28 November 2019, the Slovakian parliament refused to ratify the Istanbul Convention and called for the government to stop the process (Narodna Rada Slovenskej Republiky, 2019). This rejection occurred on the same day that the European Parliament adopted Resolution 2019/2855(RSP) on the EU's accession to the Istanbul Convention.

On 25 February 2020, the National Council of Slovakia **officially rejected the Convention**. An overwhelming majority of Council Members (96 out of 113) that were present at the session voted against the ratification of the Convention (DennikN, 2020).

g. Factors contributing to resistance to the Convention

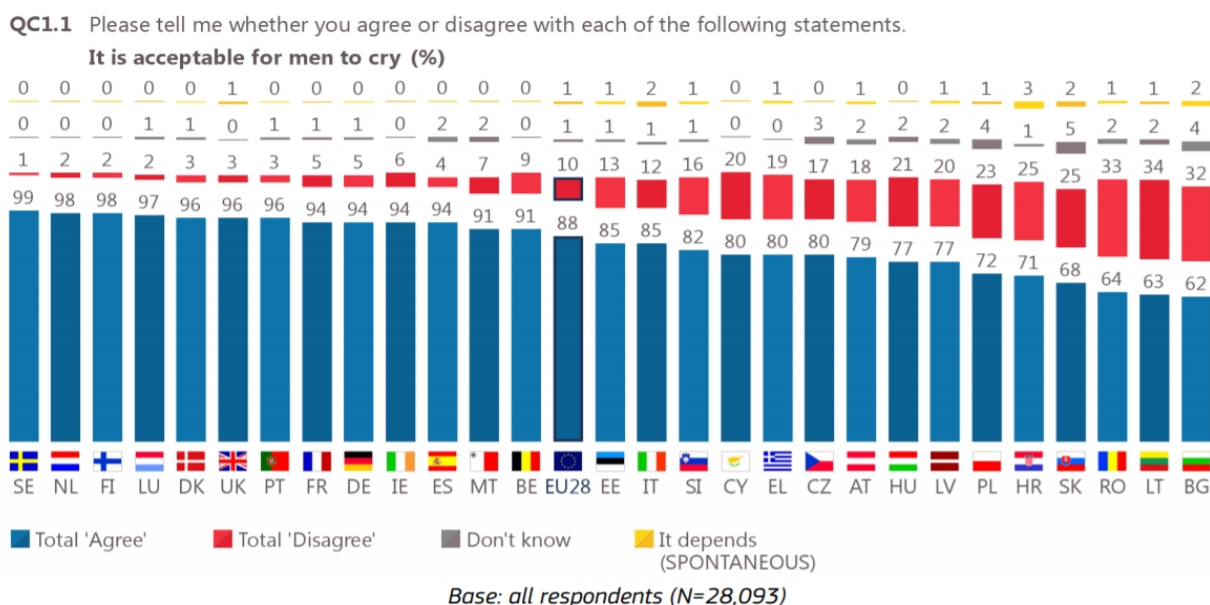
The six Member States that have not ratified the Convention (BG, CZ, HU, LT, LV, SK) are all located in Central and Eastern Europe. However, while only six countries have failed to ratify the Convention, resistance to the ratification exists **across Europe** and is part of **an organised transnational trend** (Paternotte and Kuhar, 2017). As mentioned above, the countries that have resisted the Convention have coalesced around a few key themes: the claim of gender ideology, the fear on the impact on 'traditional family values', the affirmation that women and men fall into 'biological' gender and roles as well as the rejection of LGBTIQ+ rights. A number of factors have contributed to those claims effectively preventing the ratification of the Convention. These are presented below.

The prominent presence of **conservative political parties, churches** and **some civil society organisations defending 'family values'** that oppose the Convention's perceived 'gender ideology' are all evident in countries where there is strong opposition to the Convention. Scholars argue that a re-emergence of religious fundamentalism in Eastern Europe has led to the promotion of traditionalist

discourses that frame 'man' and 'woman' as the 'natural' family structure. Within this context, provisions of the Convention that define gender as a social construct are often argued to be a threat to the 'natural' familiar order (Zamfir, 2018).

Public attitudes to intimate partner violence and VAW can also contribute to strong resistance against the Convention in some EU Member States. The 2010 Eurobarometer No 344 Domestic Violence against Women found **high frequencies of victim-blaming** in countries that were newer members to the EU, including Lithuania (86 %), Latvia (79 %) and Slovakia (69 %), compared to an EU average of 52 % (European Commission, 2010). Public attitudes to victim-blaming and intimate partner violence affect whether political parties, civil society organisations and average citizens deem further legislation necessary to curb VAW. The 2017 Gender Equality Eurobarometer No 465 covers questions on gender stereotypes and shows a clear **divide between Western and Eastern countries in responses linked to stereotypical notions of gender**. When asked whether it is acceptable for men to cry, the percentage of respondents finding it unacceptable is higher than the EU average in all Eastern countries. In five countries, at least one-quarter responded that it is not acceptable for men to cry: Lithuania (34 %), Romania (33 %), Bulgaria (32 %) and Slovakia and Croatia (both 25 %) (European Commission, 2017).

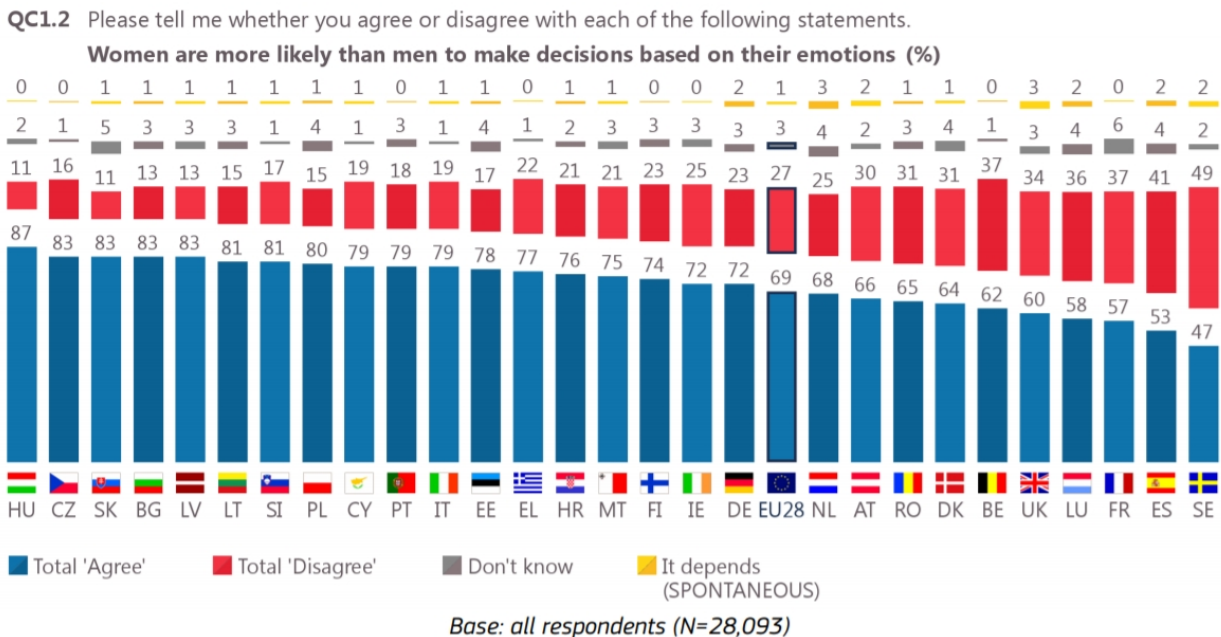
Figure 7: Eurobarometer question on whether it is acceptable for men to cry



Source: European Commission (2017).

A similar trend can be observed when respondents are asked if they believe that women are more likely than men to make decisions based on their emotions. Respondents in Hungary (87 %), Czechia, Slovakia, Bulgaria and Latvia (all 83 %), as well as Lithuania (81 %), agree that women are more likely to make decisions based on their emotions, compared to 47 % in Sweden, 53 % in Spain and 57 % in France. It cannot be a coincidence that the **six countries with** the highest percentage of respondents holding **strong gender stereotypes** against women are the six countries **resisting ratification** of the Istanbul Convention.

Figure 8: Eurobarometer question on whether women are more likely than men to make decisions based on their emotions



Source: European Commission (2017).

Bans on **same-sex marriage** are also evident in countries that have ratified the Convention despite strong resistance, including Croatia and Poland. Public opinions about same-sex relationships are also more negative in countries that have failed to ratify the Convention. The 2019 Eurobarometer on discrimination illustrates that fewer citizens agree that same-sex marriages should be allowed throughout Europe, in Bulgaria (16 %), Hungary (33 %), Latvia (24 %), Lithuania (30 %), and Slovakia (20 %) (European Commission, 2019). Similarly, citizens of Member States that have not ratified the Convention are among the least likely in Europe to agree that public documents should introduce a 'third gender' option, particularly in Bulgaria (7 %), Hungary (13 %), Slovakia (21 %) and Latvia (21 %) (European Commission, 2019).

These issues, the ratification of the Convention, the legalisation of same-sex marriage, and the acceptance of multiple gender identities, intersect in critical ways. They are narratively and discursively connected, even within the context of the ratification of the Istanbul Convention. Fears that the ratification of the Convention would encourage the protection of similar rights for same-sex couples has been invoked to prevent accession to the Convention. Fear that the introduction of 'gender ideology' into legal and policy frameworks would lead to the unravelling of the 'traditional family structure' has similarly led to opposition to the ratification of the Convention.

Another key factor in resistance to the Convention lies in the **strong involvement of religious groups and actors** in the discourse, active campaigning and pressuring influencing of political actors. Religion and religious actors have long held a **discourse on upholding so-called traditional views**, which implies a 'socio-political structure of domination', whereby women (and men) are submitted to traditional roles and any change to these traditional roles would lead to social disruption (Zamfir, 2018, p. 5). While religious actors acknowledge the importance of tackling VAW, they vilify the measures to ensure protection against DV set out in the Convention, spreading false fear that the Convention will destroy families and take children from their parents. It also **places VAW as a lesser concern than ensuring the establishment of a conservative view of families** fitting the stereotyped roles of women and men.

There is a correlation between the patriarchal mentalities in these religious views and women's vulnerability to gender inequality and violence (Zamfir, 2018). Indeed, religious-based arguments against the Convention regularly refer to the 'natural order'. For instance, in Slovakia, the Chair of the People's Party, Our Slovakia, associated the Convention with gender propaganda against the 'natural order' (Sekerák, 2020). Conservative religious actors invoke **arguments based on the 'natural law perpetuating pseudo-biological contentions on male and female nature', which coincides with patriarchal vision of the society** (Zamfir, 2018, p. 9). Conservative and religious actors, in particular, are concerned that gender mainstreaming is a global conspiracy attempting 'to deny the biological differences between sexes, to undermine traditional female roles and to destroy the family' (Zamfir, 2018, p. 12). Violence is considered less of a threat to families and the national legal and policy framework is deemed sufficient to tackle it.

Lastly, many of the arguments against the Istanbul Convention claim that its ratification will lead to having to recognise **same-sex marriages**. While such claims are unfounded, they are linked to the broader anti-LGBTIQ+ rights movement and the fear of granting rights and protection to this community. None of the countries that have not ratified the Convention have recognised same-sex marriage. Overall, 14 EU Member States⁷⁸ prohibit same-sex marriage, eight of which allow for same-sex civil partnerships (CY, CZ, EE, EL, HU, HR, IT, SI).

4.1.4. Understanding the risk of withdrawing from the Istanbul Convention

In recent months, two countries have announced their intention to withdraw from the Istanbul Convention. This section presents the underlying reasons for those developments.

a. Poland

Mass mobilisation of the campaign against gender began in 2012, involving conservative politicians, religious leaders, NGOs, and journalists. These actors have been involved in promoting traditional family values, opposing gay rights, divorce, comprehensive sexuality education in schools, access to contraception and IVF treatment (Graff and Korulczuk, 2017). The campaign against gender is closely connected to right-wing think tanks such as *Instytut Kultury Prawnej Ordo Iuris* (Ordo Iuris Institute for Legal Culture), transnational platforms such as *citizengo.com*, and to anti-choice groups. Several of these organisations have been well-established since 2010, including the *Fundacja Mamy i Taty* (Mom and Dad Foundation), engaged in promoting 'traditional family values' and opposing gay rights and divorce. However, the starting point of the anti-gender mobilisation can be traced back to Minister of Justice, Jaroslaw Gowin's, publicly proclaimed opposition to the ratification of the Istanbul Convention, calling it a 'carrier of gender ideology' (Graff and Korulczuk, 2017). The rationale behind Gowin's opposition was that the Convention contains a hidden agenda intended to undermine traditional Polish family values. Despite opposing sentiments, Poland signed and ratified the Istanbul Convention in 2015 under the administration of centrist party, Civic Platform (PO). However, since the Law and Justice (PiS) party came to power in 2015, there has been increased scrutiny of the Convention. More specifically, a mass rally was organised on 30 August 2015 in Warsaw to prevent forward-thinking changes to sex education at school. Other activities of the movement include petitions, publications, workshops, conferences and political initiatives in Parliament. More recently, in July 2020, NGOs (Christian Social Congress and Ordo Iuris Institute for Legal Culture) launched a citizen initiative, 'Yes to Family, No to Gender', aiming to swiftly withdraw the Convention in Poland. Both NGOs argue that the Convention violates the Constitution's Article 2 (the principle of citizens' equality before the law), Article 18 (protection of the family and the marriage as a relationship between a woman and a man)

⁷⁸ Bulgaria, Croatia, Cyprus, Czechia, Estonia, Greece, Hungary, Italy, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia.

and Article 48 (parents' right to raise their children in accordance with their own beliefs) (Mierzyńska, 2020). Critics of the Convention are particularly opposed to the provisions requiring the school curriculum to include gender and sex studies, including LGBTQ+ topics, as this is seen as a violation of parent's rights to raise their children according to Polish family traditions. A public debate following the Ministry of Justice's motion to withdraw the Convention included arguments that the Convention questions the binary gender ideology (Ambroziak, 2020).

b. Turkey

Turkey signed the Istanbul Convention on 11 May 2011 and was the first country to ratify it, on 14 March 2012. Recently, however, debates have begun on **potential withdrawal** from the Convention. It is suggested that AKP (the ruling Justice and Development Party) agreed the withdrawal in its Central Executive Board (MYK) meeting on 14 July 2020 (Ozel-Tumer, 2020). It is also argued that the Convention has caused debate within the party from the start, escalating since February 2020 (Ozel-Tumer, 2020).

Two key reasons are put forward in support of Turkey's withdrawal from the Istanbul Convention. The first is that the Convention **disrupts family structures** by redefining the social roles of women and men and **increasing divorce rates**. The second is that the Convention rejects **biological** and binary 'sex' understanding is therefore a tool that paves the way for **LGBTIQ+ individuals to gain some legal rights**.

Turkey's culture in relation to gender equality is concerning on both legal and political grounds. In recent years, the controversial statements of public officials in respect of strengthening the gender roles of women on traditional grounds – and thus endangering women's equality - are broadly reflected in the media.⁷⁹ This situation was criticised by the CEDAW Committee in its most recent report on Turkey:

'The Committee (...) notes with concern that high-level representatives of government have, on several occasions, made **discriminatory and demeaning statements about women who do not adhere to traditional roles** (CEDAW Committee, 2016, para. 28).'

The same issue was also criticised by GREVIO in its Turkey report which argued that public statements of statesmen and leading public professionals that **blamed women victims of violence** had amounted to hate speech in some instances, and called these speeches 'disquieting' considering the opinion-shaping role of these individuals (GREVIO, 2018, para 104).

Regarding the second claim, further scrutiny towards specific provisions of the Convention which refer to a non-binary concept of gender, has been claimed to threaten Turkish culture, traditions, and religious values. Article 3(c) of the Istanbul Convention rejects biological and binary 'sex' understanding. In doing so, critics **claim the Convention enables LGBTIQ+ individuals to gain civil and legal rights**, including the right to marriage.

This debate surrounding the withdrawal from the Convention led to a strict divide within the ruling AKP party, with almost **all female members of AKP arguing against withdrawal from the**

⁷⁹ Examples include but are not limited to, the then-Health Minister's declaration that the only career for women is motherhood (<http://www.diken.com.tr/yilin-ilk-cinsiyetci-aciklamasi-dustu-bakan-muezzinogluna-gore-kadinin-kariyeri-annelik-olmali/>); Prime Minister Erdoğan's statement that women are half women if they are not mothers but are working (<http://www.milliyet.com.tr/erdogan-in-calisiyor-dem-diye-anne-gundem-2259648/>); One minister's argument that Turkish women are the accessory of their house and the honour of their husbands (<http://www.radikal.com.tr/turkiye/bir-ev-susu-turk-kadini-742145/>); Deputy Prime Minister's claim that women laughing loudly in public spaces is unchaste (<https://www.cnnturk.com/haber/turkiye/bulent-arinc-kadin-herkesin-icinde-kahkaha-atmayacak>).

Convention. Broadly, the debate could be considered as between liberals and conservatives. Within the conservative ideology, however, there seems a disagreement between women and men⁸⁰.

Two other actors have been key supporters of Turkey's withdrawal from the Convention. The first is *Turkiye Dusunce Platformu* (TUDP)⁸¹ which defines itself as an **NGO striving for the preservation of national and moral values**. This platform has submitted a report to President Erdogan laying out the reasons why Turkey should not be a party to the Convention⁸².

The second is the **Religious Affairs Administration** of Turkey. Although the administration did not make an explicit statement on the Istanbul Convention debate, its President, Ali Erbas, recently **declared homosexuality as cursed** within Islam (Akisik, 2020). Conservative journalists and politicians are using this statement to support the idea of withdrawal from the Convention.

The Religious Affairs Administration of Turkey is a state body established in 1924 after the foundation of Turkish Republic. It is fully funded by the State and is charged with carrying out the works related to the beliefs, worship and moral principles of Islam, enlightening society about religion and managing places of worship. With Turkey switching to the Presidency System in 2018, the institution started serving under the Turkish Presidency of the Republic, instead of the prime minister's office. The Administration has always played a political role by giving legitimacy to State policies and practices through its interpretations of Islam. As a separate body (mainly due to the constitutional principle of 'secularism'), it does not have an explicit and State-defined political role. In practice, however, it has been utilised to create a public consensus on issues on the ground of religion.

In recent years, the **Administration has gained a more political role** and its controversial statements on the age of marriage, homosexuality and its recommendation to women to keep silent and be patient when subject to violence have caused public outrage⁸³. It has also been revealed that funding for the Administration has increased dramatically, with its 2020 budget exceeding that provided to eight ministries⁸⁴. It thus acts as a *de facto* political institution in Turkey, with a substantial impact on the policies in relation to women's equality.

As a country caught between Western modernism and Islamist conservatism, Turkey finds itself in a unique socio-political conundrum - this should be considered when reviewing Turkey's implementation of the Istanbul Convention.

4.1.5. Resistance in other Member States which have ratified

Accounts of anti-gender mobilisation have been documented in a number of countries that have ratified the Convention (Ruhar and Paternotte, 2017).

In **Austria**, Mayer and Sauer (2017) identified five main clusters of actors active on 'gender ideology': right-wing extremist and populist groups (opposing elites such as EU or so-called femocracy and immigrants/Muslims/refugees), right-wing (Catholic) conservative groups, Catholic organisations

⁸⁰ For example, KADEM (Association for Women and Democracy), which is in a political alliance with AKP and represents conservative and religious women in Turkey, declared their support for Turkey remaining a Party to the Istanbul Convention at the expense of being exposed to critique by the AKP (<https://kadem.org.tr/istanbul-sozlesmesi-hakkinda/>). Another interesting point is that the AKP MP and the president of the Committee on Equality of Opportunity for Women and Men of the Grand National Assembly of Turkey (KEFEK), Ms Canan Kalsin, has been transferred to another Commission after expressing her support for the Istanbul Convention (<https://www.gazeteduvar.com.tr/politika/2020/07/14/istanbul-sozlesmesi-tartismasi-kefek-baskani-degisiyor/>).

⁸¹ <http://www.tudp.org/>.

⁸² <https://t24.com.tr/haber/istanbul-sozlesmesi-nin-kaldirilmasi-icin-erdogan-a-rapor-sunan-turkiye-dusunce-platformu-mayinli-alana-girdigimizi-fark-ettik-cok-yorulduk-cekiliyoruz.894728> ;accessed 12th August 2020).

⁸³ <https://www.ntv.com.tr/turkiye/diyantetten-kucuk-yasta-evlilik-aciklamasi.xEzGGB8PBUGWI7bliSffEg> ;
<https://www.sozcu.com.tr/2020/gundem/siddet-goren-kadina-diyantetten-tavsiye-tepki-verme-sabret-uzaklas-5644351/> ;
<https://www.cnnturk.com/turkiye/diyantetten-zina-ve-escinsel-iliski-aciklamasi>.

⁸⁴ <https://t24.com.tr/haber/diyantet-in-2020-butcesi-sekiz-bakanligi-geride-birakti-butcenin-125-milyon-lirasi-derneklere-aktarilacak.845137>.

(defending Christian values in society), groups that mobilise for 'men's' and 'father's rights' (fighting men's discrimination through legislation and gender equality measures), and groups of 'concerned parents' (lobbying against sexuality education in schools). The authors note that the anti-gender discourse presents a common ground for different Christian and secular branches of the right-wing political spectrum and is based on the construction of common enemies and common threats, allowing coalition-building despite deep divisions between the different actors.

In **Croatia**, resistance to gender is mainly driven by civil society organisations, such as *Vigilare*, *GROZD (Glas roditelja za djecu – the Voice of Parents for Children)*, *Centar za kulturnu obnovu* (Centre for Cultural Renewal), *CroBios* (Croatian Alliance for Marriage and Family) or *U ime obitelji* (In the Name of the Family), that oppose abortion, same-sex marriage, medically assisted reproduction (embryo freezing, artificial insemination of single women) and school-based sexuality education. According to Hodži and Štulhofer (2012), 'the anti-gender campaign in Croatia was successful in opposition to comprehensive school-based sexuality education and legally blocked same-sex marriages. It legitimised a new discourse about faith-based morality and traditional values, and by claiming to represent a silent majority, it has rattled the common public perspective on gender and sexuality matters. All this was further enabled, among others, by the use of new communication technologies and appealing imagery and logistically supported by the Catholic clergy'.

However, the government achieved ratification of the Convention in 2018, despite backlash from the Catholic Church and protests that garnered participation from thousands of citizens (DW, 2018).

Awareness-raising campaigns have proved useful instruments to shift negative public discourses that hinder the ratification of the Convention. To quell widespread misinterpretation of the Convention, the Government Office of **Czechia** published a report on the common myths surrounding the Convention to highlight its work to eliminate VAW (Ú ad vlády eské Republiky, 2018).

A notable example in **France** on resistance to gender equality is the movement *La Manif Pour Tous* (LMPT), which was particularly active in 2012 and 2013 on mobilising against same-sex marriage and adoption. These activists 'failed to prevent the legalisation of same-sex marriage and adoption but successfully stalled, thwarted or diminished a number of reforms, including lesbian couples' access to assisted reproductive techniques, teaching gender equality in schools and reducing the administrative and medical burdens on transgender people' (Ú ad vlády eské Republiky, 2018). According to Stambolis-Ruhstorfer and Tricou (2017), the expansion of the anti-gender movement in France was sparked by the introduction of legislation to legalise marriage and adoption for same-sex couples in 2012.

Italy's anti-gender movement started with a protest organised by *La Manif Pour Tous-Italia* (LMPTI) in 2013 against two law proposals (Scalfarotto bill against discrimination on the ground of sexual orientation and gender identity; Cirinnà Bill on same-sex civil unions) and the implementation of education tools on gender equality and LGBTIQ+ bullying in public primary schools. The Italian anti-gender movement has been successful in blocking or weakening legal and education reforms concerning sexual minorities and shaping the public debate on sexual rights in accordance with the terms used by anti-gender actors to frame their own discourse. The author also stresses that the expression 'gender ideology' has become an effective political category, as evidenced by the withdrawal from public primary schools of children's books articulating family diversity, the establishment of anti-gender phone lines by public authorities to allow worried parents to denounce the presence of 'gender' in education programmes, etc (Ruhar and Paternotte, 2017).

In **Slovenia**, the anti-gender movement emerged following 2009 debates on legislative reforms to include same-sex marriages and the redefining of a 'family' to include all forms of parenting. Notable actors in this movement are CIDPO (Civil Initiative for the Family and the Rights of Children – *Civilna iniciativa za družino in pravice otrok*), ZOG (Children are at Stake – *Za otroke gre*), and the (Catholic) Institute for the Family and the Culture of Living (*Zavod za družino in kulturo življenja*). The anti-gender movement in Slovenia unsuccessfully lobbied the Slovenian government not to ratify the Istanbul Convention, as it requires the introduction of the 'extreme ideas of gender theory' into national legislation and school curricula. According to Kuhar and Paternotte (2017), anti-gender activists state that 'gender ideology' is the hidden agenda of radical feminists and homosexual activists 'who would be mounting a cultural revolution: the promotion of the fluidity of gender and a denial of the biological facts about sex complementarity'. The Slovenian anti-gender movement has acquired significant symbolic political power over the last few years, developing into a visible opposition of concerned citizens, which impacts equality and family policies.

Paternotte and Kuhar (2017) conclude by providing a comparative perspective of the anti-gender movement in Europe. Some of their main conclusions are:

- Anti-gender campaigns are neither mere national trends nor isolated occurrences, but are part of an organised transnational, and increasingly global, phenomenon;
- There is a common pattern of mobilisation across borders, including a shared discourse, a travelling repertoire of action and similar strategies;
- Despite the diversity of triggers at national level, all of these mobilisations address 'gender ideology' or 'gender theory' as the root cause of the reforms they opposed;
- Anti-gender mobilisation is triggered by a specific policy debate (e.g. on same-sex marriage, comprehensive sexuality education in schools, IVF, abortion, etc.), whereby they either act against a proposed policy or against the development of future policies in line with international treaties such as the Istanbul Convention;
- There are five clusters of rights and issues attacked by anti-gender activists, in connection with 'gender ideology': LGBTIQ+ rights (including same-sex marriage, access to kinship, adoption and reproductive technologies by LGBTIQ+ and same-sex couples), reproductive rights (including abortion, contraception, reproductive technologies), sex and gender education (including gender equality and homosexuality in sexuality education module)s, gender (targeting gender violence, gender mainstreaming and gender studies) and democracy ('gender ideology' as a new form of totalitarianism, whereby anti-discrimination policies are framed as attempts to curtail the freedom of speech);
- The main actors of the anti-gender movement are existing groups, newly established groups and allies, with gender as the glue that allows the emergence of coalitions despite different ideological frameworks;
- The emergence of 'gender ideology' is closely intertwined with debates and strategies of the Catholic Church, especially the Vatican, but varies in each country;
- The anti-gender movement moves away from stereotypical images of old conservatives, instead appearing young, modern and values-driven'.

4.2. Gender identity and the Istanbul Convention: what is the implication of ratifying the Convention?

This section reviews the Istanbul Convention provisions in order to understand the implication for ratifying countries in relation to gender equality and recognition of gender identity. This section will also analyse international and EU law to understand whether the Istanbul Convention brings new obligations or reflects already existing obligations upon all EU Member States.

4.2.1. What does the Convention actually require in relation to gender?

The primary focus of the Istanbul Convention is VAW and DV. Article 2 sets out its scope and specifies that, while it applies to all forms of violence which affects women disproportionately, **it applies to all victims** of DV, thus including men and children. The Convention simply asks State Parties to ‘pay particular attention to women victims of gender-based violence in implementing the provisions of this Convention’ (Article 2(b)).

Gender identity and sexual orientation are mentioned once in the Istanbul Convention, ‘non-stereotyped gender roles’ are mentioned twice, and ‘gender-based violence’ is referenced 10 times. The focus of the instrument is thus not about regulating family values and LGBTIQ+ rights, but, rather, violence that disproportionately affects women, as well as DV affecting children and, to a lesser extent, men.

Understanding the concerns raised by the voices resisting the Convention means looking closely at the provisions they deem problematic. It is worth remembering that the Constitutional Court of Bulgaria assessed the Convention’s interpretation of gender as both a biological and social category, contradicting the Constitution of Bulgaria.

The most contentious provisions appear to be: Article 3(c) (Definitions), Article 4(3) (Non-discrimination), Article 12(1) (Prevention general obligations), Article 14 (1) (Education) and Article 28 (Reporting by professionals). Those are reviewed in turn below.

a. Article 3(c): Definition of gender

Article 3(c) of the Convention defines gender as ‘the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men’. The definition clearly refers to the modern notion of gender, as currently recognised in international human rights law, which understands gender as a socially constructed and stereotyped role rather than biologically determined. The definition does not reflect the ideology of ‘natural law’ advanced by conservative and religious voices.

The Convention’s Explanatory Report clarifies that VAW must be tackled ‘within the wider framework of achieving equality between women and men’ and the drafters considered it important to define the term ‘gender’ (Council of Europe, 2011). The Explanatory Report further explains that this notion of ‘gender’ is based on research, which has demonstrated the link between stereotyped roles and violence and harmful practices.

