

**SAFE
FROM FEAR**

**SAFE
FROM
VIOLENCE**

Council of Europe Convention
on preventing and combating
violence against women
and domestic violence CETS No. 210



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FREQUENTLY ASKED QUESTIONS

Assuming its leading role in human rights protection, the Council of Europe Committee of Ministers adopted on 7 April 2011 the Convention on preventing and combating violence against women and domestic violence. It opened for signature on 11 May 2011 on the occasion of the 121st Session of the Committee of Minister in Istanbul. The convention is the most far-reaching international treaty to tackle violence against women and domestic violence.

1. HOW DOES THE CONVENTION HELP ME?

When the government of your country has accepted this convention, they will have to take a comprehensive set of measures to tackle all forms of violence against women and domestic violence head on. Every single measure that the convention contains is meant to help victims or to prevent violence in the first place. For example, your government will have to:

- set up a national helpline to make sure that you get the assistance or information you need;
- make sure that the police treats you with respect and adequately when you report something as traumatising as having been beaten up by your partner, sexually assaulted at a club or sexually harassed at work by your boss – and that they carry out a proper investigation into your allegations;

- grant the police the power to immediately expel your violent (ex-) partner, (ex-) husband or (ex-) boyfriend from the house so that you are safe.

The convention creates a number of criminal offences, for example stalking, sexual harassment and psychological violence. This means that you no longer have to endure this type of behaviour at home or at work or need to feel ashamed about it. Instead, you can go to the police and report this as a crime. Putting a name to it and knowing it is a crime in your country will help you to have it stopped.

2. WHY A CONVENTION ON VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE?

Every day in Europe, women are stalked, harassed, raped, mutilated, forced by their family to enter into a marriage, sterilised against their will or psychologically and physically abused in the “safety” of their own homes. The examples of violence against women are endless, its victims countless. Many women are too afraid or ashamed to seek help, often paying for their silence with their lives. Those that do speak out are not always heard. Domestic violence is another form of violence that is far too common and that affects not only women, but also men, children and the elderly.

The human suffering such violence causes is enormous. While most victims will be left with physical and psychological scars haunting them for the rest of their lives, others will in addition continue to live a life of fear and persecution.

On top of this, such violence has severe financial costs for national economies, by draining the resources from social services and the justice system. To give an example, violence against women costs the Danish society about 70 million euros per year, while the United Kingdom reports a loss of more than £37bn. Protecting women and combating this problem not only saves lives, but also comes at a lesser financial cost to our societies.

Putting an end to this violence must be an important policy concern for any government that is committed to ensuring the human rights of all. Over the past 20-30 years many important steps have been taken in a number of Council of Europe member states, but existing legislation is often insufficiently enforced, services for victims remain scarce or inadequately funded and sexist attitudes prevail. Moreover, the legislation and support that are available vary greatly from one country to the next, creating huge disparities in protection. Developing a convention that contains a set of legally binding standards to raise standards of protection and support is an important step towards a comprehensive and harmonised response to violence against women and domestic violence across Europe.

3. DOES THIS CONVENTION JUST APPLY TO WOMEN?

No. The convention applies to women more than it applies to men because it covers forms of violence that only women experience (forced abortion, female genital mutilation) or that women experience much more often than men (sexual violence and rape, stalking, sexual harassment, domestic violence, forced marriage, forced sterilisation). These forms of violence are a result of unequal power relations between men and women. They are a consequence of discrimination against women and are therefore important to tackle in order to achieve real gender equality.

Some forms of violence covered by the convention such as forced marriage and domestic violence are also experienced by men, although less often in numbers and often in less severe forms. The convention recognises this and encourages parties to the convention to apply its provisions to all victims of domestic violence, including men, children and the elderly.