According to the drafters of the Convention, the definition of gender in Article 2 is intended to support the obligation of tackling prejudice under Article 12. It is also meant to place violence in the wider context of inequality between women and men.

In itself, the definition does not require State Parties to reinvent their education system, family values or anything else. It simply asks that they acknowledge the wider context of violence and work with a scientific and widely recognised understanding of gender. As mentioned previously, this

understanding of gender was recognised by the CEDAW Committee as far back as 1992 and has been developed by social research since the 1960s, notably through the work of Robert Stoller in his book 'Sex and Gender' (1968) and Ann Oakley's study 'Sex, Gender and Society' (1975) (Bosak and Vajda, 2019).

b. Article 4(3): Guaranteeing non-discrimination based on gender, gender identity and sexual orientation, among other grounds

Article 4, on fundamental rights, equality and non-discrimination, deals with the requirement of State Parties to prohibit discrimination and to ensure that the measures adopted to prevent, combat, prosecute and eliminate violence are applied without discrimination. The drafters of the Convention explain that the provision has been established in recognition that discrimination 'provides a breeding ground for tolerance towards violence against women' (Council of Europe, 2011, p. 9). They note that this interconnection between discrimination and violence was also established by the ECtHR in the *Opuz v. Turkey* judgment⁸⁵, in which the Court held that gender-based violence is a form of discrimination since it affects women disproportionately and women are not equally protected under the law.

Article 4(3) has been deemed contentious and ambiguous by critics of the Convention. It states that *'The implementation of the provisions of this Convention by the Parties, in particular measures to protect the rights of victims, shall be secured without discrimination on any ground such as sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, disability, marital status, migrant or refugee status, or other status.'* In other words, it requires that **when providing victims' rights, victim support or any other measures** under the Convention, policies, services, organisations and authorities **should not discriminate on the protected grounds of sex, gender, sexual orientation and gender identity**, among others. The grounds of gender and gender identity here are particularly contentious for conservative and religious actors.

The drafters explain that the list of grounds for protection has been drawn from Article 14 ECHR, Protocol No. 12 to the ECHR, and the jurisprudence of the ECtHR. In particular, the jurisprudence of the ECtHR guided the addition of the non-discrimination grounds that were most relevant to the subject matter of the Convention, including gender, sexual orientation and gender identity. The Article also refers to 'other status', meaning that the list of protected grounds is an open-ended list. Again, the drafters grounded the requirements of the Convention in research. In the Explanatory Report, they refer to the fact that research shows that survivors of violence experience discrimination in seeking help from support services, law enforcement agencies or the judiciary, with certain groups vulnerable to exclusion from support based on their gender identity, sexual orientation or migrant status, for example (Council of Europe, 2011).

It is difficult to see how this provision would attack family values and force the recognition of same-sex marriage. The **Convention certainly does not regulate marriage** or the position of certain vulnerable groups, such as LGBTIQ+, in society. **It simply requires that they are not discriminated against when they are victims of violence.**

The drafters clarify that 'the extent of the prohibition on discrimination contained in paragraph 3' is limited to the remit of the Convention, as opposed to the prohibition of discrimination against women

⁸⁵ ECtHR *Opuz v. Turkey* ECLI:CE:ECHR:2009:0609.

in paragraph 2 which goes beyond the remit of the Convention (Council of Europe, 2011, p. 10). The list of protected grounds is also limited to paragraph 3. **Paragraph 3 thus does not intend to establish wider non-discrimination rights, as claimed by the anti-ratification voices.**

c. **Article 12(1): Eradicating prejudice based on the idea of the inferiority of women or stereotyped roles for women and men**

Article 12 lays down general obligations in terms of preventive measures to prevent DV and VAW. The first paragraph is considered problematic by anti-ratification actors, due to its reference to stereotyped roles of women and men. The provision requires State Parties to adopt measures to *'promote changes in the social and cultural patterns of behaviour of women and men with a view to eradicating prejudices, customs, traditions and all other practices which are based on the idea of the inferiority of women or on stereotyped roles for women and men'*.

This provision reflects the aims of the Convention to tackle the **root causes** of VAW. **These stereotyped roles have widely been recognised as contributing to harmful practices and VAW.** This paragraph reflects the 'conviction of the drafters that existing patterns of behaviour of women and men are often influenced by prejudices, gender stereotypes and gender-biased customs or traditions' (Council of Europe, 2011, p. 16).

Anti-ratification actors claim that this provision represents a risk of 're-education of society'. The claim can be considered correct in the sense that it aims to educate society so as to eradicate prejudice and the idea of the inferiority of women, which contributes and perpetuates violence and discrimination. **State Parties have a wide margin of discretion** in implementing this provision. The provision does not in itself require children to be educated on LGBTIQ+ rights but, rather, that individuals would be informed to become more tolerant and respectful citizens of everybody, irrespective of their sex, gender or other characteristics. It is difficult to understand how this provision could attack families or the sovereignty of a nation.

d. **Article 14 (1): Include teaching material on issues such as non-stereotyped gender roles**

Like Article 12(1), Article 14(1) aims to tackle one of the root causes of VAW through education. The provision asks State Parties to ensure that teaching material at all levels of education cover issues such as *'equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, gender-based violence against women and the right to personal integrity'*.

Tackling the systematic aspect of violence and harmful practices requires education to be used as a preventive tool. The difficulty is the requirement to teach about 'non-stereotyped gender roles'. As with Article 12(1), the provision leaves **a wide margin of discretion** to State Parties as to the exact information taught in those educational materials. It certainly does not require them to teach LGBTIQ+ rights, although it is best practice to do so. In the Explanatory Report, the drafters encourage education on values such as 'gender equality, mutual respect in interpersonal relationships and non-violence' that 'enlightens learners with respect to the various forms of violence' (Council of Europe, 2011, p. 18). In fact, the Explanatory Report clarifies that they 'did not want to impose a specific model on the Parties' and **'allow for a maximum of flexibility** in the implementation of this provision' (Council of Europe, 2011, p. 18). Once again, the anti-ratification claims are exaggerated and, indeed, unfounded.

e. Article 28: Ensure that confidentiality rules do not constitute an obstacle to report serious acts of violence

In Article 28, the Convention asks State Parties to ensure that the confidentiality rules of professionals do not constitute an obstacle to reporting **serious** acts of violence, under appropriate conditions as laid down by national legislation. Professionals targeted by this provision are doctors, psychiatrists, and those to whom a code of professional secrecy applies.

The drafters clarify that State Parties should not impose an obligation to report but rather enable such reporting under certain conditions, such as the risks of further violence or concerns for the life or physical integrity of the victim (Council of Europe, 2011). The Convention does not require authorities to 'take children away from their parents', as claimed by its opponents. In addition, it again leaves a wide margin of discretion to State Parties to define the conditions under which such reporting could occur.

4.2.2. What does international law require in relation to the ground of gender?

The right to equality and non-discrimination is enshrined in all of the major international human rights instruments⁸⁶. The main human rights instruments recognise the ground of sex only, as they date back the 1950s and 1960s and do not reflect more recent human rights developments. **UN bodies** have since confirmed the application of the right to equality and non-discrimination to gender identity (van den Brink and Dunne, 2018)⁸⁷.

The 1979 CEDAW does not refer to gender or gender identity. However, the CEDAW Committee has since confirmed that State Parties are under 'an obligation to respect, protect and fulfil the right to non-discrimination of women' and that 'discrimination against women constitutes different treatment explicitly based **on grounds of sex and gender differences**' (General Comment No 28, 2010). The CEDAW Committee also clarified that **State Parties must legally recognise** that intersections have compounded negative effect on the discrimination of women on the grounds of sex and gender. Those intersections must include **sexual orientation and gender identity** (General Comment No 28, 2010). All EU Member States and Turkey have ratified CEDAW and are bound to recognise these grounds of protection.

The ECHR does not expressly refer to gender or the grounds of gender identity and sexual orientation. The ECtHR has expressly extended the protection from discrimination under Article 14 ECHR to the grounds of gender identity and sexual orientation⁸⁸. It has also confirmed that gender identification and the right to sexual self-determination falls within the protection offered by Article 8 of the ECHR on the right of private and family life⁸⁹. EU Member States and Turkey are similarly bound by the ECHR and the jurisprudence of the ECtHR has a large legal significance for European countries, most of which forms part of international human rights customary law.

4.2.3. What does the EU law say about the ground of gender?

The EU has adopted a number of pieces of legislation on equality between women and men, as well as other grounds.

⁸⁶ Articles 1, 2 and 7 of the Universal Declaration on Human Rights (UDHR); Articles 2, 3 and 27 of the International Covenant on Civil and Political Rights (ICCPR) and Articles 2 and 3 of the International Covenant on Economic, Social and Cultural Rights (ESCR), among others.

⁸⁷ For instance, UN Human Rights Council, 'Resolution 32/2. Protection against violence and discrimination based on sexual orientation and gender identity' (15 July 2016) A/HRC/RES/32/2, [2].

⁸⁸ ECtHR, *Identoba and Others v Georgia* [2015] 39 BHRC 510.

⁸⁹ ECtHR, *Christine Goodwin v. U.K.*, judgment of 11 July 2002.

Non-discrimination is a foundational principle of the EU, enshrined across primary and secondary EU legislation. The EU Treaties protect from discrimination on several grounds, including '**sex**' and '**sexual orientation**' (among others) (European Union, 2012). Several directives also guarantee protection from discrimination based on 'sexual orientation' and 'sex' in employment, as well as additional sectors in the case of the ground of sex⁹⁰.

EU law **does not explicitly include** the grounds of gender, gender identity or gender expression. The CJEU has, however, extended the protection against discrimination to transgender people, at least in part. The CJEU ruled that discrimination arising from gender reassignment must be considered discrimination based on the ground of sex⁹¹. As a result, **EU legislation protects from discrimination transgender people that have undergone, are undergoing or intend to undergo gender-affirming surgery**, whether or not the person seeks legal gender recognition. In a recent ruling, the CJEU held that Member States must recognise preferred legal gender in compliance with EU law, including the non-discrimination acquis, when applying EU law⁹².

Overall, the EU equality framework has been based on the binary notion of sex (women and men). The CJEU has extended that framework to encompass transgender people in certain situations. It does not, however, recognise gender identity as a separate ground of protection, effectively excluding a wide variety of individuals, such as queer or transgender people who cannot or do not want to undergo gender-affirming treatment.

Member States must implement and comply with EU law, including the principle of non-discrimination. In addition, in matters under national competence, if there is a link with EU law, Member States must also comply with EU equality law⁹³.

According to a study, **national legislation of 13 EU Member States** (BE, BG, HR, CZ, FI, SE, EL, HU, MT, PT, SK, SI, SE) **prohibits** discrimination on the grounds of **gender identity, gender expression or/and sex characteristics/intersex** (van den Brink and Dunne, 2018). Of the countries that have not ratified the Convention, four appear to have legislation protecting on the ground of gender identity, suggesting that their existing laws already include this concept of gender. However, it is unclear if Hungary still protects on the ground of gender identity since reversing its policy and barring trans individuals from legal gender recognition (Council of Europe, 2020d).

⁹⁰ For example, Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, OJ L 303, 2.12.2000.

⁹¹ *P v S and Cornwall County Council*. Case C-13/94 [1996] ECR I-2143 [para. 20]. *Sarah Margaret Richards v Secretary of State for Work and Pensions*. Case C-423/04.

⁹² *CJEU (2018). MB v Secretary of State for Work and Pensions*. Case C-451/16.

⁹³ *CJEU (2018). MB v Secretary of State for Work and Pensions*. Case C-451/16, para 29.

5. THE IMPACT OF AND RESPONSE TO COVID-19 ON VIOLENCE AGAINST WOMEN

KEY FINDINGS

- Stakeholders noted an **increase in contact** to helplines for victims of VAW during the COVID-19 pandemic in Belgium, Finland, Germany, Ireland and Romania. This increase ranged from 25 % in Ireland, 30 % in Germany, and over 50 % in Belgium, to 233 % in Romania and 694 % in Finland. The periods over which these increases were measured differed between countries and refer to individual helplines. Other countries reported increases but did not provide supporting data.
- Some stakeholders reported an **increase in message-based methods** of communication compared to telephone calls, and an increase in contact at night, perhaps reflecting changes in work and home life patterns due to stay-at-home orders.
- Certain stakeholders noted an **increase in the demand for specialised support services** for victims of VAW (emergency accommodation, counselling services) and emergency protection orders issued for DV cases during the COVID-19 pandemic.
- Stakeholders reported an increase in the number of **risk factors** for VAW due to the pandemic (e.g. isolation, stress, working from home), coupled with a decrease in accessibility of support available to victims.
- The pandemic and lockdown measures brought **additional psychological impacts on victims** due to increased stress resulting from financial pressures, job loss, fear of the virus, stress related to the unknown and stay-at-home orders, and isolation from friends and family.
- Almost one-in-three (29 %) stakeholders who noted that the COVID-19 pandemic and lockdown measures have resulted in an **increase in VAW reported that this was due to a lack of access to support services**. Barriers to accessing support services included reduced staffing levels, limited capacity due to social distancing requirements and fear of accessing shelters and exposure to the virus.
- Over half (51 %) of respondents to the online consultation noted that they had **partially closed or limited the provision of some services** due to lockdown measures. One in ten (10%) had to **completely close** their service
- Across the 28 countries covered by this study, **an average of six measures were implemented per country** in relation to VAW - seven in countries that have ratified the Convention (from two in Estonia to 14 in Austria) and four in those that have not (from 0 in Hungary and Slovakia to eight in Czechia). Measures included strengthening of services, awareness-raising campaigns, integration of VAW in the Covid-19 response plans, additional funding as well as legal and judicial measures.
- The European Parliament provided 100 vulnerable women with accommodation in its Helmut Kohl building in Brussels during the Covid-19 pandemic.

5.1. Impact of COVID-19 on violence against women

Emerging evidence indicates that the COVID-19 pandemic has led to an increase in the prevalence and intensity of VAW in some countries (Moreira and Pinto da Costa, 2020; UN Women, 2020a-g; Acosta, 2020; Usher et al., 2020; Sacco et. Al.,2020). This section presents data on the impact of the pandemic on VAW collated through the stakeholder consultation, alongside an analysis of Google Trend data and a thematic analysis of this impact for victims, perpetrators and support services.

Throughout chapter 5, reference is made to national 'lockdown' measures or 'stay-at-home' orders. In the context of Covid-19, 'lockdown' is a non-pharmaceutical intervention which has been implemented by many governments across the world to minimise the spread of Covid-19. The interventions including restrictions on the movement of people, closure or restrictions on public spaces and services such as schools, restaurants and bars, and shops. 'Stay-at-home' orders include public health guidance, sometimes enforceable by fines, which ask residents of a country or area within a country to only leave their home for limited purposes including for example, buying essential food and medicine.

a. Limitations of the data in this section

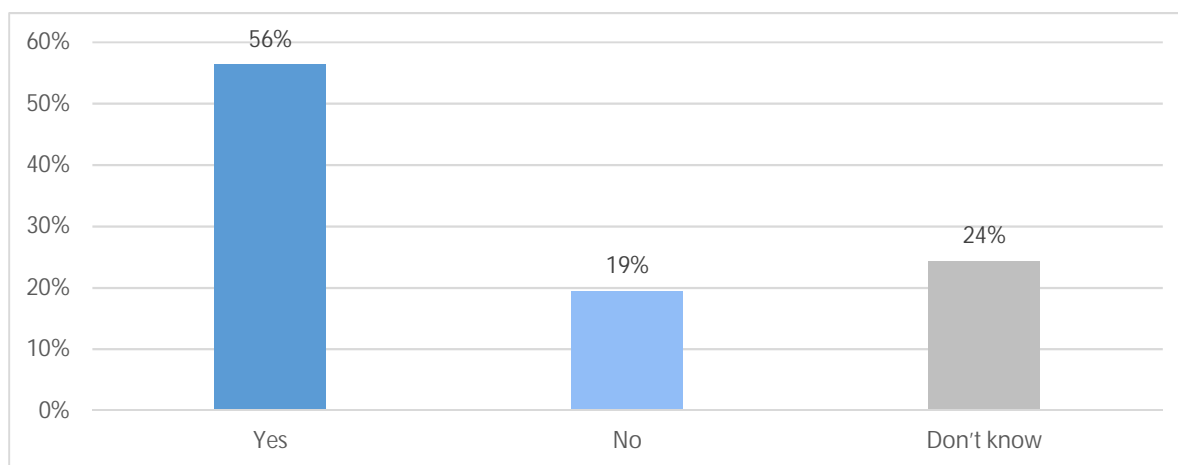
The majority of data submitted by stakeholders relate to domestic violence. Little or no data were submitted by stakeholders on other types of VAW, as defined by the Istanbul Convention,, such as relating to economic and psychological violence. Additionally, respondents to the online consultation do not make up a representative sample: respondents from Greece are overrepresented, whereas there were no respondents from Denmark, Spain or Portugal (see Figure 9).

It is possible that some increases in contact to helplines and google searches (see sections 5.1.2.a and 0) relating to VAW may be due to increased promotion of these issues and services during the pandemic. The Institute for the Equality of Women and Men in Belgium noted that the Brussels Observatory for Prevention & Security (BPV) investigated intrafamilial violence between 16 March and 17 May 2020 and found that the increase in the number of calls the telephone helplines have received could be because they were promoted extensively during the pandemic. Where awareness-raising measures were implemented for specific helplines and services, these are highlighted in this section. Additionally, one stakeholder in Romania noted that an increase in calls reporting domestic abuse may have been partly due to neighbours being inside due to stay-at-home orders and thus reporting violence to support services or the police.

5.1.2. Data on Violence Against Women since outbreak of COVID-19

Over half (56%, n=58) of respondents to the stakeholder consultation **agreed** that there has been an **increase in VAW and DV** in their country due to the COVID-19 pandemic, and national 'lockdown' measures introduced to tackle it. Around one-fifth (19%, n=20) disagreed with this statement, and around one-quarter were unsure (24%, n=25).

Figure 9: Respondents to the stakeholder consultation question 'has there been an increase in violence against women as domestic violence in your country due to the COVID-19 pandemic, and national "lockdown" measures introduced to tackle it?' (n=103)



Source: Online survey carried out for this Study.

Those who indicated that there had been an increase in VAW and DV due to the pandemic were asked for any evidence and the results are presented below.

a. Increase in calls to telephone helplines for victims of VAW in some countries

The most frequent type of evidence provided with respect to increases to VAW due to the pandemic was **an increase in calls to telephone helplines for victims of VAW**. This increase ranged from 25 % in Ireland to 694 % in Finland:

- In **Finland**, the Federation of Mother and Child Homes and Shelters⁹⁴ recorded a 694 % increase in conversations in their 'help for violence survivors' messaging service, compared to the same period from 2019 to 2020. From 16 March to 31 May, the Federation held 643 conversations, compared to 81 conversations during the same period in 2019.
- In **Belgium**, the number of contacts (including telephone calls, emails, messages) to Hulplijn 1712⁹⁵, which provides advice relating to violence, abuse and child abuse, increased by more than 50 %. In 2019, the helpline responded to an average of 450 calls per month, which increased to over 700 calls from March to July 2020. In April, the helpline received over 1 000 calls, the highest figure it had ever recorded. The helpline reported that the number of calls on partner violence increased considerably but did not submit data to the online consultation.
- In **Germany**, Frauen* beraten Frauen⁹⁶ recorded a 30 % increase in violence-related requests for help submitted through their web-based counselling platform.

In **Ireland**, Rape Crisis Network Ireland compared data on contacts made to six regional rape crisis centres (RCCs)⁹⁷ from March – 30 June 2020 compared to the same period in 2019. There was an increase in contacts made to helplines for the RCCs for the 2020 period:

⁹⁴ A nationwide child welfare organisation in Finland that helps children and families in difficult and insecure situations and prevents domestic violence.

⁹⁵ Professional helpline in the Netherlands for questions about violence, abuse and child abuse.

⁹⁶ NGO in Germany providing advice and counselling for women.

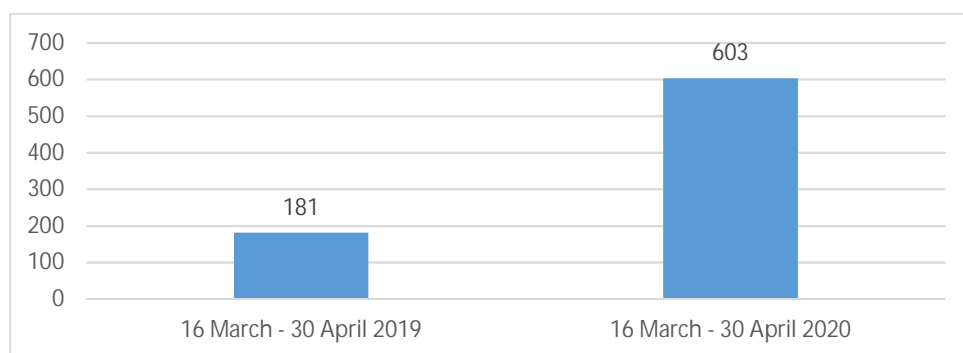
⁹⁷ Carlow and South Leinster Rape Crisis Centre; Kerry Rape and Sexual Abuse Centre; Mayo Rape Crisis Centre; Rape Crisis Midwest; Rape Crisis North East; Waterford Rape and Sexual Abuse Centre.

- 20 % increase in the number of texts sent to helpline;
- 23 % increase in number of contacts made to helpline (including phone calls, texts, emails, social media messages and letters);
- 30 % increase in the number of appointments;
- 69 % increase in number of contacts to helpline requesting information;
- 83 % increase in time spent on voice calls to helpline;
- 98 % increase in number of contacts made to helpline regarding counselling or support.

In **Romania**, data submitted by the National Agency for Equal Opportunities between Women and Men (ANES) on calls to the national telephone helpline for victims of domestic violence, gender-based discrimination and trafficking in human beings, showed a 233 % increase in calls made from 16 March – 30 April 2020 (603 calls) compared to the same period in 2019 (181 calls). The increase in calls to the helpline may reflect the strength of lockdown restrictions in Romania. The government enforced strict restrictions on people leaving their homes for a period of two months, with individuals wishing to leave home required to fill out an official form to present to police or military when asked, along with identification. Large fines were issued to anyone breaking the restrictions.

As the helpline is open to victims of gender-based discrimination and trafficking, not all of the calls necessarily relate to VAW. Data broken down by type of victim are unavailable, however.

Figure 10: Calls to Romania's helpline for victims of domestic violence, discrimination on the grounds of sex and trafficking in human beings (16 March-30 April 2019 compared to 16 March -30 April 2020)



Source: Data submitted by National ANES through the stakeholder consultation

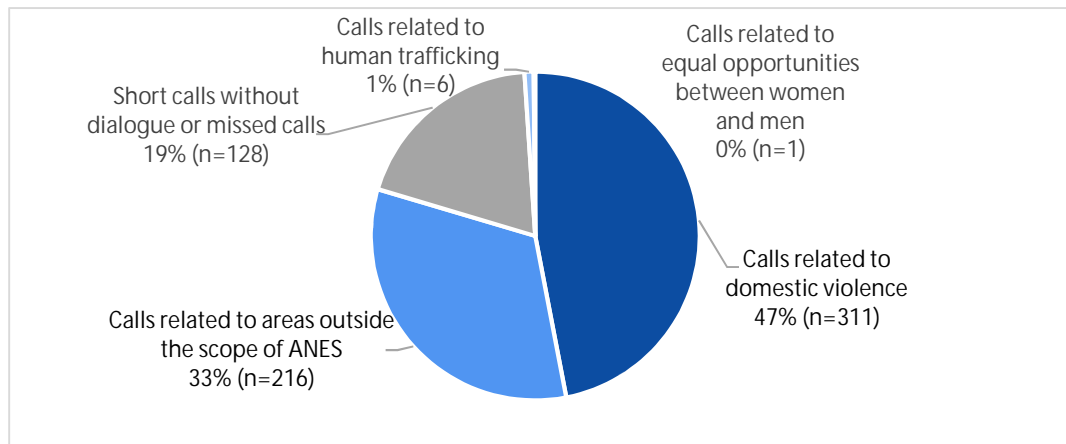
However, data submitted on the types of calls received from 18 May 2020 – 16 July 2020 when a 'state of alert'⁹⁸ was declared in Romania due to COVID-19 showed that DV was the most frequent reason for accessing the helpline (see Figure 11).

- 662 calls were received from 18 May 2020 to 16 July 2020;
- The reason for calls was recorded. Short calls without dialogue or missed calls which were subsequently returned were excluded from this analysis (128 calls excluded). This resulted in 534 calls analysed.
- Of these, 311 calls related to domestic violence; one call related to equal opportunities between women and men; and six calls related to human trafficking. 216 calls related to areas outside the scope of ANES, such as conflicts between neighbours and calls from people with mental health problems unrelated to DV;

⁹⁸ According to GD no. 394/2020, with subsequent extension according to GD no. 476/2020

- Of the 311 calls made in relation to DV, 218 calls were classified as being made by victims of DV, 79 were classified as being made by witnesses to DV, and 14 were classified as another type of caller.

Figure 11: Calls to Romania's helpline for victims of DV, discrimination on the grounds of sex and trafficking in human beings by reason for call (18 May 2020 – 16 July 2020) (n=662)

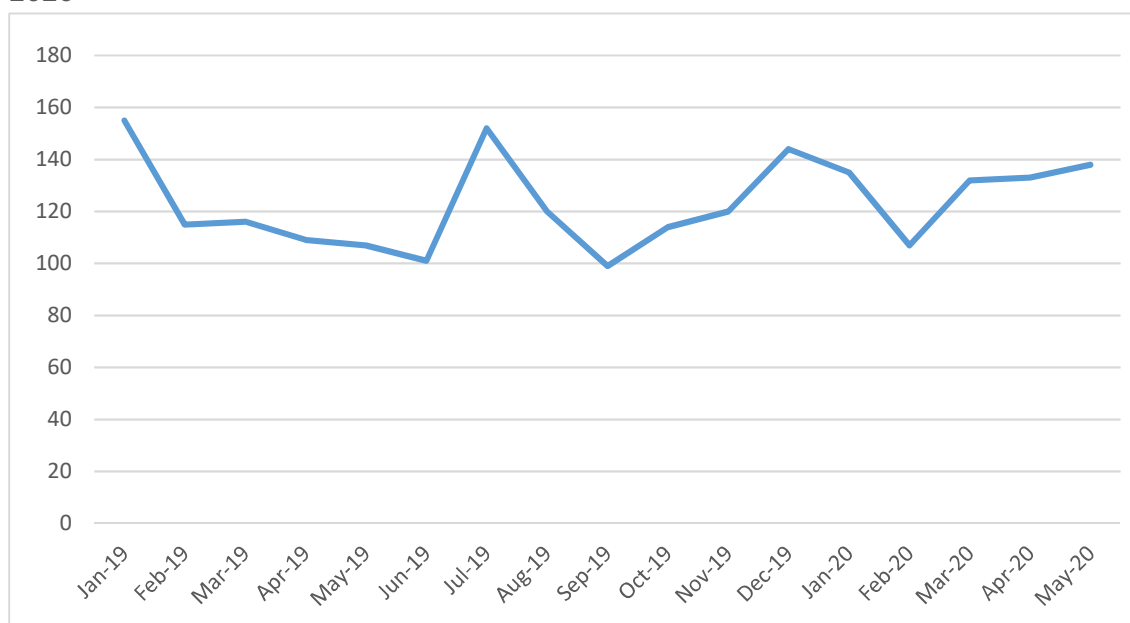


Source: Online survey carried out for this Study.

In its response to the stakeholder consultation, the Romanian Women's Lobby noted that regional ad hoc emergency helplines were set up during crises to address this increased demand.

In **Latvia**, evidence submitted via the stakeholder consultation indicates that domestic violence levels during the COVID-19 pandemic were higher than expected for that time of year. Riga Municipal Police noted that **calls relating to domestic violence during COVID-19 were at levels common to the New Year and Christmas period.**

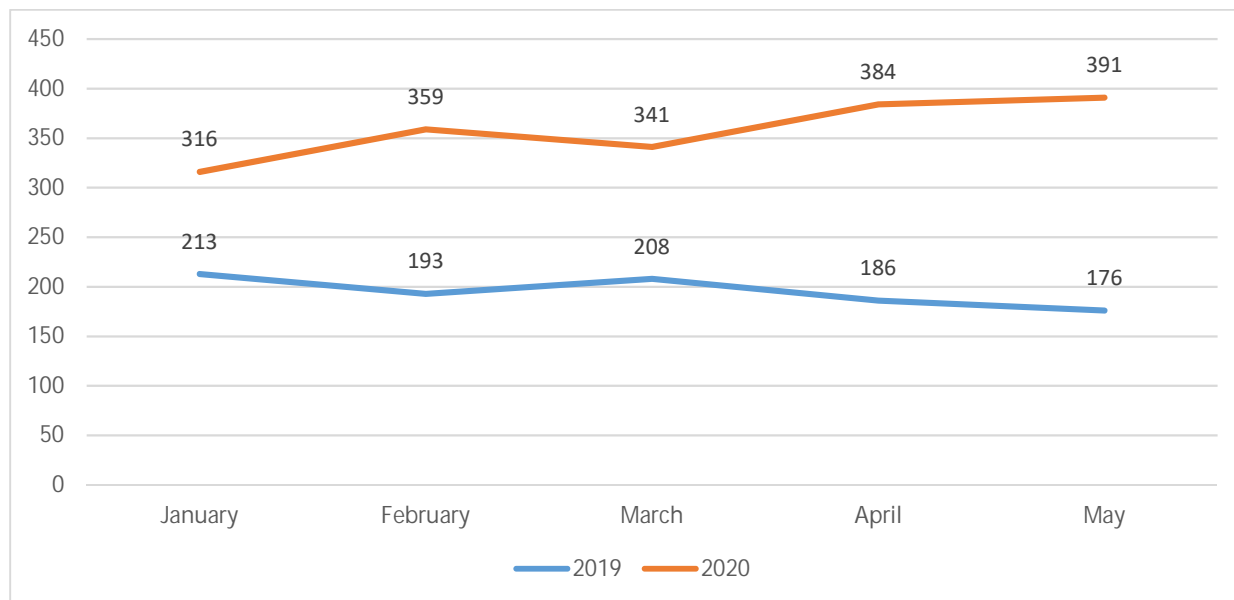
Figure 12: Calls to Riga Municipal Police relating to domestic violence, January 2019 to June 2020



Source: Data submitted by Riga Municipal Police to stakeholder survey

In **Denmark**, calls made to the national helpline 'Life Without Violence' increased by 13 % from March to April 2020, compared to March to April 2019.