4. DOES THE CONVENTION PROTECT CHILDREN?

Exposure to physical, sexual or psychological violence and abuse has a severe impact on children. It breeds fear, causes trauma and adversely affects their development. Violence against women and domestic violence in its direct or

indirect form can have harmful consequences for their health and lives. In the case of domestic violence it is acknowledged that children do not need to be directly affected by the violence to be considered victims as witnessing domestic violence is just as traumatising.

The convention covers various forms of violence against women and domestic violence. Victims of such violence are typically girls and women of all ages. Boys and men, however, may also fall victim of certain types of violence that fall within the scope of the convention, in particular domestic violence and forced marriage. For this reason, states are encouraged to extend the application of the measures set out in the convention to boys and men.

Furthermore, there are several provisions that deal explicitly with children. They require states to do the following:

In the area of prevention:

- conduct or promote awareness-raising campaigns on the different manifestations of violence against women and domestic violence and their consequences on children.
- develop and promote, in co-operation with the private sector, skills among children, parents and educators concerning how to deal with violent and harmful content in the communications environment.
- ensure that preventive measures address the specific needs of child victims.

In the area of protection and support:

- provide specialist support services to women victims of gender-based violence and their children.
- set up shelters that provide safe accommodation for women and their children.
- ensure that the rights and needs of child witnesses are taken into account when providing protection and support services to victims.
- ensure that significant incidents of violence against women and domestic violence are taken into account when determining custody and visitation rights.

In the area of prosecution:

- criminalise the act of intentionally forcing a child to enter into a marriage, or that of luring the child to another country in order to force her or him to enter into a marriage.
- ensure that criminal legislation covers the incitement of a child to commit crimes in the name of “honour”.
- ensure that child victims and child witnesses are afforded special protection measures at all stages of investigations and judicial proceedings.

5. DOES DOMESTIC VIOLENCE JUST MEAN VIOLENCE WHICH TAKES PLACE WITHIN THE WALLS OF THE HOME?

No. Domestic violence means physical, sexual, psychological or economic violence that takes place within the family, within the domestic unit, or between former or current spouses or partners. The perpetrator does not have to live or have lived with the victim to make it domestic violence. This is important because it means that the protection offered by the convention extends to a victim who has separated from a violent partner and lives in his or her own place but who is still under threat from the partner. It also includes violence that occurs between boyfriend and girlfriend.

6. DOES THE CONVENTION PROTECT MIGRANT WOMEN, WOMEN ASYLUM SEEKERS AND WOMEN REFUGEES?

Migrant women, with or without documents, and women asylum-seekers are particularly vulnerable to gender-based violence. Although their reasons for leaving their country vary, as does their legal status, both groups are at increased risk of violence and face similar difficulties in overcoming it. For this reason, the convention prohibits discrimination on the grounds of migrant or refugee status when it comes to implementing its provisions. It also requires that measures be taken to prevent such violence and support victims while taking into account the needs of vulnerable persons.

Moreover, the convention devotes an entire chapter to women migrants and asylum-seekers facing gender-based violence. It contains a number of obligations that aim at generating a gender-sensitive understanding of violence against migrant women and women asylum-seekers. For example, it introduces the possibility of granting migrant women, who are victims of domestic violence and whose residence status depends on that of their spouse or partner, with their own residence permit when the relationship ends. This allows a victim of domestic violence to leave the relationship without losing her residence status. It also creates, for instance, the obligation to allow migrant victims who left and then did not return to the country they migrated to because they were forced into marriage in another country to regain their residence status. Furthermore, the chapter includes provisions establishing the obligation to recognise gender-based violence against women as a form of persecution within the meaning of the 1951 Refugee Convention and contains the obligation to ensure that a gender-sensitive interpretation be given when establishing refugee status.

It is important to note that women seeking asylum have specific protection concerns and worries that are different to those of men. In particular, women may be fleeing gender-based violence but may be unable or unwilling to disclose relevant information during a refugee determination process that does not respect cultural sensitivities. Furthermore, unaccompanied women are often exposed to sexual harassment and sexual exploitation and are unable to protect themselves. In order to address the particular issues linked to women

asylum-seekers, the convention establishes the obligation to introduce gender-sensitive procedures, guidelines and support services in the asylum process. Introducing a gender perspective into procedures allows for differences between women and men to be taken into account.

Another provision that is included in the convention reiterates the obligation to respect a well established principle of asylum and of international refugee protection, which is the principle of non-refoulement. The convention establishes the obligation to ensure that victims of violence against women, who are in need of protection, regardless of their status or residence, are not returned to any country where their life would be at risk or where they may be subjected to torture or inhuman or degrading treatment or punishment.

7. WHAT IS THE ADDED VALUE OF THE CONVENTION?

By accepting the convention, governments are obliged to change their laws, introduce practical measures and allocate resources to create a zero tolerance zone for violence against women and domestic violence. Preventing and combating such violence is no longer a matter of goodwill but a legally binding obligation. For the first time in history, the convention makes it clear that violence against women and domestic violence can no longer be considered as a private matter but that states have an obligation to prevent violence, protect victims and punish the perpetrators. This will help victims all over Europe.

8. DOES THE CONVENTION RECOGNISE THE GENDERED NATURE OF VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE?

Violence against women and domestic violence cannot be addressed without looking at gender equality issues. Women may be subjected to violence because of their gender. Certain types of violence, in particular domestic violence, affect women disproportionately.

Consequently, the convention frames the eradication of violence against women and domestic violence in a context of achieving de jure and de facto equality. Its Preamble recognises the structural nature of such violence,

which is both a cause and a consequence of unequal power relations between women and men and which limits the full advancement of women. To overcome inequality, the convention requires states to implement gender equality policies and to empower women. It is not about treating women as helpless victims but about making sure they can rebuild their lives.

While the focus of the convention is on all forms of violence against women, which includes domestic violence committed against women, the convention also recognises that there are other victims of domestic violence, such as boys, transgender persons and men. This may include gay men or men that do not conform to what society considers to constitute appropriate behaviour. States can choose whether or not to apply the convention to these victims of domestic violence. Applying a gender perspective to these groups of victims is equally important.

Many forms of discrimination, harmful practices and gender stereotypes are the starting point for violent behaviour. For this reason, the convention specifically tackles gender stereotypes in the areas of awareness-raising, education, the media and the training of professionals. It also creates the obligation to ensure that both protective and support measures as well as investigations and judicial proceedings be based on a gendered understanding of violence. The concept of gender is thus firmly embedded in the convention.

9. WILL ENSURING MORE RIGHTS FOR WOMEN REPRESENT A THREAT TO TRADITIONAL FAMILY STRUCTURES?

The objective of the convention is not to regulate in any way family life and/or family structures. The convention requires governments to ensure the safety of victims who find themselves in dangerous situations at home or are threatened by family members or partners. Neither does it contain a definition of “family”, nor does it promote a particular type of family setting. Because its aim is to address violence against women and domestic violence wherever it occurs, it does not limit its application to legally married partners but extends it to all partners, married or not, whether these are of the same or the opposite sex. The aim is to avoid excluding certain groups of victims on the basis of their marital status or sexual orientation.

The convention does however seek to change mentalities to move away from gender stereotypes and sexist attitudes. Governments will need to tackle social and cultural patterns of behaviour that perpetuate and reinforce violence against women. They will need to do this by promoting a lifestyle of non-violent behaviour, respect for equality between women and men and awareness of harmful gender stereotype and traditional practices. It is only by making people understand how their everyday behaviour factors in violence against women that change can happen.

10. WHAT DO GOVERNMENTS HAVE TO DO ONCE THEY RATIFY THE CONVENTION?

Once a country ratifies the convention, it becomes a party to the convention (or state party). This means that the state commits itself to ensure that all measures contained in the convention are duly implemented.