Figure 13: Calls to national helpline Life Without Violence (Denmark) comparing January to May 2019 with the same period in 2020



Source: Online survey carried out for this Study.

Some stakeholders reported that there had been an increase in contacts to telephone helplines but did not submit data to evidence this increase.

- The Institute for the Equality of Women and Men in **Belgium** noted that the number of calls to a French-language domestic violence helpline (0800/30.030 helpline) have tripled since the beginning of the lockdown in Belgium, reaching 60 calls each day. The Dutch-language helpline (1712 helpline) reported a 70 % increase in calls relating to violence between the first and fourth week of lockdown (starting from 18 March 2020), reporting that most of the calls are related to DV. The telephone helplines reported receiving more contacts about intrafamily violence since the start of the COVID-19 pandemic. The helpline for victims of sexual violence that was set up in April 2018⁹⁹ to reduce barriers to accessing support services reported an increase in the number of contacts since lockdown measures came into force in Belgium. Between September 2019 and August 2020, there was an average of 86 calls per month. Since the COVID-19 crisis, however, there have been an average of 135 calls per month (an increase of 57 %).
- In **Bulgaria**, the Bulgarian Fund for Women reported that there had been an increase in calls, emails and social media messages from women victims of gender-based violence received by the organisation.
- In **Croatia**, the Women's Room NGO helpline registered an increase for both newly admitted cases and previous cases, especially those who participated in proceedings before institutions and did not have timely and appropriate information about further proceeding of their cases. In addition, the Acorus shelter for women (and children) fleeing DV noted an increase in new

⁹⁹ www.seksueelgeweld.be/violencessexuelles.be.

contacts to their 24/7 helpline, compared to pre-lockdown and compared to the same period in 2019.

- In **Cyprus**, there was an increase of 58 % in the number of reports of DV to the SPAVO helpline (helpline 1440) from February 2020 to March 2020 (corresponding data are not available for February to March 2019). This coincides with the introduction of measures to restrict the movement of people to stop the spread of COVID-19, which were in place from 1 March-22 April 2020 in Cyprus. SPAVO noted that most of these phone calls to the helpline related to psychological support for victims of DV. Contrastingly, the Advisory Committee for the Prevention and Combating of Violence in the Family (ACPCFV) provided statistics from the police that showed similar levels of reports of DV to the police comparing 2019 with 2020. From 13 March 2020 to 20 April 2020, there were 298 complaints of DV to the police in Cyprus compared to 300 in the same period in 2019. This may indicate barriers that victims face in reporting DV to the police compared to reporting to NGOs.
- The ROSA Centre for women in **Czechia** recorded a 40 % increase in calls and demands for help (comparing March to June 2019 with the same period in 2020). Similar numbers were also reported by other NGOs providing support to women and children affected by DV. There are no official data about femicide in Czechia, although the Centre counted the numbers of DV-related murders reported in the media in 2020 and identified over 20 cases.
- In **France**, the Victim's Association recorded an 8 % increase in reporting of victims of DV compared to 2019 (13 085 victims in 2020 compared to 12 012 in 2019). Calls to the national helpline (116006 helpline) have tripled regarding DV, although these reports may relate to incidences of violence occurring before and during the lockdown. There was a clear increase in reporting of DV after four weeks of lockdown.
- In **Germany**, representatives from Offenbach City reported a statistically significant increase in calls to the violence against women telephone hotline, 'Hilfe Telefon'.
- Centre for Research on Women's Issues /CRWI Diotima in **Greece** reported an increase in the demand for counselling services and legal help during the pandemic, alongside an increase in phone calls received by the Centre's helplines and the nationwide helpline (15900).
- In **Greece**, the Heraklion Women's Counselling Centre recorded an increased number of calls during March and April 2020. However, the Counselling Centre of Patras in Greece noted no difference in the number of women they supported during March and April 2020 compared to previous months.
- National Ambulance Service for Victims of Domestic Violence (Blue Line of the IPZ PTP) in **Poland** noted that between March - May 2020, there was some three-fold increase in reports to the Telephone Clinic. Data for a comparative time period were not submitted. The Women's Rights Centre Foundation's 24/7 emergency telephone helpline found that the number of people calling the helpline to seek help with DV doubled in March-June 2020 compared to January-March. The greatest mobility restriction in Poland occurred between March and mid-May 2020. Assemblies of more than two people were forbidden, restrictions were introduced regarding movement by public transport and on foot, and schools and kindergartens were shut down. Restrictions then varied by municipality, according to the country expert.
- The Institute for Labour and Family Research in **Slovakia** noted that the General Prosecution Office stated that the number of penal procedures initiated in relation to DV has increased by 49 % in comparison to the same time period in 2019. The Institute also noted that calls to the

national helpline for women have doubled compared to 2019. A weekly survey conducted by the Institute with service providers to identify the needs of women survivors of violence found that the number of contacts, new clients and clients in need of accommodation gradually increased from mid-April to June.

- In **Slovenia**, the SOS Helpline for Women and Children Victims of Violence noted a reduction in calls to the helpline during the first two weeks of national lockdown (from 16 March 2020). Calls then increased after a communications campaign by the association to increase awareness of the helpline (see section **Error! Reference source not found.**).

b. Changes in patterns of communication of victims to support services

Stakeholders reported **changes in the contact method and the patterns of communication to helplines during the COVID-19 pandemic.**

In **Czechia**, the ROSA Centre for women recorded a 60 % increase in contacts made by victims to distance counselling during the crisis. In **Austria**, Frauen* beraten Frauen* noted an increase in violence-related requests for help submitted through their web-based counselling platform at night. It noted that this may reflect increased contact between victims and perpetrators of violence due to stay-at-home orders (see section 5.1.3) during the day, with victims perhaps better able to contact support services at night after perpetrators are asleep.

Marked shifts in communication methods were also found by six regional RCCs in **Ireland**, who found an 18 % reduction in the number of calls made to their telephone helplines comparing 1 March to 30 June in 2019 with the same period in 2020. However, they also found an increase in the length of time of phone calls made to helpline (increase of 83 % comparing 1 March – 30 June 2019 with the same period in 2020), potentially indicating an **increase in the intensity of support needs of victims of sexual violence contacting these helplines** during the crisis.

c. Increase in demand for specialised support services for victims of VAW

A number of stakeholders reported observed or measured increases in the demand for specialised support services for victims of VAW during the COVID-19 pandemic.

This included an increase in the number of women requesting emergency accommodation due to increases in the severity of violence experienced during the pandemic (reported by women's shelters in **Italy, Malta, Greece**¹⁰⁰), as well as an increase in demand for counselling services and legal help (reported by stakeholders in **Greece**).

In **Turkey**, the Association for the Struggle Against Sexual Violence reported little difference in the number of applications for support from victims of **sexual violence** comparing the first quarter of 2019 with the same period in 2020. However, by July 2020, it had received the same number of referrals as in the entirety of 2019. They note that this increase may be due to increased efforts to raise the visibility of their association, alongside increased support needs during the COVID-19 pandemic.

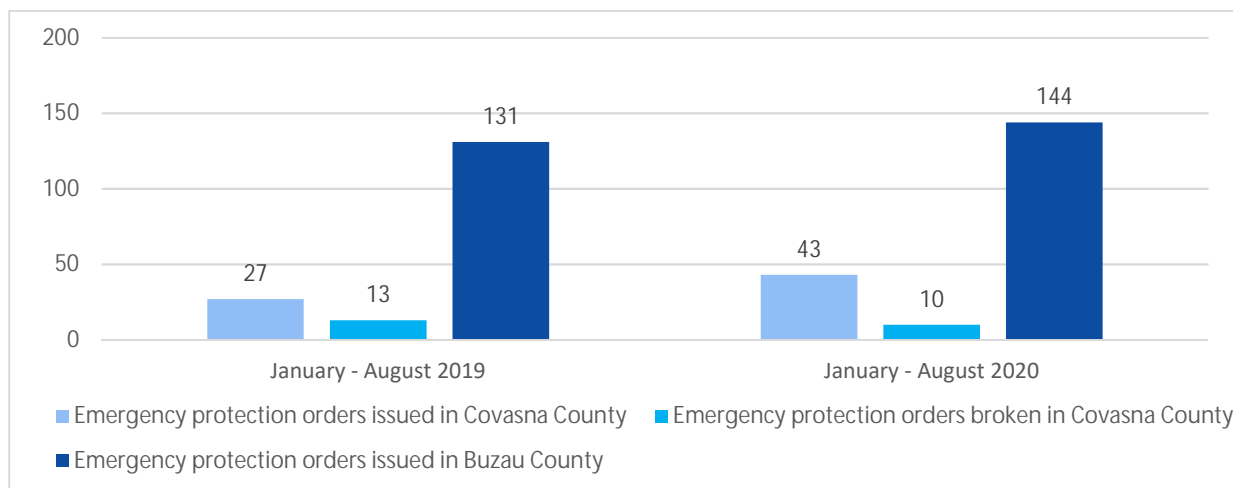
d. Increase in emergency protection orders issued for domestic violence

Evidence from the Romanian Women's Lobby submitted through the stakeholder consultation noted **an increase in emergency protection orders issued for DV** in some counties in **Romania**.

¹⁰⁰ Reported by Centro Veneto Progetti Donna in Italy; the Good Shepherd Sisters *Dar Merhba Bik* Foundation women's shelter in Malta; accommodation for women victims of violence of the municipality of Tripoli, Greece) in response to the stakeholder consultation.

144 emergency protection orders for cases of domestic violence were issued in Buzau County from 1 January 2020 to 3 August 2020, which is 10 % higher compared to the same period in 2019. In Covasna County, there has been a 59 % increase in emergency protection orders issued comparing January to August 2020 with January to August 2019, but a reduction in emergency protection orders being broken over the same period.

Figure 14: Emergency protection orders issued and broken in Covasna and Buzau County (Romania) comparing January – August 2019 and 2020.



Note: Data are not available for emergency protection orders broken in Buzau County for either time period.

Source: data submitted by ROWL (Romanian Women's Lobby) through the stakeholder consultation citing data from ANES (2020)¹⁰¹ and WeRadio (2020)¹⁰².

e. Increases in requests for funding by support services

Bulgarian Fund for Women (a donor organisation supporting women's human rights organisations) reported an increase in requests for emergency funding by women's NGOs that work with victims of DV, citing increased workload. They conducted an internal needs assessment among service providers and found that funding was required by these organisations to set up quarantine facilities, provide additional protection and security measures, conduct emergency polymerase chain reaction (PCR) testing¹⁰³, and fund additional hours of work of psychologists and lawyers, among other activities (information submitted to the stakeholder consultation).

f. Changes in Google searches relating to VAW throughout the COVID-19 pandemic

Through Google Trends, Google makes available what is being searched for in real-time, making it one of the world's largest real-time datasets. It provides a unique perspective particularly when exploring global reactions to major events, as the kinds of searches being performed can be a proxy for public interests, concerns, or intentions. In the context of COVID-19, data from Google Trends can be used interconnectedly with other data sources to provide a broader view of country-level surges in DV following lockdowns.

This section presents an analysis of Google Trends to investigate whether searches for '*domestic violence*' on Google across the EU-27 and Turkey related to national lockdown periods. Google Trends was used to track Google searches from 1 March 2018 to 25 September 2020. '*Domestic violence*' was

¹⁰¹ <https://anes.gov.ro/solicitati-sprijin-acum-uneori-poate-fi-prea-tarziu/>.

¹⁰² <https://weradio.ro/a-crescut-numarul-cazurilor-de-violenta-domestica-in-judetul-covasna/>.

¹⁰³ PCR testing is used to detect the presence of genetic material from the COVID-19 virus within a swab or saliva sample.

translated into the official languages of the EU-27 and Turkey and these were used to extract country-level data. In addition, Google Trends provides Topic data, which is an aggregation of similar search terms, including 'domestic violence'. Therefore, in addition to exact matches for searches of '*domestic violence*' in each country, data for the topic '*domestic violence*' was also extracted and analysed.

All of the numbers are normalised using a 1-100 scale: a value of 100 is the peak popularity for the term within the specified timeframe, a value of 50 means that the term is half as popular and a score of 0 means that there were not enough data for the term. Google Trends does not provide access to raw search numbers, only normalised data are available.

There are some limitations of this data and analysis:

- The subset of people conducting these Google searches may be unique or different from the rest of the population. Simply, there may be another population out there that is also interested in or searching for '*domestic violence*' but are unable to do so because they do not have access to a computer, etc., and thus cannot be captured;
- No granular (individual level) information about the person or people conducting the search, such as socioeconomic information, gender, race, etc.;
- Google searches are a proxy for opinions and interests, they do not necessarily represent the true opinion or interest of someone conducting a search. For example, this study searched '*domestic violence*' for research purposes, while a woman experiencing abuse will use the same term – these differences cannot be discerned;
- The data yielded are only as good as the search terms. Translating the terms found that some of the language-specific terms found no data, thus likely miss the breadth of '*domestic violence*' via Google searches. This is mitigated by using Topic data, which provide a broader spectrum of terms. The searches that make up the Topic are not accessible, however.

Across the EU-27 and Turkey, it was possible to classify the countries as:

- i. Experiencing an increase in both the search for '*domestic violence*' and the Topic '*domestic violence*';
- ii. Experiencing an increase in either the search for '*domestic violence*' or the Topic '*domestic violence*';
- iii. Experiencing no increase in the search for '*domestic violence*' or the Topic '*domestic violence*'.

For the purpose of this analysis, an increase is defined as searches reaching the highest level, across the monitored timeframe, within March-June 2020. Some countries may have seen an increase within March-June 2020 compared with the previous months but if the increase did not reach the highest level across the monitored timeframe, these were classified as having no increase. In the mixed category, either the search for '*domestic violence*' or the Topic '*domestic violence*' reached the highest level across the monitored timeframe within March-June 2020. Examples of each category are detailed below.

*i. An increase in the searches for '*domestic violence*' and the Topic '*domestic violence*'*

In the **Netherlands** and **Greece** there were increases in searches, higher than at any previous time during the monitored timeframe during March/April 2020. These coincided with the period of COVID-19 related national lockdowns which began on 10 March in Greece and 15 March in the Netherlands.

Figure 15: Domestic violence Google searches in the Netherlands from March 2018 to September 2020

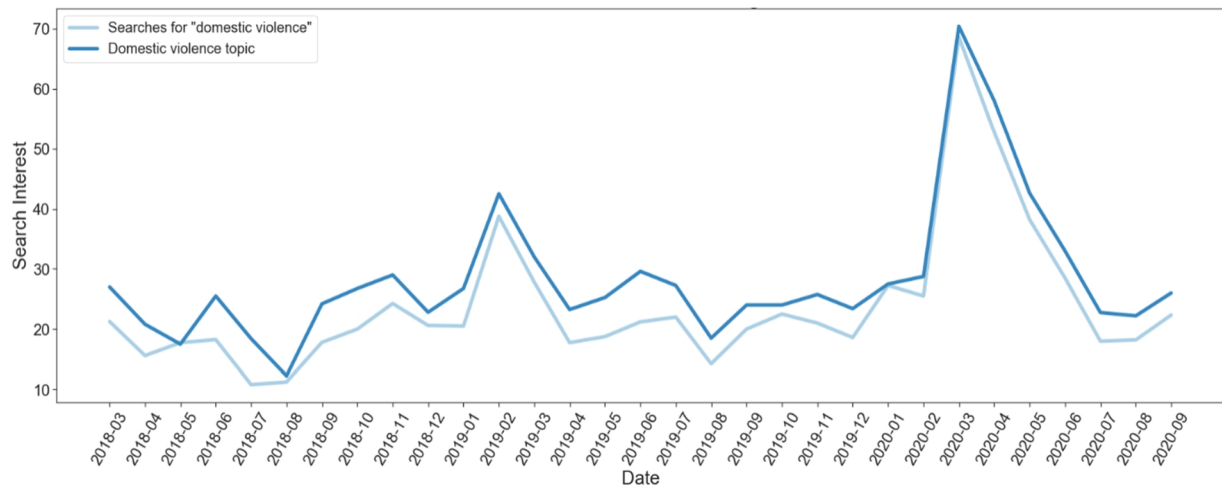
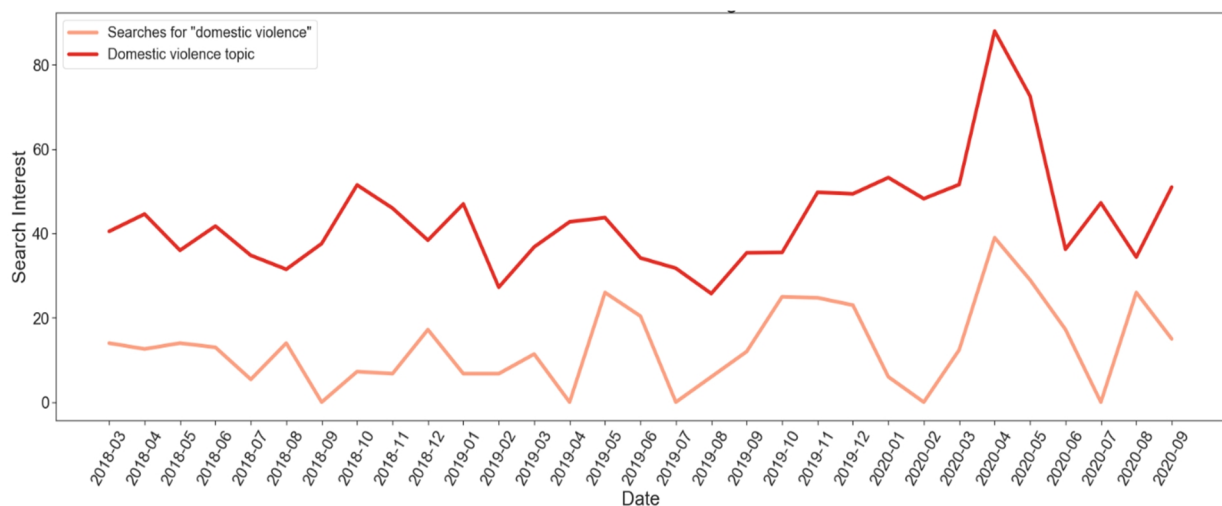


Figure 16: Domestic violence Google searches in Greece from March 2018 to September 2020



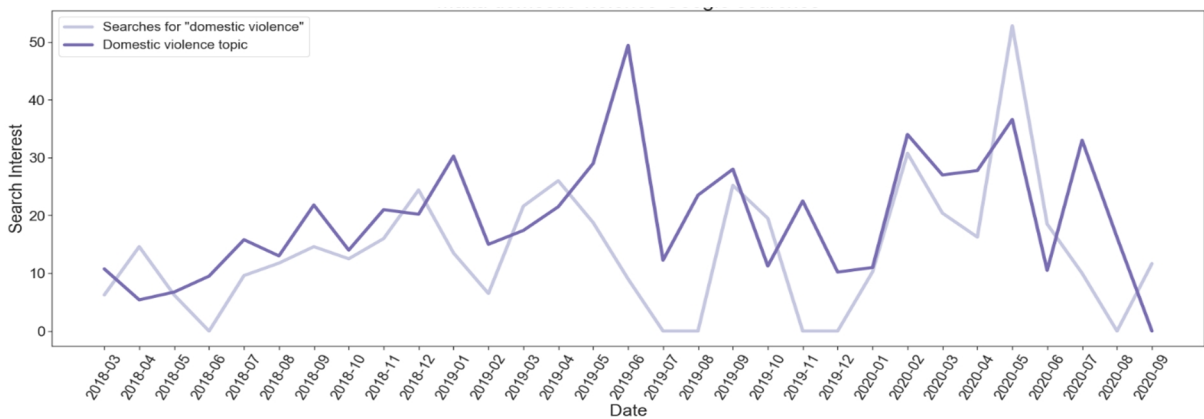
ii. *An increase in either the search for ‘domestic violence’ or the Topic ‘domestic violence’*

Turkey saw an increase in Topic searches, higher than at any previous time during the monitored timeframe during March-May 2020. These coincided with the period of COVID-19 related national restrictions which began on 31 March. Contrastingly, in **Malta**, there was an increase in the search term but not the Topic in April which coincided with COVID-19 related restrictions which commenced 12 March.

Figure 17: Domestic violence Google searches in Turkey from March 2018 to September 2020

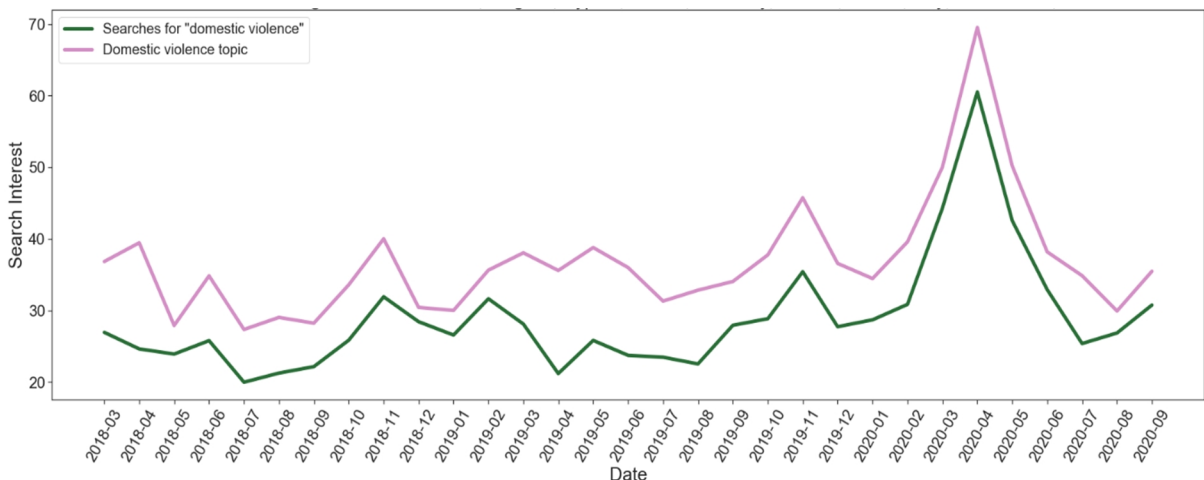


Figure 18: Domestic violence Google searches in Turkey from March 2018 to September 2020



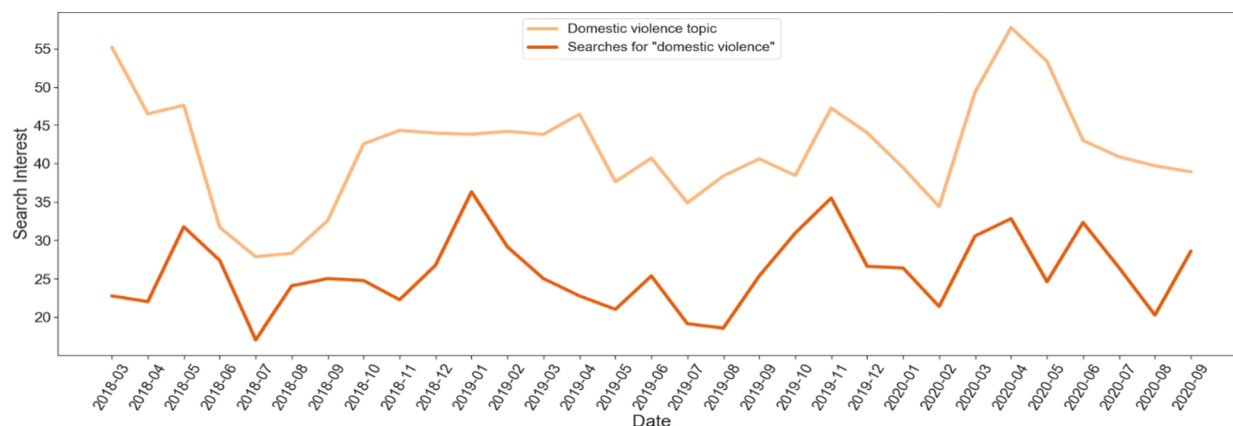
An increase in both the search for '*domestic violence*' and the Topic '*domestic violence*' was found in **Austria, Belgium, Cyprus, France, Germany, Greece, Ireland, Italy, Netherlands and Slovakia.**

Figure 19: Domestic violence Google searches in Austria, Belgium, Cyprus, France, Germany, Greece, Ireland, Italy, Netherlands and Slovakia from March 2018 to September 2020



Countries which saw an increase in the Topic '*domestic violence*' but not the search term are **Czechia, Denmark, Poland and Turkey.**

Figure 20: Domestic violence Google searches in Czechia, Denmark, Poland and Turkey from March 2018 to September 2020



Countries which saw an increase in the '*domestic violence*' search term but not the Topic '*domestic violence*' are: **Croatia, Finland, Hungary, Malta** and **Sweden**.

Figure 21: Domestic violence Google searches in Croatia, Finland, Hungary, Malta and Sweden from March 2018 to September 2020



iii. No increase in the search for domestic violence and the Topic Domestic Violence

Bulgaria began imposing COVID-19 related restrictions on 12 March 2020 and saw no subsequent increase in searches or Topic searches outside of previous fluctuations. The highest point in the monitored timeframe for Bulgaria was January 2019. As can be seen in the graph for **Latvia**, there was no data for the '*domestic violence*' search, only for the Topic '*domestic violence*'. The searches under the Topic are highly volatile and while there is an increase in Topic searches in April, they do not reach the peak level for the monitored timeframe and are in line with the volatility seen throughout.