To give concrete examples, a party to the convention will have to take the following measures:

Prevention

- put in place policies that are necessary to change attitudes, gender roles and stereotypes that make violence against women acceptable;
- train professionals working with victims;
- raise awareness of the different forms of violence and their traumatising nature;
- co-operate with NGOs, the media and the private sector to reach out to the public.

Protection

- ensure that the needs and safety of victims are placed at the heart of all measures;
- set up specialised support services that provide medical assistance as well as psychological and legal counselling to victims and their children;
- set-up shelters in sufficient numbers and introduce free of charge round-the-clock telephone helplines.

Prosecution

- ensure that all forms of violence against women and domestic violence are criminalised and appropriately punished;
- ensure that excuses on the grounds of culture, custom, religion or so-called “honour” are unacceptable for any act of violence;
- ensure that victims have access to special protection measures during investigation and judicial proceedings;
- ensure that law enforcement agencies respond immediately to calls for assistance and manage dangerous situations adequately.

Comprehensive policies

- adopt comprehensive and co-ordinated policies that place the rights of victims at the centre of all measures;
- involve all relevant actors (government agencies, national, regional and local authorities, civil society organisations and many more) because there is not a single agency that can take on violence against women and domestic violence on its own.

Monitoring

- report to the body responsible for monitoring the convention on the measures taken to implement the convention.

11. DOES THE CONVENTION RECOGNISE THE IMPORTANT ROLE OF NGOS AND CIVIL SOCIETY IN SUPPORTING VICTIMS?

In many member states, the overwhelming majority of services for victims of domestic violence, but also services for victims of sexual violence, stalking, forced marriage and others, are run by non-governmental or civil society organisations. These organisations have a long-standing tradition of providing shelter, legal advice, medical and psychological counselling. They

also run hotlines and other essential services. However, many such services experience funding insecurity and operate in small geographic areas only. In most countries, the overall number of available services does not match the demand of victims. Often, this is because the provision of services is not considered a necessity, but a voluntary activity of NGOs.

For this reason, the convention recognises the work of NGOs and seeks to ensure greater political and financial support for their work. It includes provisions that oblige parties to encourage and support their work by tapping into their expertise, involving them as partners in multi-agency co-operation and supporting their awareness-raising efforts. This can help to enhance results of measures taken to prevent and combat violence against women and domestic violence. Supporting NGOs and civil society organisations means enabling them to carry out their work in the best possible way, for example by setting up co-operative structures between law enforcement agencies and shelters, advertising NGO hotlines and services in government information material but also ensuring relevant public and political support. The convention also includes the obligation for parties to allocate appropriate financial and human resources for activities carried out by non-governmental organisations and civil society.

Finally, NGOs will also play a role in the monitoring of the implementation of the convention. The group of experts in charge of the monitoring process may receive information from NGOs on a party's implementation of the convention which would complement the information provided by the party itself.

12. WHEN WILL THE CONVENTION ENTER INTO FORCE?

The Convention will enter into force once 10 countries have ratified it. 8 out of the 10 ratifications have to come from Council of Europe member states.

13. WHO WILL MAKE SURE THAT GOVERNMENTS ARE LIVING UP TO THEIR OBLIGATIONS?

This task will be carried out by a group of independent experts (GREVIO) and the Committee of the Parties representing the governments that have become party to the convention. On the basis of reports and country visits, the experts will monitor compliance with the convention and, where necessary, help governments to improve its implementation in a constructive way. The Committee of the Parties can issue recommendations to the parties under review. If need be, it can also set a date by which the party in question will have to provide information on the action it has taken to comply with the recommendation.

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About the Council of Europe

The Council of Europe has 47 member states, covering virtually the entire continent of Europe. It seeks to develop common democratic and legal principles based on the European Convention on Human Rights and other reference texts on the protection of individuals, including women and girls. Since the 1990s, the Council of Europe has actively promoted the protection of women and girls from gender-based violence, namely by adopting Recommendation (2002) 5 on the protection of women against violence and by running a Europe-wide campaign on violence against women, including domestic violence in 2006-2008.

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