Figure 22: Domestic violence Google searches in Bulgaria from March 2018 to September 2020

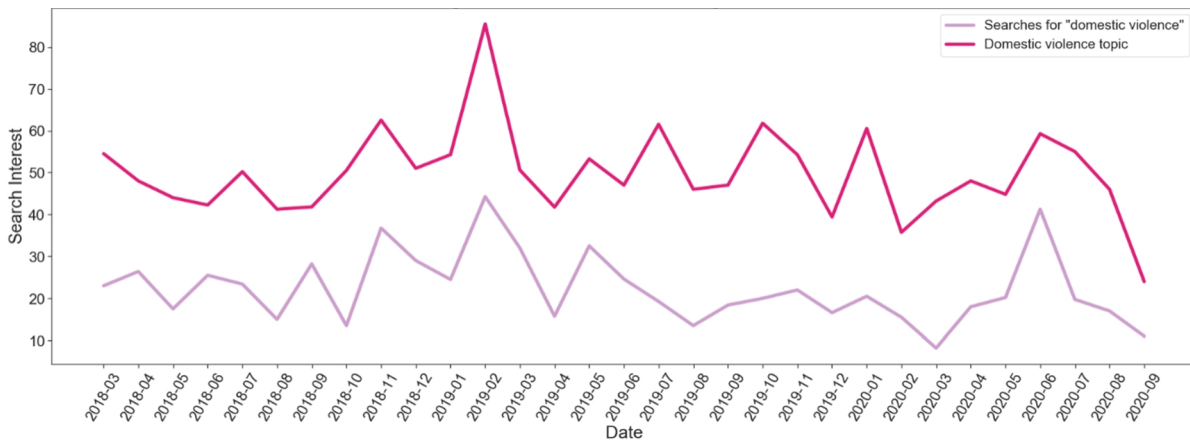
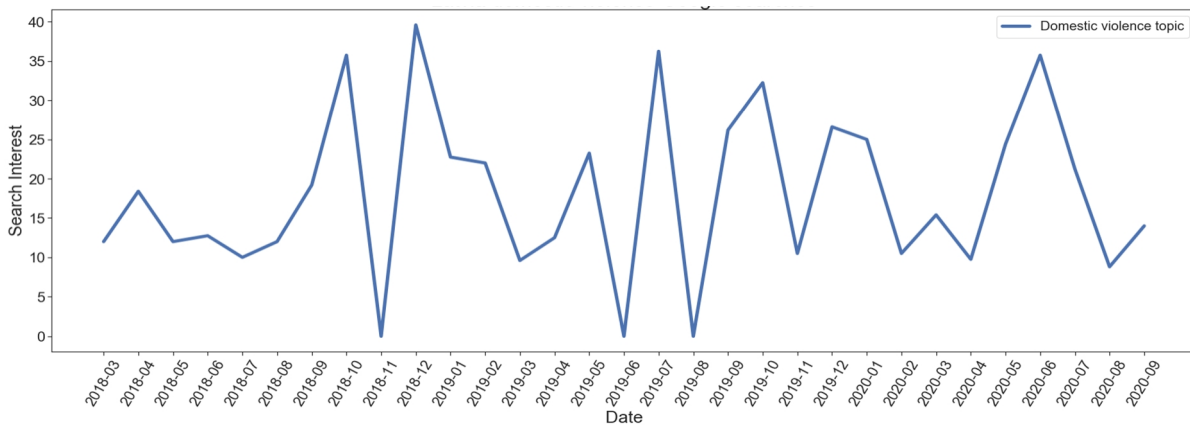
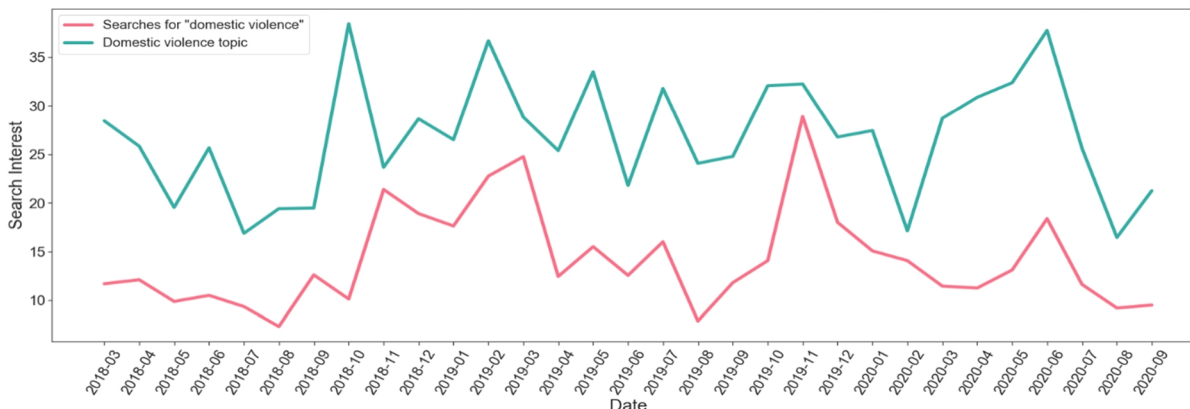


Figure 23: Domestic violence Google searches in Latvia from March 2018 to September 2020



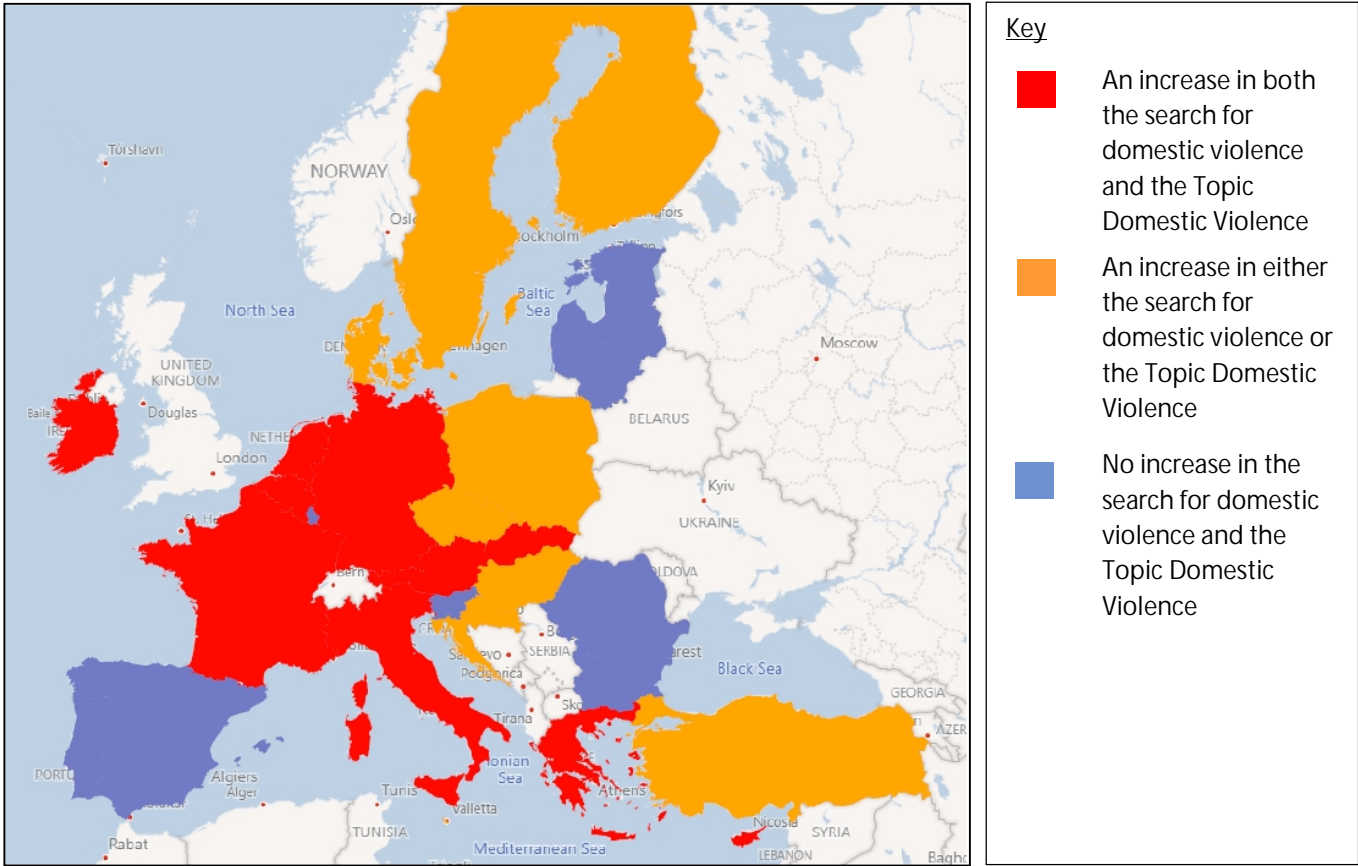
There was no increase in searches for '*domestic violence*' and the Topic '*domestic violence*' in **Bulgaria, Estonia, Latvia, Lithuania, Luxembourg, Portugal, Romania, Slovenia** and **Spain**. Figure 16 below shows that that aggregated searches for '*domestic violence*' are far below the peak across the monitored timeframe. The Topic '*domestic violence*', however, shows far more volatility and there is an increase in April and May 2020 but it does not meet the highest aggregated level in September 2019.

Figure 24: Domestic violence Google searches in Bulgaria, Estonia, Latvia, Lithuania, Luxembourg, Portugal, Romania, Slovenia and Spain from March 2018 to September 2020



A comparative overview of the differences in Google searches on '*domestic violence*' and Topic '*domestic violence*' searches across the EU-27 and Turkey are presented below.

Figure 25: Changes in Google searches for 'domestic violence' across the EU-27 from March 2018 to September 2020



5.1.3. Thematic analysis of impact of COVID-19 on VAW

The impact of COVID-19 on VAW has been analysed in terms of the impact on victims and perpetrators, on support services and on other aspects of society. Firstly, there has been an increase in risk factors for VAW, with some evidence to indicate that this has led to an increase in the frequency and severity of some forms of VAW. For victims, this increased need has also been accompanied by a reduction in the accessibility of many avenues for support (familial, education system, support services).

a. Increase in risk factors for perpetrators of VAW

All of the respondents to the stakeholder consultation who noted an increase in VAW and DV due to COVID-19 and related lockdown measures stated that there has been an increase in risk factors for VAW and specifically for DV. This aligns with evidence from the literature, which suggests that crises such as the COVID-19 pandemic **increase risk factors for DV** (see Box 2), such as household stress and unemployment, while **decreasing the accessibility of support available to victims** (Oireachtas Library and Research Service, 2020).

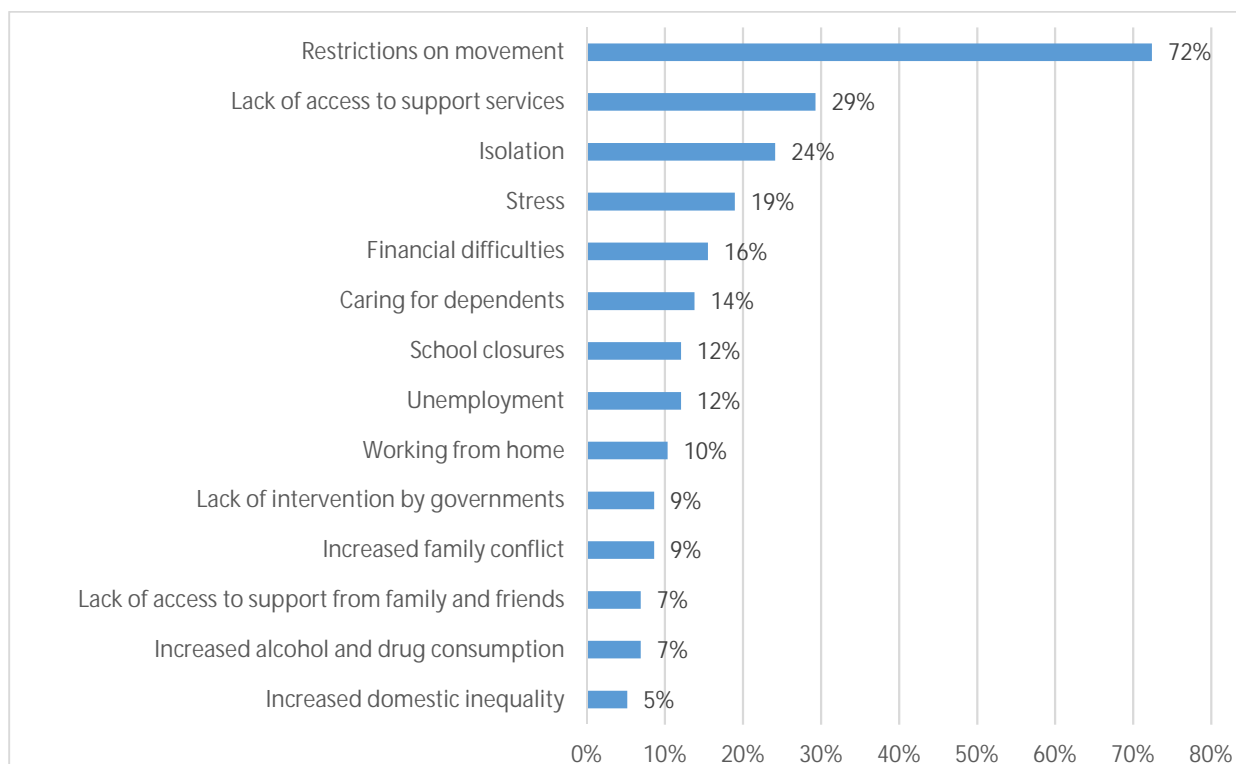
Box 2: Risk factors for domestic violence from literature

- Unemployment
- Poverty
- Relationship conflict
- Alcohol use/abuse
- Family history of violence
- Social norms that accept violence
- Social isolation
- Inadequate victim care
- Lack of information
- Gender inequality

Source: Heise (2011).

Stakeholders noted that restrictions on movement, including stay-at-home orders, simultaneously increased contact between perpetrators and victims of violence while decreasing access to supports. As shown in **Figure 26**, 72 % of respondents attributed an observed increase in VAW and DV to restrictions on movement. The remaining factors can be seen as interrelated, including the lack of access to support services (29 %), isolation (24 %), working from home (10 %) and lack of access to support from family and friends (7 %). Additional consequences of the pandemic include financial difficulties (16 %), unemployment (12 %), increased drug and alcohol consumption (7 %), alongside psychological impacts, such as stress (19 %). Impacts of family life were also described, including increased caring responsibilities of dependents (14 %), related to school closure (12 %), increases in family conflict (9 %) and increased domestic inequalities (5 %). Almost one in ten (9 %) of respondents noted that a lack of government intervention meant that lockdown measures have led to an increase in VAW and DV cases.

Figure 26: Stakeholder consultation results for Q2.1.3 'Can you explain what features of the lockdown measures in your country have led to this increase in VAW and DV cases?' (n=58). Stakeholders could choose multiple responses



Source: stakeholder consultation for this study.

The restrictions on movement were noted to have several implications for women victims of violence.

Firstly, the restricted movement of people led to **increased contact between perpetrators of violence and victims** for some forms of violence, especially for DV between intimate partners. This increased contact led to the possibility of **increased control of victims** by perpetrators, as it was possible to account for a victim's location for a larger proportion of the day and there were reduced opportunities for victims to leave the home due to the closure of shops, workplaces and the health sector (Acosta, 2020). COVID-19 has been used as a coercive control mechanism by perpetrators who exert further control in an abusive relationship, specifically in the use of containment, fear, and threat of contagion as a mechanism of abuse (Usher et al., 2020).

Stakeholders in some countries (**BE, BG, CZ, RO, IE**) noted that the severity of the stay-at-home orders may have increased the possibility of perpetrators increasing control over victims of domestic violence. For example, in **Bulgaria**, there were restrictions on travel between cities, with police checkpoints in place. People had to present a declaration to provide a reason for travelling between cities or the airport. This restriction was lifted on 6 May 2020. In **Ireland**, people were allowed to leave their home to shop for food and exercise briefly within 2km of their home, which may have increased contact time between victims and perpetrators of DV within homes. This is consistent with findings from the literature review, where numerous reports indicated that the stay-at-home and social distancing measures implemented to reduce the spread of COVID-19 have had an adverse consequence on victims of DV, as these measures increase the levels of control of perpetrators of domestic violence (Campbell, 2020).

Secondly, stakeholders in Belgium, Bulgaria, Germany, Croatia, Ireland, Malta, Latvia and Poland noted that **the financial impact of the COVID-19 pandemic** was an additional stressor that may have

increased rates of DV. 16 % of respondents to the stakeholder consultation who noted an increase in VAW due to the pandemic and lockdown measures reported that financial problems had contributed to that increase. Unemployment and reduced hours of work available in some sectors may have meant an increase in financial worries for both victims and perpetrators. As noted by Barnawi (2017, cited in Moreira and Pinto da Costa, 2020), low or insufficient income alongside a change of employment status may add to family stress, frustrations, and inadequacy, in an environment where violence can be triggered.

Stakeholders in Belgium, Ireland, Croatia and Latvia (7 % of respondents to online consultation) also reported that lockdown measures implemented to restrict the spread of COVID-19 may have led to an increase in **alcohol consumption of perpetrators**. Harmful and hazardous¹⁰⁴ alcohol consumption has been acknowledged as one of the strongest predictors of physical DV (Jayaseelan, 2004). The Global Drugs Survey special edition on COVID-19 found that 44.0% of their sample of 44 000 respondents reported having increased their frequency of alcohol use during COVID-19 (Winstock et al., 2020). Stakeholders noted that alcohol and drug consumption may have increased, with both perpetrators and victims potentially using these substances as coping mechanisms in the absence of social and other supports. The multiple effects of harmful alcohol use in the context of intimate partner violence are described by the World Health Organization (WHO):

- Harmful alcohol use affects physical and cognitive function and reduces self-control;
- Reduces the ability to process incoming information so drinkers are more likely to resort to violence in confrontations;
- Reduces the ability to recognise warning signs in potentially violent situations;
- Individual and societal beliefs that alcohol causes aggressive behaviour can result in alcohol being used as preparation for involvement in violence or to excuse violent acts;
- Alcohol dependence can result in individuals failing to fulfil care responsibilities or coercing relatives into funding the purchase of alcohol and related costs;
- Experiencing or witnessing violence can lead to the harmful use of alcohol in order to cope or self-medicate;
- 'Alcohol and violence may be related through a common risk factors (e.g. antisocial personality disorder) that contribute to the risk of both heavy drinking and violent behaviour'¹⁰⁵.

Changes in work and home life patterns were described as an explanatory factor in the increase in levels of VAW (see section 5.1.2). Firstly, stakeholders in Belgium, Greece, Finland, Ireland, Malta and Romania noted that working from home had resulted in increased contact time between victims and perpetrators. Additionally, stakeholders in Austria, Belgium, Germany, Greece, Finland, France, Romania, Latvia and Malta noted that alongside completing paid employment from home, women may have taken on more domestic responsibilities and caring for dependents while day care centres and schools were closed. This is echoed in the literature, with several studies noting that throughout the crisis women have balanced work commitments with the added responsibilities of home-schooling children, which has increased the already disproportional burden of unpaid work (UN Women, 2020e; Power, 2020). This increased domestic inequality and unequal sharing of responsibilities may have

¹⁰⁴ Harmful consumption of alcohol refers to a pattern of alcohol use that causes damage to health. Hazardous consumption of alcohol refers to a pattern of alcohol use that increases the risk of harmful consequences for the user (World Health Organization, http://www.who.int/substance_abuse/terminology/who_lexicon/en/).

¹⁰⁵ https://www.who.int/violence_injury_prevention/violence/world_report/factsheets/pb_violencealcohol.pdf?ua=1

resulted in additional stressors on family life and reduced capacity of victims to seek support or to cope with everyday life.

b. Psychological impact of stay at home orders

Stakeholders in Belgium, Czechia, Greece, Finland, Croatia, Ireland, Latvia, Poland and Slovakia reported that the pandemic and lockdown measures have had psychological impacts on victims. This largely related to increased stress due to financial pressures, job loss, fear of the virus, stress related to the unknown and stay-at-home orders, and isolation from friends and family. Isolation (24 %) and stress (19 %) were frequently reported features of the pandemic and lockdown measures, which impacted on the increase in VAW (see section 0.2).

The Federation of Mother and Child Homes in **Finland** conducted an online consultation on their website, on the effects of the pandemic for families with children. Of the 579 responses to date (the consultation has not closed), 43 % reported increased psychological strain resulting from the pandemic. 11 % of respondents reported an increased fear of violence, which was more commonly reported in single-parent families and in families with previous experiences of violence. 40 % of respondents reported thinking that the future will be harder for them, including families with no existing problems of violence.

Stakeholders also noted that the pandemic and associated lockdown measures have resulted in psychological strain on victims of violence relating to past experiences of violence. For example, the Rape Crisis Network in **Ireland** reported that RCCs have been contacted by victims who have experienced a resurfacing of trauma from previous experiences of violence. In some cases, survivors of violence may not have previously disclosed the abuse. In other cases, victims had previously attended RCCs or other support services where they had worked to get closure, only to have this past trauma reactivated by lockdown measures (such as social distancing and reduction in face-to-face contact). This may have contributed to the increase in calls to helplines for victims of violence, who may be reporting and requesting support for violence experienced during the pandemic, as well as those reporting and requesting support for violence experienced previously.

Support services responding to the stakeholder survey also emphasised that the COVID-19 pandemic and lockdown measures may have resulted in a decreased capacity for victims and perpetrators to cope with stress.

c. Changes in patterns of VAW

Stakeholders reported an observed increase in the intensity and frequency of DV violence experienced by some victims. This was reported by women's shelters in **Italy, Malta, Greece** and **Slovakia**¹⁰⁶. For example, a women's shelter in **Slovakia** noted that although it has not recorded an increase in calls to its helpline for women experiencing violence, the calls relate to acute incidents of violence or episodes of violence that have escalated in recent months.

Some support services who responded to the stakeholder survey reported that they were contacted by victims who were experiencing violence for the first time. An organisation providing support services to women (and children) fleeing domestic violence in **Poland** reported:

¹⁰⁶ Reported by Centro Veneto Progetti Donna in Italy; the Good Shepherd Sisters *Dar Merhba Bik* Foundation women's shelter in Malta; accommodation for women victims of violence of the municipality of Tripoli, Greece; MyMamy, o. z. women's shelter in Slovakia) in response to the stakeholder consultation.

'Victims having to spend many hours in a small space with an aggressive and/or violent person exacerbated this phenomenon. We were contacted by people whose families had not experienced violence before, but as a result of increased stress resulting from the pandemic and deteriorating financial situation, fear of losing a job and a general feeling of insecurity, violence appeared.'

d. Lack of accessibility of support services for victims

Almost one in three (29 %) stakeholders who noted that the COVID-19 pandemic and lockdown measures have resulted in an increase in VAW reported that this was due to a lack of access to support services. Barriers to accessing support services largely related to accessing temporary accommodation such as women's shelters and refuges:

- Women were fearful of accessing shelters, due to the risk of catching coronavirus (Romania);
- There was a lack of capacity in women's shelters or temporary accommodation due to increased demand, coupled with reduced capacity due to social distancing requirements (Ireland and Turkey);
- Reduced staffing levels due to social distancing requirements and loss of volunteers.

A number of actions taken to reduced barriers for victims in accessing support services were described by stakeholders in the online consultation. Approaches to facilitating entry to temporary accommodation for victims of VAW differed between countries. Some stakeholders reported that there were changes in entry requirements for temporary accommodation such as women's shelters due to the pandemic and that these were a barrier for some women in escaping violence.

This appears to have been particularly problematic in **Slovakia**. Many shelters in Slovakia required women to have a negative COVID-19 test or to isolate for 14 days before being admitted to shelters. A women's shelter in Slovakia added that the women it accommodates are mostly from low income backgrounds, where the cost of being tested for COVID-19 proved a barrier. Quarantine facilities were not always available when needed. The shelter therefore had to find alternative emergency housing facilities or other facilities for these women. This meant that some women were delayed in receiving emergency accommodation and were still subjected to violence. Another support service reported that some services for women experiencing violence were either closed or extremely limited, leaving women with no escape from violence. The Institute for Labour and Family Research attempted to negotiate with the Ministry of Labour, Social Affairs and Family to change the acceptance conditions of new clients (14 days public quarantine and negative test) for shelters but this was not successful. In **Bulgaria**, women also had to pay for a COVID-19 test before being admitted to a shelter. However, women with children under three years of age could be accommodated in shelters without having a COVID-19 test, although they had to stay under quarantine for two weeks.

By contrast, in **Malta**, the Foundation for Social Welfare Services detailed that where victims of DV required access to a shelter, a swab test for COVID-19 was carried out and they were provided with temporary secure shelter until the result was issued. Once the result was negative, they were moved to a DV shelter. It is unclear whether temporary shelter would be provided if the result of this test was positive. For women and children who were already in a shelter, an isolation room was identified and kept vacant for residents or their children who showed symptoms of COVID-19 to quarantine until they were swabbed and resulted negative. If any resident or her children had a positive result, health authorities would guide support services on the measures necessary to mitigate the spread of the virus within the shelter, for both residents and staff members.

In **Germany**, the capacity of women's shelters was monitored and displayed through a traffic light system (see Box 3 below).

Box 3: Managing capacity of women's shelters in Germany

The government of the City of Nienberg/Weser in **Germany** reported that a traffic light system was put in place throughout Germany to show the capacity of women's refuges and thus to manage the increase in reporting of VAW. Under this system, 'red' indicated that the refuge was at full capacity, 'amber' denoted some spaces left, and 'green' indicated that there was ample capacity.

For support services outside of women's shelters, barriers for women accessing help were:

- Women were unable to contact support services by phone due to being at home with perpetrators for most of the day (see section 5.1.3a);
- Limited information on measures to support women during the crisis in some countries (Bulgaria);
- Some clients ceased contact with support services due to lack of face-to-face psychological counselling;
- Loss of staff due to stay-at-home measures or difficulties in handling the COVID-19 situation, which reduced capacity of some services (Bulgaria);
- Some stakeholders noted that barriers to victims accessing support services predated the COVID-19 pandemic. For example, one stakeholder in Romania noted that a lack of trust between victims and public social services, resulting in many women not reporting the violence or seeking help from helplines.

Some stakeholders reported barriers for marginalised groups in accessing support services. Pavee Point is an NGO operating in **Ireland**, which works to attain human rights for Irish Travellers and Roma people. Through their networks, this stakeholder reported that Traveller and Roma women had poor access to information about changes in operation of support services due to the pandemic, as some women in this group do not have access to mobile phones and/or credit to call services, or do not have the means to travel to services, particularly those living in rural areas. They also noted that refuges had reached full capacity or were unable to accommodate women with children due to social distancing measures.

e. Impact on support services

The COVID-19 pandemic and lockdown measures also impacted support services. As shown in Figure 27, over half (51 %) of respondents to the online consultation noted that they had partially closed or limited the provision of some services due to lockdown measures. This was the case in 19 out of the 25 countries who responded to the stakeholder consultation¹⁰⁷. One in ten (10%) had to completely close their service.¹⁰⁸

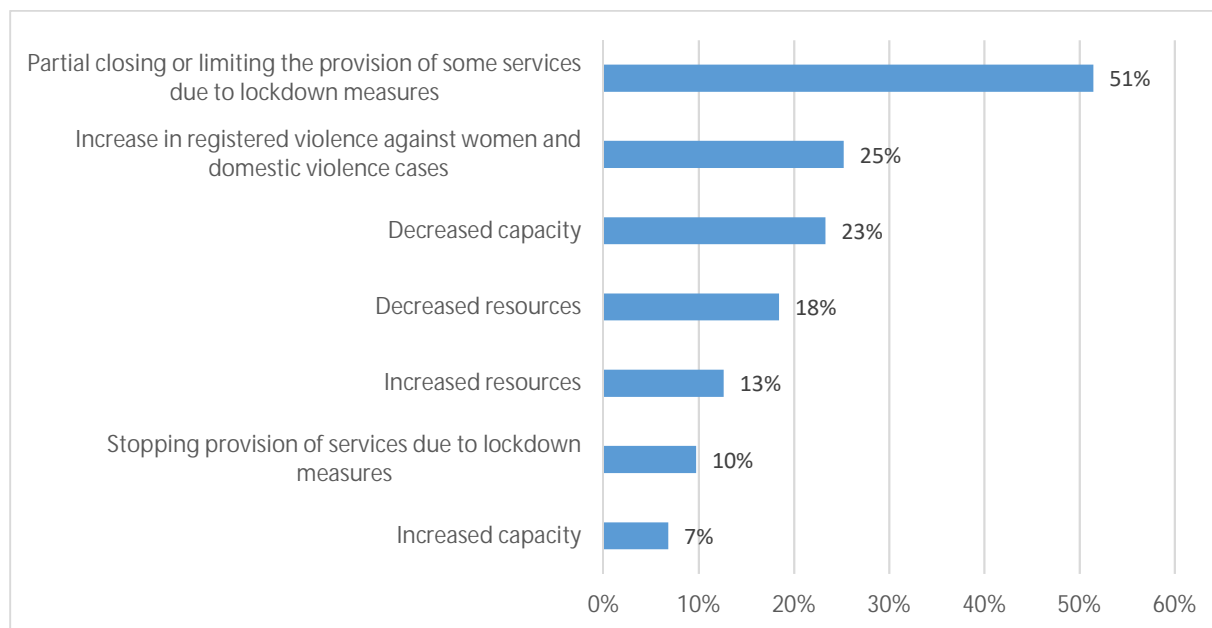
One-quarter (25 %) noted an increased demand for their service through an increase in registered cases of VAW and DV. 23 % noted that they had a reduction in capacity, and 18% pointed to a reduction in

¹⁰⁷ Reported by stakeholders in AT, BE, BG, CZ, DE, EE, EL, FI, FR, HR, IE, LV, LT, NT, PL, RO, SK, SE, TK

¹⁰⁸ Reported by stakeholders in BE, BG, CZ, DE, EL, FI, RO, SK

resources. 13 % reported increased resources for example, from the government or fundraising and 7 % noted that they had increased capacity.

Figure 27: Impact of COVID-19 and lockdown measures on support services for victims of VAW (n-103) Multiple responses possible.



Source: stakeholder consultation for the study.

Relating to **decreased capacity**, stakeholders described this being partly due to a loss of staff due to an increase in employees being on sick leave due to Covid-19 or isolation when showing similar symptoms, and volunteers and paid staff needing time off or reduced hours to care for dependents such as children during school closures. In addition, the increased workload and shift to home working led to staff burnout in some organisations due to: an increased demand on services; longer working hours due to staff working from home; and staff responding flexibly to support needs of victims of violence who may need to speak to therapist at night, at weekends when perpetrators are not around.

A reduction in resources can be attributed to a combination of additional costs due to delivering support virtually and with social distancing requirements, alongside reductions in abilities to fundraise which provide a vital revenue stream for many support services in the field of VAW. Support services reported that they purchased equipment such as laptops for staff or additional software to enable home working. Support services which provided face-to-face support also reported additional financial pressures due to purchasing Personal Protective Equipment (PPE) (**RO**). Support services who rely on donations reported a reduced ability to fundraise during the pandemic due to the halting of face-to-face contact or cancellation of in-person events.

Other challenges reported by stakeholders during the crisis include **challenges in establishing virtual services** and **not being able to fully meet the support needs of women** such as due to women's shelters and counselling services being oversubscribed. In engaging with victims, support services noted that it was challenging to conduct risk assessment for victims virtually as they missed non-verbal communication cues and sessions were sometimes interrupted or unworkable due to unreliable internet connections. Furthermore, stakeholders noted that it was often difficult to access victims virtually due to victims not wanting to speak on the phone due to fear of the perpetrator overhearing or not wishing to discuss issues around violence in front of their children or others in their household.

Stakeholders also noted that **a lack of funding** and **political commitment** (both in terms of funding and issuing guidelines) (**AT, EL, IE, FI, HR, MT, SK, TK**) was a challenge for services during the crisis.

Stakeholders in **Greece** and **Turkey** noted that the crisis has exacerbated existing issues present before the pandemic such as the underfunding of support services. A support service in Turkey detailed that they had been affected by a number of the above issues.

"Having only one phone line and not being able to have face to face meetings with women have been a challenge for our work. We were not able to accept any new woman into our shelter because we did not have any access to Covid-19 test. Besides, public and municipal institutions whose mission had been to support women directed their resources to other areas related to Covid-19 emergency, leaving women without support. Since we often collaborate and work with these organisations and try to push them to implement the laws and regulations it was harder for us receive the necessary support for the women who reach us."

The box below presents key factors identified as having led to an increase in VAW and DV.

Box 4: Factors which have led to an increase in VAW and DV

Perpetrators

Increased contact between perpetrators and victims for some forms of VAW

Increase in controlling behaviours of perpetrators against victims

Increase in alcohol consumption

Changes in work and home life patterns including unemployment, reduced hours, working from home

Psychological impact of pandemic

Increase in intensity and frequency of incidents of violence

Victims

Increased contact between perpetrators and victims for some forms of VAW

Psychological impacts of the pandemic e.g. increased stress, social isolation and resurfacing of trauma

Changes in work and home life patterns including unemployment, reduced hours, working from home

Increased gender inequalities within the home as women take on caring responsibilities due to closure of schools and day care centres

Reduced ability to leave home to seek support from friends and family

Lack of access to support service

Support services

Partial or complete closure of support services

Reduced space in shelters to allow for social distancing requirements

Reduced staffing capacity and resources

Challenges in moving support from face-to-face to virtual

Burnout of staff partly due to increased workloads

Other sectors

Schools less able to identify signs of violence in children and families

Lack of funding or political commitment to support services for victims of VAW during pandemic

Source: responses to the stakeholder consultation for this study.

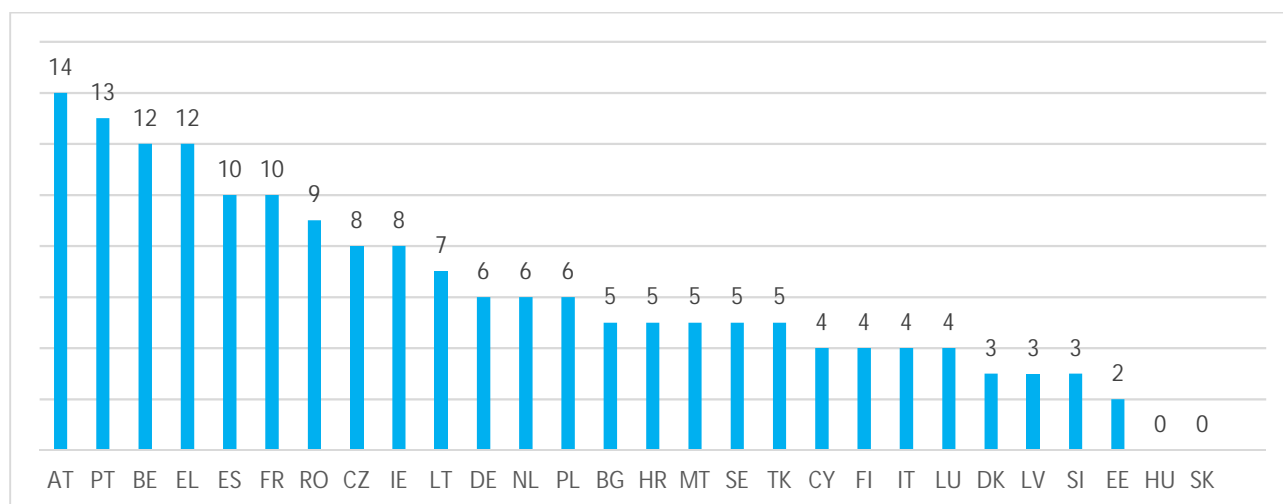
5.2. National responses to Violence Against Women in relation to COVID-19

This section presents a thematic analysis of national responses to VAW as a result of the COVID-19 outbreak, followed by a detailed list of actions taken to mitigate the effect of COVID-19 on VAW by country (section 5.2.5).

Actions have been taken by governments and NGOs at national, regional and local level to mitigate the impact of COVID-19 on victims of VAW. The United Nations Development Programme (UNDP) recently launched a COVID-19 Global Gender Response Tracker to monitor policy measures enacted by governments in response to the virus, highlighting responses that integrate a gender lens (UNDP, 2020)¹⁰⁹. The European region has the highest number of measures taken to tackle VAW, with 224 measures¹¹⁰ compared to 190 in the Americas, 157 in Asia, 84 in Africa and 61 in Oceania.

The 28 countries in this study took an average of six measures in relation to VAW – seven in those countries that have ratified the Convention (ranging from two in Estonia to 14 in Austria) four in those that have not (ranging from 0 in Hungary and Slovakia to eight in Czechia) (UNDP, 2020). This may indicate that VAW as a policy issue has a greater level of political awareness in countries that have ratified the Convention. It may also point to the readiness of those countries' governments to fund additional measures to support victims of VAW in times of crisis, or the existence of support services that can introduce specific measures to support victims.

Figure 28: Number of measures taken in response to COVID-19 to tackle VAW.



Source: UNDP (2020)

Overall, **in countries that have not ratified the Istanbul Convention actions were largely initiated by NGOs** and there was **limited national coordinated action at governmental level**. The exception is Lithuania, where the number of measures were at a similar level to countries that have ratified the Convention. Limited additional actions were taken in response to VAW in Bulgaria, Hungary and Slovakia. The government of Cyprus relied on the already established legal and policy framework on DV and VAW. In Czechia, actions were taken by NGOs rather than the government.

¹⁰⁹ Methodological notes for that study can be found at:

https://data.undp.org/wp-content/uploads/2020/09/COVID-19_Global_Gender_Response_Tracker_Methodological_Note_20092020.pdf

¹¹⁰ As of 30 September 2020. The tracker is a live document that will be updated as new measures emerge. The Republic of Cyprus and Turkey are classified within the Asia Region.

In **Czechia**, a study conducted jointly by academic institution and NGOs¹¹¹ between April and June 2020 revealed that despite the number of DV cases - including all forms of violence - increasing as a result of the state of emergency, the number of cases reported to the police had not increased (Vláda české republiky, 2020). The study also identified significant gaps in the provision of specialised services for victims of all forms of violence by the state institutions, primarily the police and courts (Nyklová, 2020). Notably, the state institutions did not use the tools in place for tackling DV during the COVID-19 pandemic. Instead, NGOs implemented new forms of services, such as online consultation, and intensified existing provisions¹¹².

No actions were identified through the UNDP COVID-19 response Gender Tracker for Hungary and Slovakia. Limited actions were identified through the country research in this study. In **Hungary**, this centred around a clarification from the Ministry of Human Capacities' State Secretary for Family and Youth Affairs that the stay-at-home restrictions introduced through Government Decree 71/2020 do not apply to victims of violence who need support. In June 2020, the national victim support service centre was expanded, with a new crisis centre opening in Pécs. In **Slovakia**, on 20 April 2020, the Ministry of the Interior encouraged victims of DV to closely follow recommendations and statements provided by the Expert Working-Advisory Group for the national project '*Pomoc obetiam*' ('Help for victims'). The Institute for Labour and Family Research promoted the issue of DV and the national helpline through various channels. They also carried out research to map the needs of women survivors of violence (weekly survey of service providers, data collection on shelters' capacity).

In **Latvia**, legislators did not adopt any specific measures to combat VAW during the pandemic. The Cabinet of Ministers, however, finally adopted amendments to Regulation No.161 on prevention of violence and application of interim measures. The amendments impose an obligation on the police to provide certain information to the social services on any police visit involving DV, allowing social services to monitor and act in relation to families or people in need of assistance.

Table 15 summarises the actions taken by each country, using data from the UNDP COVID-19 Global Gender Response Tracker. Data were submitted by stakeholders through the online consultation and country research.

Table 15: Summary of actions taken to mitigate the impact of COVID-19 on victims of VAW

Measure taken	Countries
Strengthening services	AT, BE, BG, DE, DK, EE, EL, ES, FI, FR, IE, IT, LU, MT, NL, PT, RO, TK, SE
Awareness-raising campaigns	AT, CY, CZ, EE, FI, FR, IE, IT, LT, NL, PL, PT, RO, SE, SI, SK, TU
Integration of VAW in COVID-19 response plans	AT, BG, CZ, FR, EL, ES, IE, IT, LT, LU, PL, SE, SI
Judicial and police measures	AT, BE, CY, EL, IE, FI, FR, NL, SK, LT, PT
Legislative changes	BE, CZ, DE, EE, LV, PL

¹¹¹ Institute of Sociology of the Czech Academy of Sciences, Faculty of Humanities under the Chares Universtiy in Pragu, ROSA – Centre for Women, Acorus, proFEM.

¹¹² A second phase of the study will be conducted to complement the findings from the first wave. It will focus on the state institutions (police, courts, etc). The organisations that collaborate on this study will produce a series of recommendations for relevant institutions as an outcome of the study.

Measure taken	Countries
Collection and use of data	BE, FI, FR, EL, LU, PO, PT
Coordinating actions	BE, BG, HR, LT, LU
Additional funding	BG, DK, FI, FR, SE

Source: UNDP (2020) and country research; response to stakeholder consultation and country research

5.2.1. Coordinated actions and strategies

Coordinated actions were taken in Belgium, Bulgaria, Croatia, Lithuania and Luxembourg to establish or design a national coordination group or publish national action plans.

a. National coordinating groups

National coordination groups were established or designated in Belgium, Croatia and Luxembourg to ensure that the impact of COVID-19 on VAW was handled at national or regional level. For example, the 'Conjugal and intra-family violence' task force was established in **Belgium**, consisting of the Wallonia-Brussels Federation, the Brussels-Capital Region and the Brussels French Community (Cocof). The task force conducted a needs assessment within the VAW sector. However, it did not cover all regions within Belgium and there was no similar coordinated approach taken in Flanders.

In **Luxembourg**, a crisis management mechanism was put in place to prevent a substantial increase in DV with the support of the Minister of Equality between Women and Men. The mechanism's main task included:

- Weekly monitoring of the evolution of DV;
- Development of the information site violence.lu (with a FAQ 'domestic violence and COVID-19' in Luxembourg, Portuguese, French and English);
- Implementation of a pilot helpline, managed by organisations under agreement with the Ministry of Equal Opportunity (MEGA);
- Continuing the expulsion mechanism¹¹³ and handling of offenders.

b. National action plans

A national action plan to prevent and protect women and children against DV was adopted in **Bulgaria** in May 2020¹¹⁴, in line with commitments in the 'Call for Action on Protection from Gender-based Violence in Emergencies'¹¹⁵.

In **Lithuania**, a joint interministerial plan was adopted to address the impact of COVID-19 crisis on mental health, including help in DV situations. The plan foresees hiring 200 additional psychologists, moving more support services online and increasing the number of consultations and interventions¹¹⁶.

¹¹³ Luxembourg has a mechanism for expulsion of DV offenders under [Act of 8 September 2003 on domestic violence](#): 'the police, with the authorisation of the State Prosecutor, evict from their home the persons against whom there are indications that they are preparing to commit against a person, with whom they cohabit in a family setting, an offence against life or physical integrity, or that they are preparing to commit again against this person, already a victim, an offence against life or physical integrity' (Article 1(1)). This mechanism applies to physical violence only.

¹¹⁴ <https://www.who.int/news-room/feature-stories/detail/bulgaria-launches-new-national-programme-amid-pandemic-on-violence-against-women-and-children>

¹¹⁵ https://ec.europa.eu/echo/sites/echo-site/files/booklet_eu_leadership_c2a.pdf

¹¹⁶ <https://sam.lrv.lt/lt/naujienos/parengtas-planas-kaip-susvelninti-koronaviruso-itaka-psichikos-sveikatai>

5.2.2. Legal system

a. Legislative changes

Belgium, Czechia, Germany, Estonia, Latvia and Poland made some legislative changes in response to COVID-19 to protect women victims of violence.

Stakeholders in **Belgium** reported that services supporting women victims of VAW were considered essential services during the crisis. In **Germany**, the government passed a bill to enable easier access to social security and protection of social services due to COVID-19, which included measures for support services for victims of VAW, such as women's shelters (UNDP, 2020).

Estonia implemented two legal amendments that were planned prior to the outbreak of COVID-19. On 19 May 2020, guidelines were issued for local government and service providers in organising social work and child protection after the emergency situation were issued (Ministry of Social Affairs, 2020). The need to provide temporary accommodation for perpetrators removed from their homes was highlighted and, in May 2020, an amendment to this effect was added to the Code of Criminal Procedure. In urgent cases, the amendment noted that a protection order may be established by an order of a prosecutor's office, regardless of the consent of the victim. Article 141(1) of the Code of Criminal Procedure now allows fast application of the temporary restraining order.

NGOs in **Czechia** have proposed legislative amendments, including to the Act on Social Services to ensure the availability of specialised shelters for victims of DV. This was suggested by the Czech Women's Lobby to the Council on 24 July 2020 in a series of recommendations for addressing negative impact of the COVID-19 pandemic.

In **Latvia**, the Cabinet of Ministers adopted amendments to Regulation No.161 on the prevention of violence and application of interim measures. The amendments impose an obligation on the police to provide certain information to the social services on any police visit involving DV, allowing social services to monitor and act in relation to families or people in need of assistance.

In **Poland**, on 30 April 2020, the government adopted laws authorising the police to order the perpetrator of violence to immediately leave the home and its direct surroundings. The order to leave the apartment will last for 14 days and the court may extend this period at the request of the victim. The police will be required to regularly check that the perpetrator complies with these sanctions. If they break the ban, the police will be able to use coercive measures (arrest, restriction of liberty, a fine).

b. Case law

A number of legal precedents were set in relation to DV during the pandemic. Firstly, in **Italy**, a prosecutor in Trento ruled that in situations of DV the perpetrator and not the victim must leave the family home (UNDP, 2020). In **Austria**, there are now provisions for violent family members to be removed from the home to protect victims (UNDP, 2020).

c. Judicial and police measures

Measures to ensure that the legal system continues to provide support to victims of VAW were introduced during the COVID-19 pandemic in 11 of the countries in the study (UNDP, 2020).

These measures related to:

- Continuing to deliver essential work, such as keeping courts and prosecution services open for cases of DV, speedy processing of DV cases¹¹⁷, trialling the use of video-conferencing, supplying PPE to staff and court attendees, conducting urgent hearings in person, police conducting essential face-to-face work such as attending emergency interventions, continuing to issue restraining and protection orders (AT, BE, CY, IE, FI, FR, NL, SK);
- Changes to administering or processing restraining orders (AT);
- Police proactively contacting or visiting people who have filed a complaint relating to DV or who are at high risk of DV to monitor their situation during lockdown (AT, IE, LT, PT);
- Issuing of guidance to police services on facilitating the reporting of DV and support to victims during the pandemic (EL, PT).

Austria saw a simplification of the process for filing a restraining order (UNDP, 2020). During the pandemic, the police hand the restraining order application form directly to the survivor, when issuing a protection order or checking compliance with it (within three days of issue). In addition, the restraining order can be filed electronically. People in quarantine can apply for an interim injunction for protection against violence, which will automatically extend an expulsion and prohibition to return order by two weeks.

5.2.3. Strengthening support services

A number of countries adopted measures to strengthen existing support services or to introduce specific measures in response to the pandemic (AT, BE, BG, DE, DK, EE, ES, FI, FR, IT, FR, RO, SE, TU).

a. Additional funding

Bulgaria, Denmark, Finland, France and Sweden all allocated additional funding to tackle VAW during the COVID-19 crisis. Emergency funds were provided by NGOs in **Bulgaria** to fund support services, while the government in **Denmark** funded 55 extra rooms in shelters for four months (supported by the women's rights group, Danner) to meet the increased need for emergency accommodation. In **France**, EUR 1 million has been allocated to public authorities to enable victims' support services to continue their work and to fund an additional 20 000 nights in temporary accommodation such as hotels or emergency shelters for victims and their children, as well as provisions for perpetrators evicted from their homes through emergency protection or restraining orders (UNDP, 2020).

b. Reporting violence

Through the stakeholder survey and country research, additional measures to facilitate the reporting of violence were identified in Austria, Belgium, Germany, Spain, France, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Sweden and Turkey. These measures mostly centred around the expansion of existing support services (e.g. helplines).

- In **Austria**, **Ireland** and **Luxembourg**, additional helplines were set up to provide support to victims;
- Existing helplines increased their opening hours and expanded capacity by employing additional staff in **Belgium**;
- Online reporting, counselling and advice in relation to VAW were established in **Austria**;

¹¹⁷ Act No. 62/2020 Coll. on certain emergency measures in connection with the spread of the COVID-19 came into force on 25 March 2020. The Act states that if cases cannot be postponed, e.g. due to danger to life and health, they must be decided within a shortened 24-hour period.

- In **Romania**, ANES provided information for victims of DV, gender-based discrimination and human trafficking through the national hotline for victims of DV. This related to guidelines on working from home, addressing challenges of staying home with children under 12 years old and information for women living abroad in countries affected by COVID-19 (Agenția Națională Pentru Egalitate de Șanse pentru Femei și Bărbat, 2020);
- In **Turkey**, victims calling the ALO 183 Social Support Helpline can access support staff without waiting in a queue by pressing '0'. This was introduced in response to increasing numbers of calls to the helpline in March. The telephone helpline provides psychological, legal and economic advice for women and children at risk of violence (UNDP, 2020).

Innovative methods of reporting VAW were identified. In **Belgium, France, Germany, Italy, the Netherlands and Spain**, victims of violence in some cities and regions could go to pharmacies and order a 'mask 19' in order to ask for support. The pharmacist would then guide the person towards the relevant service support and contact them if necessary. However, this initiative was limited to some cities and regions.

A number of apps have been promoted to facilitate the silent reporting of VAW to NGOs, support services or, in some instances, the police. In Italy, the police service adopted an app to enable victims to report DV without risking the perpetrator overhearing a call to a helpline (see Box 5).

Box 5: Bright Sky app

Bright Sky is a free-to-download mobile app that provides support and information for anyone who may be in an abusive relationship or who is concerned about someone they know. It contains questionnaires to assess the safety of a relationship, and information to dispel myths around domestic and sexual abuse. It also allows users to contact support services without making a phone call. In **Czechia**, the ROSA Centre initiated the use of the Bright Sky app and reported more than 1 000 downloads since the start of the pandemic. The Centre also reported having 60 % more contact with victims via distance counselling than before the pandemic, which they partly attribute to the increased awareness of their service through the app.

Source: response to stakeholder consultation

c. Provision of temporary accommodation

Temporary accommodation for victims and perpetrators of VAW was provided in Germany, Estonia, France, Ireland, Malta and Turkey during the crisis. In **France** and **Germany**, unoccupied hotel rooms were repurposed to provide shelter for victims of DV to supplement refuges, which often had reduced capacity due to social distancing requirements (Oireachtas Library and Research Service, 2020).

In **Ireland**, means testing is a necessary precondition to access the supplementary rent payments for victims of VAW. However, during COVID-19 this precondition was relaxed and victims were given rent supplement payments without a means test for a minimum of three months. This was then extended by three months on a means-tested basis (UNDP, 2020).

In **Malta**, the Ministry for Social Accommodation extended the Private Rent Housing Benefit Scheme for victims of DV. This enables victims to find accommodation as an alternative to remaining in the same household as perpetrators of violence (UNDEP, 2020).

In **Turkey**, 40 facilities, including nine public institutions, 10 guest houses, 15 hotels and six dormitories, have been repurposed in 36 provinces to house survivors of VAW (UNDP, 2020).

In Brussels, **Belgium, the European Parliament** opened its building to offer accommodation for 100 vulnerable women, while ensuring social distancing. The Helmut Kohl building provided by the European Parliament accommodated women housed in emergency shelters. Open 24 hours a day, women could access medical-psycho-social support (European Parliament, 2020c and Samulsocial Brussels, 2020).

d. Counselling services

Counselling services measures focused on moving counselling from face-to-face to virtual delivery. Virtual or telephone counselling services have been introduced or expanded in Austria, Denmark, Estonia and Greece.

Support services for perpetrators have been increased in Austria and France. In **Austria**, a ‘men’s counselling for violence in the family’ helpline has been set up, which targets men who are perpetrators of VAW. The service uses a survivor-protection-oriented approach and provides support after incidents of violence (UNDP, 2020). In **France**, a national telephone helpline, ‘Do not Hit’ was launched for perpetrators of domestic violence, the first of its kind in France (UNDP, 2020).

5.2.4. Awareness-raising campaigns

Awareness-raising campaigns were the most common form of support provided in response to the COVID-19 pandemic. These were targeted at victims to encourage access to support services. NGOs conducted awareness-raising campaigns in Austria, Cyprus, Czechia, Estonia, Finland, France, Ireland, Italy, Lithuania, the Netherlands Poland, Portugal, Romania, Sweden, Slovenia, Slovakia and Turkey. Examples of activities carried out in this regard include:

- Information was provided on support services on government or NGO websites in Finland;
- In **Czechia**, Prague City Hall, in cooperation with a group of NGOs called *Hlas proti násilí* (Voice against violence), introduced a new campaign to tackle DV and VAW, where information posters advertising help for DV victims were placed around Prague.

In **Ireland**, targeted support was provided to Traveller and Roma groups throughout the pandemic. Pavee Point engaged with Traveller and Roma groups across the country to capture a picture of the situation for Traveller women and provide information and support for groups across the country.

- Developed accessible information materials for Traveller and Roma women;
- Created awareness-raising materials for Traveller women and organisations (posters, audio booklet, digital messages, short videos) shared on social media platforms, website and email contacts with Traveller groups and healthcare providers;
- Preventive work: as a response to the worrying reports of increase in DV and difficulties among Traveller women to access services, Pavee Point engaged in cross-programme collaboration to develop a social media campaign aimed at addressing abusive behaviour. The ‘It’s Never OK’ campaign saw a number of Traveller men speaking out against DV.
- Worked closely with Traveller Women’s Awareness workers in Dublin, Cork, Carlow and Wicklow by holding weekly meetings and providing one-to-one support for workers throughout the pandemic.

In **Slovenia**, the SOS Helpline for Women and Children Victims of Violence noted a reduction in calls to the helpline during the first two weeks of national lockdown. It then started awareness-raising

campaigns to connect with victims through media reports and the inclusion of the helplines' contact information in daily coronavirus conferences on national television. Contact information was advertised on posters in shopping centres, in some municipal newsletters, in pharmacies and on buses. The association reported that after an initial decrease, the number of calls from victims of violence rose sharply.

Information campaigns were also carried out in **Croatia** to encourage the general public to report incidents of violence to the relevant services or authorities. This was particularly important due to the closure of schools and limited face-to-face contact with social workers and other professionals who may ordinarily notice signs of violence.

5.2.5. Summary of response to violence against women due to COVID-19 by country

This section presents a summary of actions taken in response to tackling VAW during the COVID-19 pandemic by country in the study.

Box 6: Austria: national response to VAW in relation to COVID-19

- The UNDP's COVID-19 Global Gender Response Tracker noted that the Austrian federal government compiled a package of supports for women victims of VAW, including guaranteed places in women's refuges and the removal of violent family members from households
- 'Worries hotline' was established in order to provide confidential and professional counselling for people facing crises or difficult circumstances more generally;
- Opening hours of *Frauenhelpline* were extended
- From 1 June 2020, Helpchat (www.haltdergewalt.at) extended the provision of online counselling daily from 19.00 to 22.00 hours for women and girls affected by violence. The victim logs in with a pseudonym to protect anonymity. Counselling is offered in German, English, Turkish, Russian, Romanian and Italian
- Domestic Violence Intervention Centre Vienna continued to provide counselling for victims remotely. The centre offered to check the appointments in courts and other appointments and do necessary calls, as well as assisting victims in applying for a temporary injunction without meeting in person (with victim authorisation)
- Frauen* beraten Frauen* (NGO) carried out awareness raising measures to reach women across Austria including interviews with media

Source: submitted by national expert; UNDP (2020).

Box 7: Belgium: national response to VAW in relation to COVID-19

- Ministerial Decree of 23 March 2020 clarified that companies in the crucial sectors and essential services were exempt from the lockdown measures but had to implement homeworking and social distancing. The following were included in the list of essential services: care, reception and assistance services for the elderly, minors, disabled and vulnerable persons, including victims of DV; emergency services (police, medical services, etc.); justice institutions and related professions: law courts, the judiciary and penitentiary institutions, youth protection institutions, electronic surveillance, court experts, bailiffs, court personnel, translators and interpreters, lawyers
- As in neighbouring countries, victims of violence in some cities and regions could go to pharmacies and order a 'mask 19' in order to ask for support. The pharmacist would then guide the person towards the service support and contact them if necessary. It is unclear why this initiative was limited to certain cities and regions. Violence against women supports are managed at regional level so the approach was initially at that level
- In April 2020, an interministerial conference on women's rights decided to set up a working group for national coordination to combat VAW. As a result of the initiative, the various representatives of the different level of governance (federal, regions, communities) agreed to adopt key actions, such as increasing the capacity of helplines, continuing services targeting offenders, ensuring that police officers are aware of applicable protocols to deal with DV cases, and monitoring housing/shelter capacity
- In the French-speaking community, the 'Conjugal and intra-family violence' task force was set up by the Wallonia-Brussels Federation, the Brussels-Capital Region and the Brussels French Community (Cocof) to assess how to respond to the risks of increase in violence during the lockdown. The task force consulted actors on the ground and assessed the needs in the sector. It launched an awareness campaign that ran from mid-April until end of May and shelters' capacities were increased in Wallonia and Brussels. As a result of the increase in calls received by the main French-speaking helpline for DV victims, the Walloon government allocated additional budget to the helpline to increase its resources
- In Flanders, no similar coordinated approach or initiative was identified, with initiatives adopted in a piecemeal manner. An awareness campaign was launched, including where to seek support. The network of Flemish pharmacists worked to implement the alert code system for DV throughout pharmacies. The Flemish Minister of Justice and Enforcement invested EUR 280 000 in the short-term, as well as towards structural strengthening of the approach to DV and child abuse in the five Flemish provinces.
- *Hulplijn 1712* (professional helpline for questions about violence, abuse and child abuse) conducted awareness-raising campaigns to promote its service, increased its opening hours and employed additional staff to keep up with demand on services.

Source: submitted by national expert and response from Hulplijn 1712 to stakeholder consultation.

Box 8: Bulgaria: National response to VAW in relation to COVID-19

- PULSE Foundation (NGO) supported clients with food, disinfectant and clothes donated by other organisations and general public
- Bulgaria Fund for Women established an emergency fund that supported 12 services during the first four months of the pandemic. The fund was distributed to organisations in July.
- Bulgaria adopted a national programme to prevent and protect women and children against DV in May 2020
- WHO and the NGO Animus ran a joint advocacy and awareness-raising campaign to promote the importance of maintaining services for women and child victims of violence during the COVID-19 crisis and the state of emergency.

Source: submitted by national expert, and response from PULSE foundation and the Bulgaria Fund for Women in response to the stakeholder consultation.

Box 9: Croatia: national response to VAW in relation to COVID-19

- Civil Defence HQ of the Republic of Croatia designated the Ministry of Demography, Family, Youth and Social Policy for the coordination and organisation of social welfare institutions during the pandemic, with procedures for the protection of victims of violence, children and other vulnerable groups defined as a priority. Social services centres are instructed to act with urgency, crisis intervention teams have been formed and are on 24/7 duty, and control and monitoring has been enhanced for known families at risk and in treatment, victims of violence are provided with urgent accommodation, and service providers cannot refuse accommodation for victims in crisis situations
- The Ministry of Demography, Family, Youth and Social Policy issued a statement on how to deal with the increased risk of DV and child abuse and neglect due to increased isolation measures to combat the COVID-19 epidemic. The Ministry of the Interior has on several occasions encouraged citizens to report child abuse and DV to the authorities

Source: Document submitted by Women's Room NGO and Ombudsman for Gender Equality in response to stakeholder consultation and data submitted by national expert.

Box 10: Cyprus: National response to VAW in relation to COVID-19

- The Cyprus authorities have not taken specific measures to prevent VAW and support victims during the pandemic. The government relied on the established legal and policy framework on DV and VAW
- NGOs appealed to the government to follow the guidelines provided in the declaration of the Committee of the Parties to the Istanbul Convention, on how to address the challenges that COVID-19 poses to the implementation of the Convention. However, the national research could not identify whether the guidelines were followed by the Cyprus government
- The Advisory Committee for the Prevention and Combating of Violence in the Family (ACPCVF) created a new section on its website about COVID-19 (<http://www.familyviolence.gov.cy>), had close contact with police and social welfare services to be alert of possible escalation of known domestic violence cases, was in contact with SPAVO (the NGO running shelters for women victims of DV) to overcome financial and procedural difficulties due to the pandemic and thus enable shelters to continue to operate, engaged with relevant ministries and NGOs to communicate to the public that DV cases are exempted from lockdown and victims can seek and receive help at any time

Source: submitted by national expert and response by ACPCVF to stakeholder consultation.

Box 11: Cyprus: National response to VAW in relation to COVID-19

- The Cyprus authorities have not taken specific measures to prevent VAW and support victims during the pandemic. The government relied on the established legal and policy framework on DV and VAW
- NGOs appealed to the government to follow the guidelines provided in the declaration of the Committee of the Parties to the Istanbul Convention, on how to address the challenges that COVID-19 poses to the implementation of the Convention. However, the national research could not identify whether the guidelines were followed by the Cyprus government
- The Advisory Committee for the Prevention and Combating of Violence in the Family (ACPCVF) created a new section on its website about COVID-19 (<http://www.familyviolence.gov.cy>), had close contact with police and social welfare services to be alert of possible escalation of known domestic violence cases, was in contact with SPAVO (the NGO running shelters for women victims of DV) to overcome financial and procedural difficulties due to the pandemic and thus enable shelters to continue to operate, engaged with relevant ministries and NGOs to communicate to the public that DV cases are exempted from lockdown and victims can seek and receive help at any time

Source: submitted by national expert and response by ACPCVF to stakeholder consultation.

Box 12: Czechia: national response to VAW in relation to COVID-19

- NGOs have implemented new forms of services, such as online consultations, and intensified those already in place
- ROSA Centre for women initiated the use of the Bright Sky app, which allows victims to contact support services without a telephone call. ROSA reported more than 1 000 downloads of the Bright Sky app and 60 % more contact with victims via distance counselling forms than before the pandemic
- The Committee for Prevention of Domestic Violence and Violence Against Women under the Government Council for Equal Opportunities for Women and Men held a meeting on 18 June 2020 on the protection of DV victims during the state of emergency. The press release from the meeting did not refer to any specific legal measure implemented during the state of emergency
- The Council introduced a series of recommendations to address the negative impact of the COVID-19 pandemic on 24 July 2020, which included measures already implemented, not yet implemented, recommendations for the states of emergency in the future and measures suggested by the Czech Women's Lobby. The measures addressing DV and VAW include assessing the consequences of the increased number of DV cases during the state of emergency or to submit an amendment to the Act on Social Services ensuring the availability of specialised shelters for victims of DV

Source: submitted by national expert.

Box 13: Denmark: national response to VAW in relation to COVID-19

- To meet the increased need for emergency accommodation, the government funded 55 extra rooms in shelters for four months, supported by the women's rights group, Danner
- The Danish Parliament allocated funding for providers of outpatient counselling services for survivors and perpetrators of DV to increase their capacity
- The national hotline on DV has introduced an email service to reach survivors of DV and has scheduled telephone counselling sessions to account for the temporary closure of counselling services for survivors of violence

Source: submitted by national expert; UNDP (2020).

Box 14: Estonia: national response to VAW in relation to COVID-19

- Law amendments were planned before the lockdown but in May 2020, two legal amendments were adopted that are important for protecting victims and survivors:
- Article 141(1) of the Code of Criminal Procedure on temporary restraining orders - in urgent cases, a protection order may be established by an order of a prosecutor's office, regardless of the consent of the victim.
- Article 2(2) of the Victim Support Act stipulates that victim support services in women's support centres may be provided by volunteers and persons who have not completed in-service training during an emergency situation, a state of emergency or a state of war, if this is indispensable for continued provision of victim support services
- Combining perpetrator's 48-hour detention and temporary restraining order and specialist support services for the victim gives the possibility to break the circle of violence. The local government should reserve vacant accommodation in the municipal housing stock for this purpose
- On 19 May 2020, guidelines for local governments and social service providers were issued by the Ministry of Social Affairs. The guidelines stress that in DV cases, local governments must ensure accommodation for people who have used violence against their family members, who have an emergency barring order and who do not have alternative accommodation.
- Estonia has reported (to the Council of Europe) different measures and practices put in place during the crisis to guarantee support for the victims of gender-based violence and DV, as well as for specialist shelters. Guidelines for women's support centres for working in emergency situation were developed by the Social Insurance Board and the Health Board. All women's shelters have communicated these guidelines to clients and employees. Additional women's shelter accommodation options and volunteers' reserve were studied and identified. All women's shelters participated in web briefings, urgent issues were discussed and best practices were shared. Encouraging messages were sent through media channels, and web-based solutions and chat options were promoted. Multi-Agency Risk Assessment Conferences (MARAC meetings) continued – virtually - during the lockdown period
- Web-based counselling and digital services were promoted. Advice and information about decisions on maintenance allowance was available from the self-service environment of the Social Insurance Board (SKA) using an ID card, Mobile-ID or Smart-ID.
- Awareness-raising campaigns were initiated by SKA in the pre-lockdown period but a campaign to recognise violence and to encourage victims to seek help was launched on 5 May 2020. The target group is the general public, victims, survivors, bystanders. The message 'Your intervention can save someone's life' is highlighted.
- Social Insurance Board provided additional funding for service provision and proactively contacted previous clients who were in risk-groups (elderly, high-risk cases)

Source: submitted by national expert, and response to stakeholder consultation by SKA.

Box 15: Finland: national response to VAW in relation to COVID-19

- Information on COVID-19 is updated on national shelter and the *Nollalinja* Helpline websites
- The Finnish Institute for Health and Welfare (THL) provided information on shelters for victims of DV during the pandemic. Specifically, information is provided on the availability of services for persons belonging to a COVID-19 risk group or who are affected by the virus. In addition, shelters in specific areas (e.g. Kerava) accommodate clients belonging to risk groups in separate isolated rooms. THL is also collecting data about the impact of COVID-19 on service use.
- The Sophie Mannerheim shelter in Helsinki and the Esikko shelter in Pori offer separate accommodation in an apartment setting for those working with persons infected with COVID-19. Information on the availability of these services has been shared via social media.
- An alliance of NGOs provided food packages containing ingredients and recipes for a week's worth of meals to over 5 500 families, including families leaving shelters or families that use daytime services for the victims of violence
- The Federation of Mother and Child Homes were part of the Uber company's #movewhatmatters campaign, which gave free rides in the Helsinki area to ensure safe travel for the workers and families using their services
- The Finnish government provided additional funding to one NGO that provides mostly virtual services for women victims of DV, enabling it to extend its capacity for the autumn.

Source: submitted by national expert, and respondents to stakeholder consultation including The Federation of Mother and child homes and the National Institute for Health and Welfare (THL).

Box 16: France: national response to VAW in relation to COVID-19

- Numerous campaigns have been launched to raise awareness of the support services available to victims
- The national helpline was open every day of the week from 19 April
- In collaboration with professional associations, public authorities set up support points in supermarkets and pharmacies, where victims of violence were able to find information, seek help and get protection. 99 support points were set up in supermarkets throughout the territory and provided support (mainly information) to 394 persons during the confinement. From March 2020, victims of violence could report incidents of violence to pharmacists who could then, with the victim's consent, alert law enforcement authorities. In case the perpetrator was present, victims could use the alert code 'MASQUE19'. Research available shows that this alert system enabled eight reports, including five immediate arrests
- New means of reporting violence have been set up, such as a new chat function on the national website against VAW or a specific SMS-friendly number (114)
- Partnerships were set up with associations working with perpetrators to ensure their eviction from the shared home and a helpline was specifically created to deal with perpetrators
- Additional funding was provided to shelters to increase their capacity during the lockdown.

Source: submitted by national expert.

Box 17: Greece: national response to VAW in relation to COVID-19

- The GSFPGE has implemented a campaign to raise awareness on the dangers of quarantine for women entitled 'we say no to violence!'.
- The Center for Security Studies (KE.ME.A.) of the Ministry of Civil Protection is currently conducting research to map the crime of domestic violence, during the quarantine imposed due to the pandemic.
- The national Centre for Social Solidarity (E.K.K.A) has adapted their services in response to the Covid-19 pandemic. They are currently offering alternative ways of contact for victims and other support services (consultation, psychological support) through Facebook, a private mobile number, and their email. They also conducted a campaign to raise awareness on gender-based violence.
- NGOs provided support to victims including counselling services, temporary accommodation, social media posts on available support, targeted awareness raising of available support services to migrant women, collaboration with NGOs
- The Hellenic Police created information material for the general public and supported police services on the management of incidents relating to VAW
- Kaval authorities offered social and psychological support to all citizens.

Source: submitted by national expert

Box 18: Germany: national response to VAW in relation to COVID-19

- The Federal Ministry of Family, Seniors, Women and Youth launched a series of communication tools to raise awareness of the enhanced risk of DV during the pandemic. This included official press releases, communication on social media channels, national TV stations and main news channels. The measures were implemented through the national action programme 'Together against violence against women', thus also reaching local level. For example, posters about what to do in the case of DV were distributed at supermarkets, food shops, petrol stations, etc. (i.e. establishments still open during the lockdown)
- The federal government attempted to create a social security umbrella for the women's shelter and support services sector in Germany. It passed a law enabling easier access to social security and protection of social services because of COVID-19. This bill also includes measures for violence protection services, like women's shelters and women's support services
- Women's shelters had to adopt a range of practical solutions for COVID-19-related shortages in shelter spaces. They struggled to comply with infection protection measures, such as social distancing and limited contact, and increasing infection risk. Networks of NGOs working in the VAW sector have already provided special information and advice for their member services and are continuing to work on practical ways to comply with the infection protection measures in the daily running of women shelters. Some of these measures are the short-term renting of hotel rooms and holiday accommodation
- The national initiative 'stronger than violence' offers information about open support services. Its website combines existing supports for women and men affected by violence and offers practical solutions and supports. The website also offers up-to-date information on where and how to access help and support during the pandemic. An overview of the most important (crisis) support services are instantly available on opening the website
- There is a federal working group on perpetrator work. That group advised its almost 80 member organisations to not have personal client contact, including group, individual and couple sessions, until further notice. Client contact should still be made available via phone or online. Clients should be offered to contact support services online or on the phone in crisis situations. Mandatory appointments can also be scheduled online or via phone.
- NGOs provided additional information to service users via the media, via their websites and through telephone support, translated information for migrant women and met with professionals who have contact with potential service users e.g. doctors to increase awareness of needs of victims of VAW.
- Awareness raising campaign run by government in Offenbach city to provide information on where to find help for domestic violence. This included a display of posters across the City provided in different languages

Source: submitted by national expert and respondents to the stakeholder consultation.

Box 19: Hungary: national response to VAW in relation to COVID-19

- Government Decree 71/2020 introduced measures to restrict freedom of movement. One of the most important provisions of the Decree prohibits leaving home but includes a number of exceptions for a justified reason. Shortly after introducing the Government Decree, the Ministry of Human Capacities' State Secretary for Family and Youth Affairs emphasised that the restrictions do not apply to victims of violence who need support
- Victim support centres remained open and in June 2020 the national victim support service centre was expanded, with a new crisis centre opening in Pécs

Source: submitted by national expert.

Box 20: Ireland: national response to VAW in relation to COVID-19

- 'Still here' awareness campaign
- NGOs conducted awareness-raising campaigns regarding services available for victims, provided briefings to RCCs and shelters, e.g. on confidentiality and remote counselling
- Additional EUR 160 000 allocated to DV organisations
- The police established 'Operation Faoisimh' (relief) to support victims of DV
- Courts service and the Legal Aid Board prioritising DV and childcare cases
- Legal Aid board has set up a helpline to assist victims of DV
- Pavee Point Traveller and Roma Centre provides targeted support and awareness-raising for Traveller and Roma communities

Source: Oireachtas Library & Research Service (2020). *L&RS Note: Domestic violence and COVID-19 in Ireland*. Submitted through stakeholder consultation.

Box 21: Italy: national response to VAW in relation to COVID-19

- The government introduced a reporting app, allowing victims to send messages and pictures to authorities without alerting perpetrators
- Authorities in some areas launched informal contact mechanisms, including WhatsApp groups designed to help victims to access support services
- *Centro Veneto Progetti Donna* ran a multilingual information campaign on the impact of COVID-19 on women, 'What can you do' if you know that a woman is in a situation of violence and a campaign entitled "How can you call us safely"

Source: Submitted by national expert, citing Nightingale, M., Hofman, J., and Grand-Clement, S (2020). Measures to help domestic abuse victims during COVID-19 are welcome but not enough; RAND Europe and Cristoferi (2020). In Italy, support groups fear lockdown is silencing domestic abuse victims.

Box 22: Latvia: national response to VAW in relation to COVID-19

The Cabinet of Ministers adopted amendments to Regulation No.161 on prevention of violence and application of interim measures. The amendments impose an obligation on the police to provide certain information to the social services on any police visit involving DV, allowing social services to monitor and act in relation to families or people in need of assistance

Source: Submitted by national expert.

Box 23: Lithuania: national response to VAW in relation to COVID-19

- The Ministry of Social Affairs and Labour issued communication materials (such as YouTube videos) highlighting the potential increase in DV and how to obtain help. There was increased government-sponsored communication towards people at home to contact support helplines, including specific helplines for women and children. The official message reminded people how to recognise DV, and how and where to ask for help
- A joint interministerial plan has been adopted to address the impact of COVID-19 on mental health, including DV. The plan foresees hiring an extra 200 psychologists, moving more support services online, and increasing the number of consultations and interventions
- The Office of the Equal Opportunities Ombudsperson produced social media and traditional media communications on the need to strengthen measures to tackle the increase of DV because of the lockdown

Source: submitted by national expert; response by Office of the Equal Opportunities Ombudsperson to stakeholder consultation.

Box 24: Luxembourg: national response to VAW in relation to COVID-19

- From the beginning of the crisis, a crisis management mechanism was put in place to prevent a substantial increase in DV, with the support of the Minister of Equality between Women and Men. The mechanism's main task included:
 - Weekly monitoring of the evolution of DV
 - Development of the information site violence.lu (with an FAQ 'Domestic violence and COVID-19' in Luxembourgish, Portuguese, French and English)
 - Implementation of a pilot helpline, managed by organisations under agreement with MEGA
 - Continuing the expulsion mechanism (see challenge 1) for offenders
- Five organisations collaborated to launch a new helpline (2060 1060) to support victims of domestic abuse during the COVID-19 crisis. The helpline is supported by the Ministry of Equality and is available by phone or email, seven days a week, from 12pm to 8pm. A new website was established for victims of DV and VAW - <https://violence.lu/>. The website provides information on support services for each type of violence and victim, as well as information on the forms of such violence and the Istanbul Convention.

Source: submitted by national expert

Box 25: Malta: national response to VAW in relation to COVID-19

- While various guidance documents for women have been published in the midst of the COVID-19 pandemic in Malta, include guidance for pregnant mothers and for breastfeeding, no guidance has been identified on preventing VAW during the pandemic
- The Domestic Violence Services within the Foundation for Social Welfare Services (FSWS) maintained contact with the other DV shelters and services that provide support to victims through a network set up by the Commission for Gender-Based Violence and Domestic Violence. The FSWS provided a temporary secure shelter to victims of DV while awaiting the result of the COVID-19 swab test, and later provided transportation to the DV shelter

Source: submitted by national expert; response by FSWS to the stakeholder consultation.

Box 26: Netherlands: national response to VAW in relation to COVID-19

- In April, the government started a campaign against DV - via TV, radio and online advertising. The campaign aimed to help victims and bystanders to take action in the face of DV. A website with tips and advice was also created
- A measure starting from 1 May 2020 enabled victims of DV to use the codeword 'Mask 19' (*Masker 19*) in pharmacies to report DV. If this code is used, the pharmacist will put them in touch with counsellors. The code word is intended as a last resort for victims of DV who cannot safely report to 'Safe at Home'. This code was reportedly used 16 times from 1 May - 1 July 2020
- Some members of *Veilig Thuis* created a chat function on their website to enable victims of DV to message for support rather than call if needed.

Source: submitted by national expert; *Veilig Thuis* Midden-Brabant

Box 27: Portugal: national response to VAW in relation to COVID-19

- A number of measures were put in place with the aim of preventing violence and supporting victims, in particular while individuals were confined at home. These actions were detailed in letters from the Permanent Mission of Portugal subsequently published by the Office of the United Nations High Commissioner for Human Rights (UNHCR):
 - Support services for victims of gender-based violence were categorised as essential and remained active
 - Existing services were strengthened and adapted, e.g. emergency staff conducted additional monitoring and support was delivered remotely, including through a new SMS helpline
 - Provision of temporary accommodation was increased. Two new emergency shelters opened with a capacity for 100 people
 - An awareness-raising campaign was launched in national media under the theme '*#SegurançaEmIsolamento*' (safe while confined). This provided advice on reporting DV and information about supports available to victims

Source: submitted by national expert.

Box 28: Poland: national response to VAW in relation to COVID-19

- On 30 April 2020 the government adopted laws authorising the police to order a perpetrator of violence to immediately leave the home and its direct surroundings. The order to leave lasts for 14 days, and the court may extend this period at the request of the victim. The police will be required to regularly check that the perpetrator complies with these sanctions. If they break the ban, the police will be able to use coercive measures (arrest, restriction of liberty or a fine)
- Other activities undertaken by the Ministry of Family, Labour and Social Policy include:
 - Issuing guidelines for local authorities on how to organise facilities providing shelter. It contains recommendations regarding the organisation of work and the collective life of people staying in them
 - Developing guidelines on the organisation of interdisciplinary teams and working groups and the implementation of the 'Blue Card' procedure for social workers who work with at-risk families
 - Recommendation to identify and inform people experiencing violence about places and institutions that provide specialist support (e.g. psychological or legal), in particular counselling provided by phone or email
 - Recommendation to report cases of suspected escalation of violence to the police for intervention
 - Recommendation that families with children experiencing violence should be subject to special protection and ongoing monitoring
 - A call was made to municipalises to make people aware of the need to react to acts of DV
 - Requesting regional authorities to create databases with the current local supports for people experiencing DV. These databases were to be posted on the websites of offices
 - Activities to promote the 'Your Umbrella' application, targeted at people experiencing DV. The application allows discreet contact with a previously configured email address, as well as the ability to quickly dial an emergency telephone number. It also contains information that may be helpful to injured persons
 - NGOs set up virtual support groups for victims and provided information on services via social media and their websites.

Source: submitted by national expert.

Box 29: Romania: national response to VAW in relation to COVID-19

- ANES published a plan of measures to prevent and combat DV, in light of the measures imposed at national level to combat the spread of COVID-19 (ANES, 2020). This included an extensive list of 23 key measures:
 - Carrying out analysis of the situation
 - Providing permanent communication through social media and the ANES website to inform the public about available measures, rights and support services
 - Communication on protection measures
 - Ongoing dialogue with relevant service providers, the Ministry of Labour and Social Protection and NGOs
 - Diversifying the types of support available through the national helpline and training helpline operators
 - Permanent dialogue with police to ensure issuance of protection orders
 - Exchanging information and best practices with organisations in other countries and international bodies
 - Collaboration with Vodafone to create a dedicated app for victims
 - Development of safety plans for victims
 - Partnership with relevant stakeholders to initiate a campaign supporting victims through pharmacies
 - Partnership with the Federation of the Hotel Industry in Romania to allocate hotel rooms for victims
 - Working with supermarket networks to provide information and support actions for victims
 - Working with online retailers to include information in dispatched packages
 - Protocol to support the socioeconomic integration of victims
 - Broadcasting public messages on TV.
- Fundacia Sensiblu (NGO) provided virtual support to victims and created safety plans for victims of VAW during the lockdown which were promoted on social media (<http://www.fundatiasensiblu.ro/plan-de-siguranta-pentru-femeile-aflate-intr-o-relatie-violenta/>)
- ANAIS Association (NGO) organised two campaigns- #IsolateViolence (<https://izoleazaviolenta.ro/>) and "AcumStii" (<https://acumstii.ro/>) to raise awareness of dangers faced by victims of domestic violence during lockdown.

Source: submitted by national expert; response to stakeholder consultation by *Sensiblu* Foundation.

Box 30: Slovakia: national response to VAW in relation to COVID-19

- The Ministry of Interior of the Slovak Republic published a series of recommendations and useful information on 20 April 2020 related to the increased number of DV cases in other countries, encouraging those exposed to DV to closely follow recommendations and statements provided by the Expert Working-Advisory Group for the national project '*Pomoc obetiam*' ('Help for victims'). The recommendations included that Act No. 62/2020 Coll. (on certain emergency measures in connection with the spread of the dangerous contagious human disease COVID-19) that came into force on 25 March 2020 also took into account DV. The Act states that if court cases cannot be postponed, due to for example danger to life and health, they must be decided within a shortened 24-hour period. Several recommendations were included for victims of DV, e.g. if a victim is afraid to call helplines, a text message can be sent to the number 112
- The Institute for Labour and Family Research promoted the issue of DV and the national helpline through various channels. They also carried out research to map the needs of women survivors of violence (weekly survey of service providers, data collection on capacity of shelters).

Source: submitted by national expert.

Box 31: Slovenia: national response to VAW in relation to COVID-19

- NGOs fundraised through online campaign to support women's shelters
- SILA IWCL (NGO) conducted an awareness campaign with *IPES Institut Slovenia*

Source: submitted by national expert and respondents to stakeholder consultation.

Box 32: Spain: national response to VAW in relation to COVID-19

There have not been broad centralised efforts to implement measures preventing VAW and supporting victims in the context of the COVID-19 pandemic. The 016 hotline (see section 2.3.2) has continued to be open for use. The Ministry of Equality has published an online guide containing advice on who to contact for emergencies, legal aid, psychological assistance, or counselling for those suffering or at risk of DV due to the lockdown restrictions.

Source: Submitted by national expert.

Box 33: Sweden: national response to VAW in relation to COVID-19

- Ministry of Employment, Division for Gender Equality provided additional grants for regions (healthcare), municipalities (social services) and civil society organisations
- The government of Sweden tasked the Swedish Gender Equality Agency with identifying and developing effective methods for local governments to spread information about domestic and honour-based violence. The Equality Agency was also given the responsibility of establishing contact with victims of violence. The specific methods for raising awareness and supporting victims are to be individualised for the specific circumstances resulting from the COVID-19 pandemic. The Agency will receive SEK 1.8 million in 2020 to carry out this assignment. A report on the specific tasks is expected to be delivered to the Ministry of Employment by 26 February 2021
- •The National Board of Health and Welfare are assigned to provide grants to women's shelters whose work has been affected by the pandemic. The board allocated SEK 100 million to non-profit organisations who support children, women and LGBTIQ+ people who have been disproportionately affected by the outbreak of COVID-19 and/or have been subject to any form of violence, including DV and honour-based violence
- The Board also ran an information campaign (LinkedIn, newsletters) on VAW to remind healthcare and social services to ask patients for possible exposure to violence
- The Board has also begun a project to evaluate the consequences of the pandemic on VAW and has continued to work on several government assignments on VAW.

Source: submitted by national expert; information provided by the National Board of Health and Welfare and the Ministry of Employment, Division for Gender Equality in response to the stakeholder survey.

Box 34: Turkey: national response to VAW in relation to COVID-19

- NGOs prepared information sheets on available support services and distributed them to the public, funders and stakeholders
- NGOs used social media to inform women of their rights during the pandemic and to escalate pressure on the government to implement actions against VAW

Source: Submitted by national expert.

6. CONCLUSIONS AND RECOMMENDATIONS

6.1. Conclusions

This section presents a series of conclusions drawn from the main findings and analysis conducted as part of this study. They are grouped by the following thematic areas: the added value of the Istanbul Convention; the reasons for and impact of not ratifying the Istanbul Convention; and the impact of and response to COVID-19 on VAW.

6.1.1. The added value of the Istanbul Convention

The Istanbul Convention has been influential in prompting the adoption of legislative amendments/new legal measures at national level, with respect to both progressive and more challenging approaches.

- The act of **ratifying the Istanbul Convention has triggered positive amendments** to existing legislation and/or the adoption of new legal measures in State Parties to tackle VAW and DV. Malta introduced a legislative act that voided existing legislation that was inconsistent with the rights outlined in the Convention (except where it provides a higher degree of victim protection). In Sweden, ratifying the Convention led to an expansion of the provision on restraining orders to include perpetrators who share a permanent resident with the victim, and to the addition of provisions against forced marriage to the Penal Code. The evaluation of national implementation through the GREVIO monitoring mechanisms is expected to bring further legislative and policy changes as countries address GREVIO's recommendations.
- **Even non-ratification can lead to positive legislative developments** in support of tackling VAW and DV, in part influenced by the Convention. In Czechia, the government introduced legislation in 2018 to better align its legislative framework to requirements of the international community in the area of VAW and DV (i.e. the Istanbul Convention). However, overall legislative changes are less extensive in countries which have not ratified.
- The **gender-neutral approach** to the drafting of the substantive criminal offences both in national provisions and the Convention itself (with the exception of FGM, forced abortion and forced sterilisation) has been criticised for failing to recognise the gendered nature of the forms of violence it covers. This approach is mirrored in the language adopted across countries, with most EU Member States adopting gender-neutral legal texts and policies. Only two Member States have established a gender-specific criminal offence: Sweden and Slovakia. While violent conduct must be criminalised regardless of the sex of the offender, **the gendered nature of violence should be reflected** in either specific gender-based violence criminal offences or in the aggravating circumstances linked to specific VAW and DV conduct. In addition, **this gender-neutral approach is connected to the lack of specific criminal offences** in several countries for violent conduct that is typically gendered, such as FGM or forced sterilisation, which instead falls under broader offences such as bodily harm, or, in the case of sexual harassment, is limited to the workplace.

Despite the recognition of four forms of violence as expressions of DV in the Istanbul Convention, most countries do not specifically refer to these four forms in their definition of DV.

- **Only seven countries** (BG, HR, LT, LV, MT, RO, TU) refer to **physical, sexual, psychological and economic violence** in their legal definitions of DV. Thus, in those countries that do not legally define DV at all or refer only to certain forms of DV, victims could find it difficult to seek

adequate DV-specific protection and legal redress for all four forms. However, an absence of legal recognition of all four forms of DV does not mean that they are not all covered by a range of criminal offences – they frequently are, albeit not within the context of DV and not covering all manifestations of the violence.

- This **lack of legal recognition** is reflected in the scope of **protection orders** that are available in the case of DV. Protection orders cover these four forms of violence in only 10 countries (BE, BG, FR, HR, LT, LV, MT, RO, SI, TU), limiting the practical protection offered to women victims of DV when experiencing different forms of violence.
- The ratification of the Istanbul Convention has prompted Member States to establish new criminal offences for those types of conduct that previously fell under various broader offences, such as stalking, forced marriage and FGM. By comparison, **countries that have not ratified are less likely to fully recognise those forms of violence**. For example, none of the six non-ratifying countries have explicit criminal provisions on FGM, creating gaps in the legal protection. The **absence of specific criminal offences renders the violence invisible**, not only in the legislative and policy responses but also when it comes to funding specialist support services and collecting data.

Ratification of the Convention has promoted the adoption of NAPs/strategies on VAW and DV in approximately half of the EU Member States, suggesting that work remains to be done to ensure that tackling VAW and DV remains a policy priority.

- **14 countries** (CZ, DE, DK, EE, FI, FR, IT, LT, MT, NL, PT, RO, SE, TU) **adopted an NAP/strategy on VAW and DV since ratifying the Convention**. Four Member States have no NAP/strategy on VAW and DV (AT, EL, HU, SI), while an additional four adopted one but it has since lapsed (BE, CY, LV, SK). Two Member States have a strategy on gender equality partly covering VAW (BG, LU). This picture presents a mixed impression of national policy commitments and reveals that certain countries have committed to practical action to varying extents and with different priorities.
- Stakeholders reported that the Convention's influence is evident in **increased awareness** of the issue of VAW and DV at policy level and in society. They noted that the Convention has empowered professionals at all levels, who have benefited from a new impetus and heightened sense of awareness of the issue. The Convention has helped to bring the issue of VAW and DV to the **forefront of policy-making** across EU countries and elevated the need for victim protection.

A strength of the Convention lies in its requirement to set up a range of support services. A pattern can be identified between ratifying and non-ratifying countries with respect to establishing new services.

- The Istanbul Convention and the Victims' Rights Directive have influenced the availability of support services across the EU. **New specialised support services have been identified in 10 countries since ratification**. Stakeholders reported an increase in the provision of shelters for victims, as well as increased public services for victims. RCCs or sexual violence referral centres have been established in 14 ratifying countries which have ratified (BE, DE, DK, EE, ES, FI, FR, IE, LU, MT, NL, PT, RO, SE). The **Convention has directly contributed** to the setting up of such services in a number of countries (e.g. BE, FI, PT).
- In the countries that have not ratified, only Czechia and Hungary have both general and specialised support services in place. The remaining four non-ratifying countries (BG, LT, LV, SK),

have **no general victim support services, nor were any RCC or sexual violence referral centres** identified there.

While the majority of countries have regulated and/or standardised risk assessment/management processes in place at national level, a significant number do so on a more ad hoc basis and with limitations to certain regions or actors.

- Although ratification of the Convention prompted at least two countries to adopt new standardised tools or procedures for risk assessment or management, **nine others** (BE, BG, DE, DK, HR, HU, IT, LU, LV), including three non-ratifying countries, **have no regulated/standardised risk assessment/management processes**. This means that victim safety is not guaranteed by robust and well-established due diligence processes, undermining the quality and consistency of protection offered to victims of VAW and DV across Europe.

The Convention brings key innovations and strengthen the legal framework to tackle VAW and DV effectively by addressing the root causes of violence. Its monitoring mechanism adds to its value, with independent expertise used to prompt improvements in tackling VAW and DV.

- The Convention offers key innovations in combining the existing international human rights framework and ECtHR jurisprudence into a **single instrument** and establishing comprehensive requirements to prevent and combat VAW, from its causes to consequences. Those **innovations** include new legal offences, requirement of due diligence, coordinated and integrated approach to eliminating VAW, requirement to set up a range of dedicated victim support services and protection tools, and obligations to tackle the root causes of violence and prevent further violence.
- The Istanbul Convention lays down a **monitoring mechanism** to ensure effective implementation of the Convention through an independent body of experts (GREVIO) and a political body (the Committee of the Parties). GREVIO monitors the implementation of the Convention through a reporting system, data, expert analysis and country visits. Its evaluations and recommendations, while not legally binding, **indicate areas of improvements for countries to align with the Convention** and prompt better tackling of VAW.
- In ratifying the Convention, countries must designate or establish a coordination body with responsibility for the coordination, implementation, monitoring and evaluation of policies and measures. This requirement has **generated several good practices** in Member States, strengthening coordination between civil society actors and government institutions and recognising the need for a multi-sectoral approach.

6.1.2. The reasons for and impact of not ratifying the Istanbul Convention

Opposition to the Istanbul Convention arises for a number of reasons, all of which are rooted in efforts to preserve certain 'traditional' ideas. In almost all cases, the content and scope of the Convention itself does not undermine these ideas, with conservative and religious agendas instead fearing that ratifying will signal other progressive changes.

- The **most common arguments** preventing the remaining six Member States from acceding fully to the Convention **centre on a set of (often linked) assumptions**: that the Convention is opposed to traditional values; that gender is a biological construct; that the Convention is at odds with conservative nationalist political and/or religious agendas; and that it will lead to the recognition of LGBTIQ+ rights.

- **The scope of the Convention** applies to violence which affects **women**, and DV which affects **children** (and to a lesser extent, **men**). The Convention **does not regulate family values, same-sex marriage or other LGBTIQ+ rights**. It mentions gender identity and sexual orientation once, in a provision requiring authorities not to discriminate when providing victims' rights, victim support or any other measures under the Convention. In the (contested) provision requiring ratifying countries to promote measure to eradicate prejudice based on the idea of the inferiority of women or stereotyped roles for women and men, the Convention provides a wide margin of discretion in implementation, allowing a maximum of flexibility for each country to adopt the measures best suited to its national context. It is a far cry from the claims of 're-education of society'. In addition, the persistence of stereotyped roles has been widely recognised as the **root cause** of VAW by social science and international human rights law.
- This **mismatch** between the actual requirements of the Convention and the claims against it has highlighted the need to acknowledge the **wider, socio-political contexts** within which opposition is arising. Resistance to the Convention has been led by conservative political leaders and religious actors. A worrying thread in the resistance to ratification is the **involvement of religious actors** in political decision-making, often directly pressuring policymakers. It is also directly linked to the rise of **nationalist political agendas**, which are often intolerant to social progress and driven by a stereotyped (patriarchal) vision of families. The Convention and the concept of 'gender ideology' is **used to build a (foreign) enemy figure**. A discourse of threat to national sovereignty is used to resist various issues attributed to the liberal agenda, such as reproductive rights, LGBTIQ+ rights and gender equality. This discourse also contributes to create a lack of trust in international and European organisations and institutions.

Non-ratifying countries often display public attitudes to intimate partner violence, VAW and gender roles that can help to contextualise opposition to the Convention.

- **High frequencies of victim-blaming** are evident in Lithuania, Latvia and Slovakia (86 %, 79 % and 69 %, respectively), relative to the EU average of 52 %. The **six non-ratifying countries also show the highest percentage of strong gender stereotypes** against women in the EU. In five of the six non-ratifying countries, at least one-quarter believe that it is not acceptable for men to cry: Lithuania (34 %), Romania (33 %), Bulgaria (32 %) and Slovakia and Croatia (both 25 %). The EU average is 10 %. These same six agreed most strongly that women are more likely than men to make decisions based on their emotions.
- None of the non-ratifying countries has recognised **same-sex marriage**. The 2019 Eurobarometer on discrimination shows that fewer citizens agree that same-sex marriages should be allowed throughout Europe, in Bulgaria (16 %), Hungary (33 %), Latvia (24 %), Lithuania (30 %), and Slovakia (20 %). Member States that have not ratified the Convention are among the least likely in Europe to agree that public documents should introduce a **'third gender' option**, particularly in Bulgaria (7 %), Hungary (13 %), Slovakia (21 %) and Latvia (21 %).

6.1.3. The impact of and response to COVID-19 on violence against women

Helplines providing services for victims of VAW and DV noted increased use of their services by women and other victims during the COVID-19 pandemic.

- Over half of the stakeholders agreed that **VAW and DV have increased during the COVID-19 pandemic**, as demonstrated by increased calls to telephone helplines.
- **Increases to helplines** ranged from 25 % in Ireland, 30 % in Germany, and over 50 % in Belgium, to 233 % in Romania and 694 % in Finland. Although lacking specific supporting data, other helplines across the EU (BE, BG, HR, CY, CZ, FR, DE, EL, PL, SK, SI) also noted increases in the use of their services under national lockdown measures.

The COVID-19 pandemic, and the lockdown measures implemented by national governments increased the risk factors for VAW and for DV, in particular.

- Stakeholders noted that **restrictions on movement** (such as stay-at-home orders) increased contact between perpetrators and victims while decreasing access to the necessary support services and family and friends. These factors increased the risk of VAW and DV during the COVID-19 pandemic.
- Some respondents noted that alcohol consumption may have increased under lockdown measures, placing some women at greater risk of VAW and DV.

The majority of European countries implemented measures to tackle VAW during the pandemic, though the number implemented was, on average, higher for Convention ratifying countries than non-ratifying countries, suggesting greater political awareness and readiness to respond to VAW issues.

- For those **countries that have ratified** the Convention, an average of **seven measures** related to VAW were implemented (ranging from two in Estonia to 14 in Austria), while in **non-ratifying countries**, the **average was four measures** per country (ranging from 0 in Hungary and Slovakia to eight in Czechia).

Around half of countries (AT, BE, BG, DE, DK, EE, ES, FI, FR, IT, FR, RO, SE, TR) acted to strengthen the support services offered to victims of VAW and DW during the pandemic. None of these countries include those six resisting ratification of the Convention.

- The content and scope of these services varied by country but generally included the provision of additional funding to services aimed at supporting victims, the expansion of channels to report violence, increases in the provision of temporary accommodation, and adaption of counselling services to virtual formats.

6.2. Recommendations

This section presents recommendations for the EU institutions and Member States aimed at structurally improving the situation of women in the light of the latest evidence, data and insights gathered in this study.

The recommendations reflect the level of competence the EU has to adopt measures on issues related to VAW and DV. Most **EU competences** in the area falls within **shared competence** between the EU and Member States. The EU has competence in relation to the Istanbul on matters related to judicial cooperation in criminal matters, asylum and non-refoulement, as well as gender equality and gender mainstreaming. While the EU, through both the European Commission and the European Parliament,

has a strong role to play in strengthening the framework on VAW and DV as well as tackling the issue through initiatives and funding, the **EU Member States are the best place to give full effects** to the Convention's provisions.

6.2.1. Recommendation 1: Strengthen the legal framework by fully reflecting the Convention's substantial law provisions in the legislation

Rationale: The Istanbul Convention established a comprehensive framework to tackle VAW and DV. Its ratification led to positive changes in the national legal and policy frameworks. However, much remains to be done to fully align with the Convention. Several gaps in national legal frameworks have been identified in relation to substantial criminal law provisions, including lack of comprehensive legal definitions of DV and its four forms of violence, as well as lack of specific criminal offences for all the conducts laid down in the Convention. Lastly, the conclusions of the EU to the Convention has been pending at the Council since 2017.

Key actions at EU level:

- The EU should conclude the Istanbul Convention. The European Parliament should continue to call for the Council to move forward with the conclusions of the Convention.
- With support of the European Parliament, the European Commission should start the work to align the EU legislation to the Istanbul Convention, regardless of the status of the conclusion of the EU of the Convention.
- The European Commission should review the EU acquis and assess how to ensure full protection of VAW and DV victims under EU law within its area of competence. To this end, the European Commission should assess the adoption of a Directive on violence against women and domestic violence, complementing and strengthening the existing framework.
- The European Commission should propose the introduction in the next revision of the TFEU of the protection ground of gender and gender identity, as well as the other protected grounds laid down in the Istanbul Convention which are not reflected under EU law. Following the Treaty's revision, the EU acquis on non-discrimination should be amended to include the additional protected grounds.

Key actions at Member State level:

- Member States which have not done so should ratify the Convention. To facilitate the ratification, they could envisage adopting a declaration that the ratification of the Convention does not entail the introduction of a 'gender ideology' in the national legal framework, in a similar manner as Croatia's declaration.
- Member States should conduct a review of legal framework, to identify necessary changes in all areas covered by the Istanbul Convention. All stakeholders, including NGOs, equality bodies and experts, should be involved in this review process. To this end, Member States should:
 - Pay particular attention to the recommendations of GREVIO and the areas of improvements pointed by GREVIO in its 1st General Report (GREVIO, 2020a).
 - Strengthen the legal framework on VAW through the introduction of legislation that voids existing legislation that is inconsistent with the rights set out in the Convention, unless the existing law provides a higher degree of protection of law.
 - Ensure that legislative changes enacted to align with the Convention pay particular attention to the gender dimension of violence, and that the forms of violence covered

by the Convention in particular are not gender neutral in either through the adoption of specific gender-based violence criminal offence or establishing gender specific aggravating circumstances.

- Member States should ensure that physical, psychological, sexual and economic VAW and DV are clearly described/defined so that these forms of violence can be prosecuted effectively, and measures can be taken to protect victims.
- Member States should ensure that the specific forms of violence stipulated in the Istanbul Convention are explicitly and fully reflected in legislation (e.g. criminalisation of forced marriage should not be limited to human trafficking), as such explicit offences provide legal clarity, better protection and promote visibility in data and policy.

6.2.2. Recommendation 2: Ensure the full implementation of the Istanbul Convention's provisions

Rationale: In order to tackle VAW and DV, legal and policy changes are not sufficient, the framework must be fully implemented. VAW and DV remain high and the COVID-19 pandemic has brought new challenges in tackling VAW and DV. This requires concerted efforts and commitments by all actors to better prevent violence and protect victims. The most common issue in relation to the national policy frameworks is the lack of holistic, coherent, nation-wide policy approach in practice.

Key actions at EU level:

- The EU should develop a comprehensive framework of policies, programmes and other initiatives to tackle VAW and DV. To this end, a toolbox/manual should be developed to assist with combining binding instruments with legal and other measures to facilitate the implementation of the Istanbul Convention by the EU.
- The European Commission should facilitate the exchange of best practices on prevention, protection, prosecution measures, as well as best practices in their practical implementation. The European Commission can support mutual learning among Member States on addressing the main challenges identified in tackling VAW and DV.
- The EU should allocate sufficient and adequate resources to the implementation of the Istanbul Convention through its funding programmes. Specific attention should be made to support the implementation best practices identified.

Key actions at Member State level:

- Member States should maintain tackling VAW and DV as a key policy priority and ensure the full implementation of the Istanbul Convention through their legislative and policy measures. To this end, Member States should:
 - Implement and regularly adopt NAPs tackling all the forms of violence covered by the Convention. The implementation of the NAPs should be evaluated, and the adoption of new NAPs should be done in consultation with all relevant stakeholders, including NGOs, support services and equality bodies, to ensure the buy-in from all and improve its implementation.
 - Thrive to implement the recommendations by GREVIO following the first evaluation of their baseline report and the areas of improvement noted by GREVIO in its first General Report on GREVIO's Activities (GREVIO, 2020a).
 - Allocate the necessary funding to implement the requirements of the Convention.

- Give full competence to the national coordinate body to closely follow the implementation of the Convention and to carry out regular independent evaluations and involve all relevant stakeholders in identifying the solution for improving the legal and policy responses to tackling VAW and DV.
- Member States should provide a comprehensive national response to VAW and DV, addressing the 4 Ps: integrated policies, prevention, protection, prosecution and adequate provision of services.
- Member States should provide a comprehensive national response to VAW and DV, addressing all forms of physical, psychological, sexual and economic violence.

6.2.3. Recommendation 3: Ensure an integrated, gender-sensitive, intersectional and evidence-based policy framework

Rationale: Another key challenge identified in the implementation of the Convention is the lack of coordinated action in practice. Coordination among the relevant services and actors can result in providing better responses to violence and to manage the cases effectively. In addition to being coordinated and integrated, the response should be gender sensitive and intersectional. Gender-neutral approach to the legislation, policy and funding result in inadequate provision of services and protection of victims.

Key actions at EU level:

- The European Commission should encourage and facilitate the exchange of best practices on integrating an intersectional and gender sensitive response to VAW, through the open method of coordination.

Key actions at Member State level:

- Member States should develop a comprehensive multisectoral action plan that addresses all forms of VAW and DV and proposes measures and programmes to address all forms of such violence. That NAP should be developed in consultation and collaboration with all relevant stakeholders, including NGOs, victim support services, police and judiciary, health professionals, etc.
- Member States should ensure that all measures pay particular attention to the intersecting discriminations based on race, gender, religion, social class, legal status, etc.
- Member States should appoint a coordinating agency and ensure that all measures are assigned to a department or agency, with a clear mandate and sufficient financial and human resources for the implementation, monitoring and evaluation of all measures.
- Member States should ensure that NAPs are gender sensitive and address the power imbalances and gender equalities that are the root cause of VAW and DV.
- Member States should ensure that all measures in the NAP are updated, monitored and evaluated at regular intervals, in collaboration with all stakeholders, including victims' organisations, NGOs, health, education, child protection, etc.
- Member States should collect disaggregated data at regular intervals in order to establish the scale, nature and trends of VAW and DV in their country, and to monitor and evaluate the measures.

- Member States should ensure that these data are regularly disseminated to the general public to raise awareness of the issue of VAW and DV.

6.2.4. Recommendation 4: Ensure adequate prevention, protection and service provision

Rationale: The current provision of support services for victims of VAW fails to meet the Istanbul Convention's minimum standard in most European countries. Twenty-five out of the EU-28 countries do not meet the Convention standards on bed spaces in shelters accessible for women victims of violence (WAVE, 2019). Limited capacity of specialised services to meet the actual needs has been reported across Europe, further worsened by the COVID-19 pandemic.

Key actions at EU level:

- The EU should allocate resources through its funding programmes to support the prevention of violence and the protection of victims. Specific attention should be made to support pilot projects to implement best practices in terms of support services and prevention initiatives.
- The European Commission should closely monitor the implementation of the Victims' Rights Directive, ensuring that all the provisions of the Directive are fully implemented for all victims in the EU. Particular attention should be made to the recommendations made as a result of the review of the implementation of the Directive through Project VOIARE: Victims of Crime Implementation Analysis of Rights in Europe (Altan and Ivankovi, 2019).

Key actions at Member State level:

- Member States should ensure the establishment of general and specialised support services, helplines, shelters and rape crisis or sexual violence referral centres in line with the Convention's requirements.
- In all measures and actions to prevent VAW and DV, Member States should pay particular attention to addressing the gender inequalities causing VAW and DV.
- Member States should pay particular attention to the prevention of violence towards women and children in vulnerable situations.

6.2.5. Recommendation 5: Promote gender equality, education and awareness-raising on the various forms of violence and gender stereotypes

Rationale: The most persisting challenge identified for the full implementation of the Convention is the attitude, prejudice and persisting stereotypes. The lack of awareness, understanding and victim-blaming attitude surrounding VAW has shown to be an important barrier to tackling VAW at policy level, in terms of adequate response from professionals in contact with victims as well as the lack of trust of victim to receive adequate support when reporting incidents of violence. Awareness-raising and educating on various forms of violence and gender stereotypes can have positive impact on the overall effectiveness of the Istanbul Convention.

Key actions at EU level:

- The European Commission and the European Parliament should raise awareness on the benefits of the Convention and publish a booklet to demystify and counter the transnational spread of misconceptions and myths with regard to the Istanbul Convention.

- The European Commission should adopt a number of measures to strengthen awareness-raising and education, including:
 - Encourage and facilitate the exchange of best practices in awareness-raising, education and dedicated programmes to tackle victim-blaming attitudes and gender stereotypes, including teaching materials and non-discrimination policies, through the open method of coordination.
 - Allocate funding to support the implementation of those best practices, such as the development of school material and curricula educating on the various forms of violence, victim-blaming attitudes and gender stereotypes.

Key actions at Member State level:

- Adopt measures to ensure students at all education levels are aware of the various forms of DV and how to seek support. Education measures should prioritise educating students on the issue of gender stereotypes, victim-blaming and stigma. Educational material should be revised to tackle stereotypes.
- Adapt the training curricula of teachers to provide them with teaching tools to educate on reducing gender stereotypes and eradicating prejudices, traditions and harmful practices based on the idea of the inferiority of women.
- Fund awareness-raising activities and campaigns tackling victim-blaming and gender stereotypes.
- Ensure that all professionals coming into contact with victims (law enforcement, healthcare, justice, etc.) are trained on how to best support victims and reduce gender stereotypes and prejudice in their response.

REFERENCES

- Accept (2020). Romania: Law prohibiting the notion of 'gender' and 'gender identity theory' in Romania. Available at: <https://civicspacewatch.eu/romania-law-prohibiting-the-notion-of-gender-and-gender-identity-theory-in-romania/>.
- Acosta ML (2020) Gender-based violence during the pandemic and lockdown. (2020). Spanish Journal of Legal Medicine, [online] 46(3), pp.139–145. Available at: <https://www.sciencedirect.com/science/article/abs/pii/S2445424920300236>.
- Agenția Națională Pentru Egalitate de Șanse pentru Femei și Bărbat (2020). Information submitted to stakeholder consultation on growing trend in the area of domestic abuse during COVID-19 pandemic.
- Akisik C. A. (2020). İstanbul Sözleşmesi ve Diyanet'in sapıklı a kar ı çıkı ı. Available at: <https://m.turkiyegazetesi.com.tr/yazarlar/dr-c-ahmet-akisik/613515.aspx>.
- Alicancia za rodinu (2020). O nás [online]. Available at: <https://www.alianciazarodinu.sk/o-nas/>.
- Altan, L. and Ivankovi , A. (2019). Victims of Crime Implementation Analysis of Rights in Europe. Vociare Synthesis Report. European Commission. Available at: https://victimsupport.eu/activeapp/wp-content/files_mf/1564677465VOCIARE_Synthesis_Reportweb.pdf.
- Althoff, M., Slotboom, A. and Janssen, J. (2019). *Genderneutrality and the Prevention and Treatment of Violence – A Dutch Perspective*. Women & Criminal Justice. Available at: <https://www.tandfonline.com/doi/pdf/10.1080/08974454.2019.1661934?needAccess=true>.
- Argyridou, C. and Michael, I. (2019). *National Report for Cyprus. VOCIARE - Victims of Crime Implementation Analysis of Rights in Europe*. Available at: https://victimsupport.eu/activeapp/wp-content/uploads/2019/08/VOCIARE_National_Report_Cyprus_interactive.pdf.
- Arora, L., Donkova, R., D'Souza, H., Jager, E., Meurens, N., Regan, K. and Vandembroucke, S. (2020). Legal gender recognition in the EU The journeys of trans people towards full equality. European Commission. Available at: https://ec.europa.eu/info/sites/info/files/legal_gender_recognition_in_the_eu_the_journeys_of_trans_people_towards_full_equality_sept_en.pdf.
- Balkan Insight (2018a). Bulgaria scraps plans to ratify women's violence Convention. Available at: <https://balkaninsight.com/2018/03/07/bulgarian-government-withdraws-plans-to-ratify-istanbul-convention-03-07-2018/>.
- Balkan Insight (2018b). Convention on gender violence draws backlash in Bulgaria. Available at: <https://balkaninsight.com/2018/01/04/convention-on-violence-against-women-faces-backlash-in-bulgaria-01-04-2018/>.
- Baltic News Network (2018). Lithuania procrastinates ratification of Istanbul Convention. Available at: <https://bnn-news.com/lithuania-procrastinates-ratification-of-istanbul-convention-185695>.
- Baltic News Network (2019). Prime Minister says Istanbul Convention's ratification lacks majority support in Saeima. Available at: <https://bnn-news.com/prime-minister-says-istanbul-convention-s-ratification-lacks-majority-support-in-saeima-207977>.
- Baltic Times (2018). Latvia has responsibility not to delay ratification of Istanbul Convention. Available at:

https://www.baltictimes.com/latvia_as_eu_member_state_has_responsibility_not_to_delay_ratification_of_istanbul_convention_-_ministry/.

- Barnawi, F.H. (2017) Prevalence and risk factors of domestic violence against women attending a primary care center in Riyadh, Saudi Arabia. *Journal of Interpersonal Violence*, 32 (8) (2017), pp. 1171-1186.
- Bff (2017) bff-Stellungnahme zum Entwurf eines Gesetzes zu dem Übereinkommen des Europarates (Istanbul-Konvention) (2017), available at: <https://www.frauen-gegen-gewalt.de/de/stellungnahmen-1718.html>.
- Bonewit, A. and De Santis, E. (2016). *The Issue of Violence Against Women in the European Union*. European Parliament. Available at: [https://www.europarl.europa.eu/RegData/etudes/STUD/2016/556931/IPOL_STU\(2016\)556931_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2016/556931/IPOL_STU(2016)556931_EN.pdf).
- Bosak, M, Vajda, M. (2019). The reality behind the Istanbul Convention: Shattering conservative delusions. *Women's Studies International Forum* 74 (2019) 77-83. Available at: <https://reader.elsevier.com/reader/sd/pii/S0277539518303790?token=398F6F23F6CFEE89A1D02E9535008F33A8886AF32B57C7949C1A5BEC09CD31CC6EA579B89B3ACC73C72F7A6A4C10A412>.
- Campbell, A.M. (2020). An increasing risk of family violence during the Covid-19 pandemic: Strengthening community collaborations to save lives. *Forensic Science International: Reports*, 100089.
- Centre of Gender Studies and Research, Diotimia (2019). *Final report: Study on the fight against gender-based violence in the refugee and migrant population (girls, boys, women, men): availability, accessibility, quality of the provided services in Greece*. Available at: https://diotima.org.gr/wp-content/uploads/2019/12/FINAL-REPORT_GR-1.pdf.
- CERMI Women's Foundation and the European Disability Forum (2017). Ending forced sterilisation of women and girls with disabilities. Available at: http://www.edf-feph.org/sites/default/files/edf_forced-sterilisation_8-accessible_5.pdf.
- Chancery of the President of Latvia (1918). The Constitution of the Republic of Latvia. Available at: <https://www.president.lv/en/republic-of-latvia/the-constitution-of-the-republic-of-latvia#gsc.tab=0>.
- Committee on the Elimination of Discrimination against Women (2010). *General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women*. 16 December 2010. CEDAW/C/GC/28. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/472/60/PDF/G1047260.pdf?OpenElement>.
- Constitutional Court of Bulgaria (2018). Resolution No.13 of 27 July 2018. Available at: <http://www.constcourt.bg/bg/Acts/GetHtmlContent/f278a156-9d25-412d-a064-6ffd6f997310>.
- Constitutional Court of the Republic of Latvia (2020). Case No.2020-39-02, <http://www.satv.tiesa.gov.lv/en/cases/>.
- Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, *OJ L 261, 6.8.2004, pp. 19–23*.

- Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services, *OJ L 373, 21.12.2004, pp. 37–43*.
- Council of Europe (2011). Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence. Available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016800d383a>.
- Council of Europe (2020a). *GREVIO Baseline Evaluation Report Italy*. Available at: <https://rm.coe.int/GREVIO-report-italy-first-baseline-evaluation/168099724e>.
- Council of Europe (2020b). Chart of signatures and ratifications of Treaty 210. Available at: <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures>.
- Council of Europe (2020c) *Reservations and Declarations for Treaty No.210 – Council of Europe Convention on preventing and combating violence against women and domestic violence*. Available at: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/declarations?p_auth=N9eJLhtt.
- Council of Europe (2020d). Statement of the Standing Committee of the Conference of INGOs of the Council Of Europe adopted on 27 April 2020: call on Hungarian Parliament to align legal gender recognition with internationally recognised human rights standards. Available at: <https://www.coe.int/en/web/ingo/-/call-to-hungary-to-align-legal-gender-recognition-with-internationally-recognized-human-rights-standards>.
- Court of Justice of the European Union (CJEU) (1974). Case 181/73, *Haegeman v Belgian State*. ECR 1974 -00449.
- Court of Justice of the European Union (2019). Request for an opinion submitted by the European Parliament pursuant to Article 218(11) TFEU. Opinion Avis 1/19.
- Cyprus Women's Lobby (2018). Convention for the Elimination of Discrimination Against Women, 70th Session, Cyprus Shadow Report. Available from: https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/CYP/INT_CEDAW_NGO_CY_P_31500_E.pdf.
- Czech Women's Lobby (2018). The Istanbul Convention in the Czech Republic. Available at: <https://czlobby.cz/en/projects/istanbul-convention-and-development-situation-czech-republic>.
- Denik N (25 February 2020) *Parlament opäť odmietol Istanbulský dohovor*. Available at: <https://dennikn.sk/minuta/1772430/>.
- De vido, S. (2017). *The ratification of the Council of Europe Istanbul Convention by the EU: A step forward in the protection of women from Violence in the European legal system*. European Journal of Legal Studies. Vol 9 No.2 .
- Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions (Text with EEA relevance), *OJ L 269, 5.10.2002, pp. 0015 – 0020*.
- Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation, *OJ L 204, 26.7.2006*.

- Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC, *OJ L 180, 15.7.2010, pp. 1–6*.
- Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, *OJ L 101, 15.4.2011, pp. 1–11*.
- Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order, *OJ L 338, 21.12.2011, pp. 2–18*.
- Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, *OJ L 315, 14.11.2012, pp. 57–73*.
- DW. (2018). Croatia ratifies convention on women's rights despite protests. Available at: <https://www.dw.com/en/croatia-ratifies-convention-on-womens-rights-despite-protests/a-43376424>.
- EIGE (n.d.). Glossary and Thesaurus. Available at: <https://eige.europa.eu/thesaurus/terms/1093>.
- EIGE (2015). Gender Equality Index – Measuring gender equality in the European Union 2005-2012. Available at: <https://eige.europa.eu/publications/gender-equality-index-2015-measuring-gender-equality-european-union-2005-2012-report>.
- EIGE (2017a). Gender Equality Index - Violence in European Union for 2017. Available at: <https://eige.europa.eu/gender-equality-index/2017/domain/violence>.
- EIGE (2017b). Terminology and indicators for data collection: Rape, femicide and intimate partner violence. Available at: https://ec.europa.eu/eurostat/cros/system/files/eige_terminology-and-indicators-for-data-collection.pdf.
- EIGE (2019). Risk assessment and management of intimate partner violence in the EU. Luxembourg: Publications Office of the European Union, pp. 21-22.
- Emprove project (2016), *Good practices in the fight against domestic violence: Europe and USA*. Good practices brochure. Available at: https://emproveproject.eu/wp-content/uploads/2018/11/Emprove_Best_Practice_RO_Web.pdf.
- Estonia, Ministry of Social Affairs (2020). *Sotsiaalministeeriumi juhised kohalikule omavalitsusele ja teenuseosutajatele sotsiaaltöö ja lastekaitsetöö korraldamisel eriolukorra järgselt* (Guidelines for local governments and service providers in organising social work and child protection after the emergency situation). Available in Estonian at: https://www.sotsiaalkindlustusamet.ee/sites/default/files/content-editors/COVID_eriolukorra_materjalid/kov_ja_teenuseosutajate_juhised_19_mai_2020.pdf.
- European Commission (n.d.). The Daphne Toolkit – An active resource from the Daphne Programme. Available at: https://ec.europa.eu/justice/grants/results/daphne-toolkit/daphne-toolkit-%E2%80%93-active-resource-daphne-programme_en.
- European Commission (2008). EU guidelines on violence against women and girls and combating all forms of discrimination against them. Available at: https://ec.europa.eu/anti-trafficking/publications/eu-guidelines-violence-against-women-and-girls-and-combating-all-forms-discrimination_en.

- European Commission (2010). *Eurobarometer No 344: Domestic Violence against Women*. Available at: https://ec.europa.eu/commfrontoffice/publicopinion/archives/ebs/ebs_344_en.pdf.
- European Commission (2015). Roadmap on a possible EU Accession to the Istanbul Convention. Available at: https://ec.europa.eu/smart-regulation/roadmaps/docs/2015_just_010_istanbul_convention_en.pdf.
- European Commission (2016). *Special Eurobarometer 449: Gender-based violence*. Available at: <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/ResultDoc/download/DocumentKy/75837>.
- European Commission (2017). *Special Eurobarometer No 465: Gender Equality*. Available at: http://ibdigital.uib.es/greenstone/collect/portal_social/index/assoc/coeuro01/47.dir/coeuro0147.pdf.
- European Commission (2019). Special Eurobarometer 493: Discrimination in the European Union. Available at: <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/ResultDoc/download/DocumentKy/88301>.
- European Commission (2020a). Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A Union of Equality: Gender Equality Strategy 2020-2025. COM(2020) 152 final. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0152>.
- European Commission (2020b). Ending gender-based violence. Available at: https://ec.europa.eu/info/policies/justice-and-fundamental-rights/gender-equality/gender-based-violence/ending-gender-based-violence_en.
- European Commission (2020c). Say NO! Stop violence against women. Available at: <https://ec.europa.eu/justice/saynostopvaw/eu-actions.html>.
- European Commission (2020d). Fitness check of the EU legislation on violence against women and domestic violence. Available at: https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12472-Violence-against-women-and-domestic-violence-fitness-check-of-EU-legislation?fbclid=IwAR0_XUjaiNW4-VI569U_LhY4RIDE_RundnRr9_XJigDS34ICD-DiYHfJ5G8.
- European Council (2017a). Council Decision (EU) (2017/865) of 11 May 2017 on the signing, on behalf of the EU, of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to matters related to judicial cooperation in criminal matters. Available at: <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32017D0865>.
- European Council (2017a). Council Decision (EU) (2017/866) of 11 May 2017 on the signing, on behalf of the EU, of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to asylum and non-refoulement. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017D0866>.
- European Council (2017b). Council Decision (EU) (2017/865) on the signing, on behalf of the EU, of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to matters related to judicial cooperation in criminal matters. Available at: <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32017D0865>.

- European Parliament (2016a). Plenary debate of 23 November 2016 and Resolution of 24 November 2016 on the EU accession to the Istanbul Convention on preventing and combating violence against women, 2016/2966(RSP). Available at: https://www.europarl.europa.eu/doceo/document/CRE-8-2016-11-23-ITM-014_EN.html.
- European Parliament (2016b). Resolution of 24 November 2016 on the EU accession to the Istanbul Convention (2016.2966(RSP)). Available at: https://www.europarl.europa.eu/doceo/document/TA-8-2016-0451_EN.html.
- European Parliament (2017a). Violence against women and the EU accession to the Istanbul Convention. DG Internal Policies, Policy Department C: Citizens' rights and constitutional affairs, women's rights and gender equality. Available at: [https://www.europarl.europa.eu/RegData/etudes/STUD/2017/596815/IPOL_STU\(2017\)596815_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2017/596815/IPOL_STU(2017)596815_EN.pdf).
- European Parliament (2017b). Interim resolution of 12 September 2017 on the proposal for a Council decision on the conclusion, by the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence (COM(2016)0109). Available at: https://www.europarl.europa.eu/doceo/document/TA-8-2017-0329_EN.html.
- European Parliament (2017c). Resolution of 12 September 2017 on EU conclusion of the Istanbul Convention. 2016/0062(NLE).
- European Parliament (2018). Resolution of 4 July 2018 towards an EU external strategy against early and forced marriages – next steps. 2017/2275(INI).
- European Parliament (2019a). *Briefing: Violence against women in the EU State of play*. Available at: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2018/630296/EPRS_BRI\(2018\)630296_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2018/630296/EPRS_BRI(2018)630296_EN.pdf).
- European Parliament (2019b). Resolution of 4 April 2019 seeking an opinion from the Court of Justice on the compatibility with the Treaties of the proposals for the accession by the European Union to the Council of Europe Convention on preventing and combating violence against women and domestic violence and on the procedure for that accession, B8-0232/2019. Available at: https://www.europarl.europa.eu/doceo/document/TA-8-2019-0357_EN.html.
- European Parliament (2019c). Resolution of 4 April 2019 (B8-0232/2019).
- European Parliament (2019d). Plenary debate of 25 November 2019 on EU accession to the Istanbul Convention, (B8-0232/2019).
- European Parliament (2019e). Resolution of 28 November 2019 on the EU's accession to the Istanbul Convention (2019/2855(RSP)). Available at: https://www.europarl.europa.eu/doceo/document/TA-9-2019-0080_EN.html.
- European Parliament (2020a). Resolution of 12 February 2020 on an EU strategy to put an end to female genital mutilation around the world. 2019/2988(RSP).
- European Parliament (2020b). Legislative Train: EU Accession to the Istanbul Convention/2016/03. Available at: <https://www.europarl.europa.eu/legislative-train/theme-civil-liberties-justice-and-home-affairs-libe/file-eu-accession-to-the-istanbul-convention>.
- European Parliament (2020c). Sassoli: Everyone has a duty of solidarity, even institutions. Available at: <https://europarl.europa.eu/the-president/en/newsroom/sassoli-everyone-has-a-duty-of-solidarity-even-institutions>.

- European Union (2007). Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community, 2007/C 306/01.
- European Union (2012). *Consolidated version of the Treaty on the Functioning of the European Union*, OJ C 326.
- European Union Agency for Fundamental Rights (FRA) (2014). EU-wide survey on violence against women. Available at: <https://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report>.
- European Women's Lobby (2020). *Romania gender equality under attack*. Available at: <https://www.womenlobby.org/Romania-gender-equality-under-attack>.
- Fond-Harmant, L., Santerre, H. and Santina-Deutschle, S. (2015). *Violence domestique au Grand-Duché de Luxembourg : étude des causes pour une prévention ciblée*. Luxembourg: Luxembourg Institute of Health. Available at: https://mega.public.lu/dam-assets/fr/espace-presse/dossiers-presse/2015/etude-violence-domestique/Fr-Version-courte-finale-12_2_2015.pdf.
- Femmes en détresse (2020). *Rapport d'activités 2019*. Luxembourg. Available at: <https://fed.lu/wp/wp-content/uploads/2020/06/Rapport-dactivit%C3%A9-2019.pdf>.
- Government of Belgium (2019). *Report submitted by Belgium pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Baseline Report)*. Available at: <https://rm.coe.int/state-report-belgium/pdfa/168093141c>.
- Government of Denmark (2017). *Report submitted by Denmark pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Baseline Report)*. Available at: <https://rm.coe.int/16806dd217>.
- Government of Portugal (2017). *Report submitted by Portugal pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Baseline Report)*. Available at: <https://rm.coe.int/portugal-state-report/168074173e>.
- Government of Malta (2019). *Report submitted by Malta pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Baseline Report)*. Available at: <https://rm.coe.int/malta-state-report/168097329e>.
- Government of Romania (2020). *Report submitted by Romania pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Baseline Report)*. Strasbourg: Council of Europe. Available at: <https://rm.coe.int/state-report-on-romania/16809b9faf>.
- Government of Sweden, Ministry of Health and Social Affairs (2017). *Report submitted by Sweden pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Baseline Report)*. Available at: <https://rm.coe.int/state-report-on-sweden/168073fff6>.
- Gracia, E. (2014). Intimate partner violence against women and victim-blaming attitudes among Europeans. Available at: <https://www.scielosp.org/article/bwho/2014.v92n5/380-381/en/>.
- Graff A and Korolczuk E. "Worse than communism and Nazism put together": War on gender in Poland. In: *Anti-gender campaigns in Europe Mobilizing against Equality*. Kuhar R & Paternotte D (eds.), 2017, p. 175-193.

- GREVIO (2017a). *Report submitted by Portugal pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Baseline Report)*.
- GREVIO (2017b). *Baseline Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)* – Denmark. Available at: <https://rm.coe.int/grevio-first-baseline-report-on-denmark/16807688ae>.
- GREVIO (2017c). *Baseline Evaluation Report* – Austria. Available at: <https://rm.coe.int/grevio-report-austria-1st-evaluation/1680759619>.
- GREVIO (2019a). *GREVIO's (Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)* – FRANCE. Strasbourg: Council of Europe.
- GREVIO (2019b). *Report submitted by Spain pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence*. Available at: <https://rm.coe.int/state-report-from-spain/16809313e0>.
- GREVIO (2019c). *Baseline evaluation report* – Sweden. Available at: <https://rm.coe.int/grevio-inf-2018-15-eng-final/168091e686>.
- GREVIO (2020a). *1st General Report on GREVIO's Activities*. Council of Europe. Available at: <https://rm.coe.int/1st-general-report-on-grevio-s-activities/16809cd382>.
- GREVIO (2020b). *GREVIO Baseline Evaluation Report Italy*. Council of Europe Available at: <https://rm.coe.int/GREVIO-report-italy-first-baseline-evaluation/168099724e>.
- GREVIO (2020c). *Baseline report on Italy*. Council of Europe. Available at: <https://rm.coe.int/grevio-report-italy-first-baseline-evaluation/168099724e>.
- Grzebalska and Peto (2018): *The gendered modus operandi of the illiberal transformation in Hungary and Poland*. *Women's Studies International Forum* 68 (2018) 164–172.
- Heise, L. (2011) *What works to prevent partner violence: an evidence overview*. OECD.
- Herd, N. (2018). *The Istanbul Convention & the Czech Republic: Barriers to Ratification*. *Youngfeminist.eu* [online] Available at: <https://www.youngfeminist.eu/2019/01/the-istanbul-convention-the-czech-republic-barriers-to-ratification/>.
- Hodži and Štulhofer (2012). *The politics of youth sexuality: Civil society and school-based sex education in Croatia*. *Sexualities*. Volume: 15 issue: 3-4, page(s): 494-514.
- Hungary, Ministry of Justice (2018). *Fundamental Law of Hungary*. Available at: <https://www.refworld.org/pdfid/53df98964.pdf>.
- Hungary Today (2020). *Parliament adopts declaration rejecting Istanbul Convention*. Available at: <https://hungarytoday.hu/hungary-istanbul-convention-parliament-declaration/>.
- iDNES.cz (2018) *Nebudeme financovat gender neziskovky, odmítají kritici Istanbulskou úmluvu*. Available at: https://www.idnes.cz/zpravy/domaci/istanbulska-umluva-ratifikace-parlament-gender-zenska-prava-kritika.A180612_141855_domaci_jkk.
- Irish Human Rights and Equality Commission (IHREC) (2019). *Statement on the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic*

violence. Available at: <https://www.ihrec.ie/app/uploads/2019/06/Statement-on-Ratification-of-CoE-Convention-on-Preventing-and-Comating-Violence-Against-Women-and-Domestic-Violence.pdf>.

- ILG (2020). Debating the Istanbul Convention in Lithuania. Available at: <https://ilg2.org/2018/07/13/debating-the-istanbul-convention-in-lithuania-the-term-gender-is-not-alien/>.
- IROZHLAS (2018) *Rodiny budou rozehnány, vezmou vám děti.' Za svatováclavské kázání čelí kněz trestnímu oznámení.*[online] Available at: https://www.irozhlaz.cz/zpravy-domov/knez-kazani-katedrala-petr-pitka-istanbulska-umluva-kritika-trestni-oznameni-1810111951_pla.
- Jauns.lv (2016). The Istanbul Convention will ruin the family as the basic structure of the society (*Stambulas Konvencija noārdīs ģimeni kā sabiedrības pamatšūnu*). Available from: <https://jauns.lv/raksts/zinas/23675-baiba-rudevska-stambulas-konvencija-noardis-gimeni-ka-sabiedrības-pamatsunu>.
- Jeyaseelan et al. (2004) World studies of abuse in the family environment–risk factors for physical intimate partner violence." *Injury control and safety promotion* 11, no. 2. Pp. 117-124.
- Katolis (2016). Open letter from the leaders of Latvian churches about the Istanbul Convention. Available from: <http://katolis.lv/2016/05/latvijas-kristigo-baznicu-vaditaju-atklata-vestule-par-stambulas-konvenciju/>.
- KDU- SL (2018). Position on the Istanbul Convention. Available at: <https://www.kdu.cz/aktualne/archiv/2018/postoj-kdu-csl-k-istanbulske-umluve>.
- Ková ová, D. (2018) Seminá o Istanbulské ůmluv . Bulletin advokacie. Available at: <http://www.bulletin-advokacie.cz/cak-proti-istanbulske-umluve?browser=mobi>.
- Kováts, E. (2019). Limits of the Human Rights Vocabulary in Addressing Inequalities: Dilemmas of justice n the age of culture wars in Hungary. Available at <https://intersections.tk.mta.hu/index.php/intersections/article/view/498>.
- Kuhar R and Paternotte D. (2017). *Anti-gender campaigns in Europe. Mobilizing against equality*. Rowman & Littlefield International, London and New York.
- Laaksonen, S., Matikka, J. and Åberg, K. (2018). NGO Parallel Report on the implementation of the Istanbul Convention in Finland. Helsinki: The Federation of Mother and Child Homes and Shelters and Women's Line.
- Latvijas Republikas Satversme, Official Gazette No.141, 30 June 1922. Available at: <https://likumi.lv/ta/id/57980-latvijas-republikas-satversme>.
- Latvijas Republikas. Official Gazette No.146, 31 July 2020. Available at: <https://www.vestnesis.lv/op/2020/146.2>.
- Lithuanian Bishops' Conference (2018). The Church – for the inherent rights of women. Available at: <https://lvk.lcn.lt/naujienos/308>.
- LRT (2018). Bishops: Ratification of the Istanbul Convention would not reduce violence against women. Available at: <https://www.lrt.lt/naujienos/lietuvoje/2/215959/vyskupai-stambulo-konvencijos-ratifikavimas-nepadetu-sumazinti-smurto-pries-moteris>.

- Mayer, S. and Sauer, B. (2017). 'Gender ideology in Austria: Coalitions around an empty signifier'. In R. Kuhar and D. Paternotte, *Anti-gender Campaigns in Europe: mobilising against equality*, London: Rowman and Littlefield International.
- Michael, I. and Argyridou, C. (2019). *Victims of crime: Implementation of analysis in Europe*. Vociare, national report – Cyprus. Available at: https://victimsupport.eu/activeapp/wp-content/uploads/2019/08/VOCIARE_National_Report_Cyprus_interactive.pdf.
- Mierzyńska, A. (2020). *Tak ludzie Ordo iuris zachowują finansową „niezależność od władzy”*. Dotacje z rządu i państwowych spółek. OKO.press. Available at: <https://oko.press/tak-ludzie-ordo-iuris-zachowuja-finansowa-niezalezosc-od-wladzy-dotacje-z-rzadu-i-panstwowych-spolek/>.
- Moreira, DN. and Pinto da Costa, M. (2020) The impact of the Covid-19 pandemic in the precipitation of intimate partner violence. *International Journal of Law and Psychiatry*. Vol. 71 (0). Pp. 101606. Available at: www.sciencedirect.com/science/article/pii/S0160252720300650.
- Myria (Federal Migration Centre) (2015). *Annual report 2015 Trafficking and smuggling of human beings Tightening the links*. Available at: <https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/annual-report-2015-trafficking-and-smuggling-full.pdf>.
- Ministry of Justice, Hungary (2018). The Fundamental Law of Hungary. Available at: <https://www.refworld.org/pdfid/53df98964.pdf>.
- Narodna Rada Slovenskej Republiky (2019). Available at: <https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=473901>.
- Naudi, M., Clark, M., and Saliba, H, 2018. Full Cooperation: Zero Violence – Barriers to help seeking in gender-based violence against women. Available at: https://www.researchgate.net/publication/333668036_FULL_COOPERATION_ZERO_VIOLENCE_BARRIERS_TO_HELP-SEEKING_IN_GENDER-BASED_VIOLENCE_AGAINST_WOMEN_A_RESEARCH_STUDY.
- Nyklová, B (2020). Domáci násilí za COVID-19: Když z pasti není úniku (a pomoc funguje jen někdy). Sociologický ústav Akademie věd ČR, v.v.i [online] Available at <https://www.soc.cas.cz/aktualita/domaci-nasili-za-covid-19-kdyz-z-pasti-neni-uniku-pomoc-funguje-jen-nekdy>.
- Office for the United Nations High Commissioner for Human Rights (OHCHR) (2019). Bulgaria: UN expert concerned about pushbacks on women's rights and misinterpretation of the term 'gender' that stopped the ratification of the Istanbul Convention. Available at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25178&LangID=E>
- Oireachtas Library and Research Service (2020). L&RS Note: Domestic violence and COVID-19 in Ireland. Information submitted to stakeholder consultation.
- Oxford Human Rights Hub (2018). Promoting 'Gender Ideology': Constitutional Court of Bulgaria Declares Istanbul Convention Unconstitutional. Available at: <https://ohrh.law.ox.ac.uk/promoting-gender-ideology-constitutional-court-of-bulgaria-declares-istanbul-convention-unconstitutional/>.
- Özel-Tümer, D. (2020). *AK Parti İstanbul Sözleşmesi'nden çekilmeye hazırlanıyor*. Available from: <https://www.milliyet.com.tr/yazarlar/didem-ozel-tumer/ak-parti-istanbul-sozlesmesinden-cekilmeye-hazirlaniyor-6273835>.

- Paternotte, D. and Kuhar, R. (2017). 'Gender ideology movement'. In: R. Kuhar and D. Paternotte (Eds.), *Anti-gender campaigns in Europe. Mobilising against equality*, London: Rowman and Littlefield International.
- Power, K. (2020). The COVID-19 pandemic has increased the care burden on women and families. *Sustainability: Science, Practice and Policy*, 16(1), 67-73. Available at: <https://www.tandfonline.com/action/showCitFormats?doi=10.1080%2F15487733.2020.1776561>.
- Psaila, E. et al (2016). *Forced marriage from a gender perspective*. European Parliament. Available at: http://publications.europa.eu/resource/cellar/d501f69f-dc53-11e5-8fea-01aa75ed71a1.0001.03/DOC_1.
- Rabe, H. and Leisering, B. (2018). *Die Istanbul-Konvention Neue Impulse für die Bekämpfung von geschlechtsspezifischer Gewalt*. Available at: https://www.ssoar.info/ssoar/bitstream/handle/document/56238/ssoar-2018-rabe_et_al-Die_Istanbul-Konvention_neue_Impulse.pdf?sequence=1&isAllowed=y&Inkname=ssoar-2018-rabe_et_al-Die_Istanbul-Konvention_neue_Impulse.pdf.
- Rapport des Associations Spécialisées (2018). *Évaluation de la mise en œuvre en France de la Convention d'Istanbul de Lutte contre la Violence à l'égard des Femmes et la Violence Domestique*.
- Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters. *OJ L 181*, 29.6.2013, pp. 4–12.
- Romanian National Agency for Equal Opportunities for Women and Men (ANES) (2020). Plan of Measures: on the prevention and combating of domestic violence, against the background of measures imposed at national level to combat the spread of COVID-19. Available at: <https://anes.gov.ro/plan-de-masuri-privind-prevenirea-si-combaterea-violentei-domestice-pe-fondul-masurilor-impuse-la-nivel-national-pentru-combaterea-raspandirii-covid-19/>.
- Sacco, M.A., Caputo, F., Ricci, P., Sicilia, F., De Aloe, L., Bonetta, C.F., Cordasco, F., Scalise, C., Cacciatore, G., Zibetti, A., Gratteri, S. and Aquila, I. (2020). The impact of the COVID-19 pandemic on domestic violence: The dark side of home isolation during quarantine. *Medico-Legal Journal*, 88(2), 71–73.
[Samu Social Brussels \(2020\). Ouverture d'un centre pour 100 femmes sans abri dans un bâtiment du Parlement européen \(Opening of a center for 100 homeless women in a building of the European Parliament\)](https://samusocial.be/ouverture-prochaine-dun-centre-pour-100-femmes-sans-abri-dans-un-batiment-du-parlement-europeen/). Available at: <https://samusocial.be/ouverture-prochaine-dun-centre-pour-100-femmes-sans-abri-dans-un-batiment-du-parlement-europeen/>.
- Schneiderová, N. (2019) Istanbulský dohovor-hrozba pre Slovensko? In Slovensko-Európa-Svet, Zborník príspevkov zo Študentskej vedeckej konferencie konanej d a 16.5.2019 Katedrou politológie Filozofickej fakulty Univerzity Pavla Jozefa Šafárika v Košiciach, Fakultou sociálnych vied UCM v Trnave, pages 48-58.
- Sedlenieks, K. (2016). *Dzimtes problema nebeidzas ar anotomisko formu* (The 'gender' problem does not end with anatomical form). *Jurista Vārds*, 23. Available from: <https://juristavards.lv/doc/268753-dzimtes-problema-nebeidzas-ar-anotomisko-formu/>.
- Sekerák, M. (2020). Neliberálny populizmus na Slovensku: prípad tzv. rodovej ideológie In Acta Politologica. Vol. 12, no. 1, pp. 65–86. Available at: https://doi.org/10.14712/1803-8220/21_2019.
- Šimonovi , D. (2014). Global and Regional Standards on Violence Against Women: The Evolution and Synergy of the CEDAW and Istanbul Conventions. *Human Rights Quarterly* 36(3):590-606.
- Society and Values (Bulgaria) (2018). Position on the Bill on Ratification of the Istanbul Convention. Available at: <https://www.sva.bg/104510741088108610871072/7956056#>.

- Spanish Istanbul Shadow Platform (2018). Link missing Spanish Istanbul Shadow Platform to GREVIO, 2018. Available online at: <https://rm.coe.int/spanish-istanbul-shadow-platform/1680931a77>.
- Stambolis-Ruhstorfer and Tricou (2017). Resisting “Gender Theory” in France: A Fulcrum for Religious Action in a Secular Society. In book: *Anti-Gender Campaigns in Europe Mobilizing against Equality* Chapter: Publisher: Rowan & Littlefield. Editors: Kuhar, R. and Paternotte, D.
- Strausa, A. and Sprīde, I. (2018). Kas baznīca iestājas par ‘ģimenes vērtībām’ (*When the Church protects ‘family values’*). Available from: <https://rebaltica.lv/2018/03/kad-baznica-iestajas-par-ģimenes-vertibam/>.
- Together Against Violence coalition (2019). *Alternative report of the coalition ‘Together Against Violence’*. Available at: <https://rm.coe.int/rapport-alternatif-belgique-shadow-report-belgium/1680931a73>.
- Unie rodinných advokát (2020) O nás [online] Available at: <http://www.uracr.cz/o-nas>.
- UN Women (n.d.). *Ending violence against women*. Available at: <https://eca.unwomen.org/en/where-we-are/turkey/ending-violence-against-women>.
- UN Women. (2020). COVID-19 and violence against women and girls: Addressing the shadow pandemic | Digital library: Publications. [online] Available at: <https://www.unwomen.org/en/digital-library/publications/2020/06/policy-brief-covid-19-and-violence-against-women-and-girls-addressing-the-shadow-pandemic>.
- UN Women. (2020a). COVID-19 and violence against women and girls: Addressing the shadow pandemic. Available at: <https://www.unwomen.org/en/digital-library/publications/2020/06/policy-brief-covid-19-and-violence-against-women-and-girls-addressing-the-shadow-pandemic>.
- UN Women (2020b). Brief: COVID-19 and essential services provision for survivors of violence against women and girls. Available at: <https://www.unwomen.org/en/digital-library/publications/2020/04/brief-covid-19-and-essential-services-provision-for-survivors-of-violence-against-women-and-girls>.
- UN Women (2020c). Issue brief: COVID-19 and ending violence against women and girls. Available at: <https://www.unwomen.org/en/digital-library/publications/2020/04/issue-brief-covid-19-and-ending-violence-against-women-and-girls>.
- UN Women (2020d). A primer for parliamentary action: Gender-sensitive responses to COVID-19. Available at: <https://www.unwomen.org/en/digital-library/publications/2020/06/a-primer-for-parliamentary-action-gender-sensitive-responses-to-covid-19>.
- UN Women (2020e). IANWGE compendium on integrating gender considerations in the response to COVID-19: Key messages and actions from UN entities. Available at: <https://www.unwomen.org/en/digital-library/publications/2020/06/ianwge-compendium-on-integrating-gender-considerations-in-the-response-to-covid-19>.
- UN Women (2020f). The COVID-19 shadow pandemic: Domestic violence in the world of work: A call to action for the private sector. Available at: <https://www.unwomen.org/en/digital-library/publications/2020/06/brief-domestic-violence-in-the-world-of-work>.
- UN Women (2020g). Impact of COVID-19 on violence against women and girls and service provision: UN Women rapid assessment and findings. Available at:

<https://www.unwomen.org/en/digital-library/publications/2020/05/impact-of-covid-19-on-violence-against-women-and-girls-and-service-provision>.

- United Nations Committee on the Elimination of Discrimination Against Women (CEDAW) (1992). CEDAW General Recommendation No. 19: Violence against women. Available at: <https://www.refworld.org/docid/52d920c54.html>.
- United Nations Committee on the Elimination of Discrimination Against Women (CEDAW) (2017). General Recommendation No. 35 on gender-based violence against women, updating General Recommendation No. 19. CEDAW/C/GC/35. Available at: https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_35_8267_E.pdf.
- United Nations Development Programme (UNDP) (2020). COVID-19 Global Gender Response Tracker. Available at: <https://data.undp.org/gendertacker/>.
- United Nations General Assembly (2013). Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo. Available at: https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A_HRC_23_49_English.pdf.
- UNODC (2018). Global study on homicide. Gender-related killing of women and girls.
- Ú ad vlády eské republiky (2018). Úmluva Rady Evropy o prevenci a potírání násilí v í ženám a domácího násilí: mýty a fakta. Available at: https://www.vlada.cz/assets/ppov/rovne-prilezitosti-zen-a-muzu/Projekt_OPZ/Vystupy_projektu/brozura_IU.pdf.
- Usher, K., Bhullar, N., Durkin, J., Gyamfi, N. and Jackson, D. (2020). Family violence and COVID 19: Increased vulnerability and reduced options for support. *International Journal of Mental Health Nursing*.
- Val ek, A. (2015) U Kali áka riešia, í Aliancia za rodinu na webe neklamala o zbierke. *Trend.sk* [online]. Available at: <https://www.trend.sk/spravy/u-kalinaka-riesia-aliancia-rodinu-webe-neklamala-zbierke>.
- Van den Brink, M. and Dunne, P. (2018). *Trans and intersex equality rights in Europe – a comparative analysis*. European Commission. Available at: https://ec.europa.eu/info/sites/info/files/trans_and_intersex_equality_rights.pdf.
- Vláda eské republiky (2016). eská republika podepsala Istanbulskou úmluvu proti násilí na ženách [online] Available at: <https://www.vlada.cz/cz/ppov/rovne-prilezitosti-zen-a-muzu/aktuality/ceska-republika-podepsala-istanbulskou-umluvu-proti-nasili-na-zenach--143594/>.
- Vláda eské republiky (2020). *Výsledky jednání vlády 27. července 2020*. Available at: <https://www.vlada.cz/cz/media-centrum/tiskove-zpravy/vysledky-jednani-vlady-27--cervence-2020-182836/>.
- WAVE (2019). *The situation of women's specialist support services in Europe*. Vienna, Austria. Available at: https://www.wave-network.org/wp-content/uploads/WAVE_CR_200123_web.pdf.
- WAVE (2020). *How Gender Neutral Policy and Practice Is Dismantling Women's Specialist Support Services and Ways to Counteract It*. Vienna, Austria, 2020. Available at: <https://www.wave-network.org/2020/08/26/wave-handbook-2020/>.
- Winstock AR., Davies EL., Gilchrist G, Zhuparris A, Ferris JA, Maier LJ, Barratt MJ (2020) GDS SPECIAL EDITION ON COVID-19 GLOBAL INTERIM REPORT. Available at:

https://www.globaldrugsurvey.com/wp-content/themes/globaldrugsurvey/assets/GDS_COVID-19-GLOBAL_Interim_Report-2020.pdf.

- Young Feminist Europe (2019). The Istanbul Convention and the Czech Republic: Barriers to Ratification. Available at: <https://www.youngfeminist.eu/2019/01/the-istanbul-convention-the-czech-republic-barriers-to-ratification/>.
- Yuksel- Kaptanoglu, I., Çavlin, A. and Akadly Ergöçmen, B. (2015). *Research on domestic violence against women in Turkey*. Hacettepe University: Institute of Population Studies. Available at: http://www.hips.hacettepe.edu.tr/eng/english_main_report.pdf.
- Zamfir, K. (2018). *Returning women to their place? Religious fundamentalism, gender bias and violence against women*. Korinna Zamfir *Returning Women to Their Place?* Journal for the Study of Religions and Ideologies, vol. 17, issue 51 (Winter 2018). Available at: <http://jsri.ro/ojs/index.php/jsri/article/view/996/783>.

This study was commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the FEMM Committee. It aims to understand the implementation of the Convention, its added value, arguments against the ratification of the Convention, and the impact of the COVID-19 pandemic on violence against women (VAW) and domestic violence (DV). The 27 EU Member States are included in the study, together with Turkey, which offers a comparator of the impact of the ratification of the Convention by a non-EU country.

PE 658.648

Print ISBN 978-92-846-7141-0 | doi:10.2861/723639 | QA-01-20-548-EN-EN-C
PDF ISBN 978-92-846-7140-3 | doi:10.2861/225990 | QA-01-20-548-EN-EN-N