

## Briefing Paper

# Benefits and Challenges the CSSP Platform has faced in the Process of Implementing and Monitoring the Istanbul Convention



This Programme is funded  
by the European Union



This publication was produced with the financial support of the European Union. Its contents are the sole responsibility of WAVE and do not necessarily reflect the views of the European Union.

**Abbreviations:**

<b>BiH</b>	Bosnia and Herzegovina
<b>CEDAW</b>	The Convention on the Elimination of All Forms of Discrimination against Women
<b>CoE</b>	Council of Europe
<b>CSO</b>	Civil Society Organization
<b>CSSP</b>	Civil Society Strengthening Platform
<b>DV</b>	Domestic Violence
<b>GBV</b>	Gender-based violence
<b>GREVIO</b>	Group of Experts on Action against Violence against Women and Domestic Violence
<b>IC</b>	Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)
<b>LGBTI</b>	Lesbian, Gay, Bisexual, Transgender and Intersex
<b>NGO</b>	Non-Governmental Organization
<b>VAW</b>	Violence against Women
<b>WAVE</b>	Women against Violence Europe
<b>WSS</b>	Women's Specialist Support Services

## Introduction

The present briefing paper highlights the benefits and challenges that the Civil Society Strengthening Platform (CSSP) has faced when looking at ways to effectively implement the Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence, the Istanbul Convention (IC). This paper will underline the situation in each partner country: Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro, Serbia and Turkey, regarding the implementation of the IC, as well as women's organisations' efforts and the platform's efforts in contributing to the implementation of the IC.

## Efforts in supporting the implementation of the Istanbul Convention

The CSSP works mainly at a regional level, concentrating part of its efforts on training women's civil society organisations to contribute to the implementation of the Istanbul Convention, in their national law but also at a regional level. The platform's main efforts are to strengthen women's voices and agency, including of women's organisations working with and representing women from disadvantaged groups, at a regional level. Throughout 2018, two successful trainings have been carried out by the platform to empower and support women's organisations from the Western Balkans and Turkey. The training aims were to address the needs of women's organisations by focusing on a more in-depth implementation of the IC and the effective use of its tools to advocate for better policies. An additional aim of the training sessions was to learn how to effectively submit GREVIO shadow reports. The trainings took into consideration the current situations in each partner country, in terms of the signature, ratification and implementation status of the IC.

The first training, organized in Ankara, Turkey in cooperation with partner 'The Foundation for Women's Solidarity', focused on how to use the tools of the IC and CEDAW for advocacy and lobbying purposes. Out of the seven Western Balkan countries and Turkey, six ratified the Istanbul Convention<sup>1</sup>, excluding Kosovo, as they have neither signed nor ratified the IC due to their current political status<sup>2</sup>. Throughout the discussions, problems were highlighted regarding the definition of the word 'gender' in the Convention (Article 3). Conservatives and nationalist groups oppose the 'gender ideology', misrepresenting the aims of the Convention. GREVIO has continuously emphasized that the Convention should always be read in conjunction with the explanatory memorandum for further explanations of what the Convention and its articles mean. There were also discussions regarding the impact of the IC that can already be acknowledged; for example, forms of violence such as stalking, female genital mutilation, forced marriage are now criminalized and sanctioned. It was noted that ratifying the Convention has indeed led to improved legislation, and to a higher degree of awareness in society regarding violence against women. For example, Albania has set up a helpline and is ready to address and work with perpetrators, thus, opting for appropriate sanctions. However, Albanian women's organisations are still confronted with insufficient funding allocation from their government.

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<sup>1</sup> The former Yugoslav Republic of Macedonia was the 29th state to ratify the IC on 1 July 2018.

<sup>2</sup> Kosovo declared independence from Serbia in 2008 but is not yet recognized by all nations including Serbia, Russia and China. This means that it has been prevented from joining the Council of Europe which upholds civil and political rights across 47-member states. Kosovo's constitution, however, states that its laws should be interpreted in line with rulings by the Council of Europe court.

The second training was about effectively submitting shadow reports to GREVIO by civil society organisations, as Bosnia and Herzegovina and Serbia are about to submit a report in June 2018 and November 2019, respectively. Out of the seven partner countries, three countries have already reported to GREVIO – Albania, Montenegro and Turkey – and two are about to report – Bosnia and Herzegovina and Serbia. As for Macedonia, a timeline has not yet been established, since Macedonia only ratified the Convention in March 2018, with it entering into force on the 1<sup>st</sup> of July 2018. The training offered participants concrete insights into writing shadow reports. For example, the speakers presented essential IC provisions to pay particular attention to, when monitoring the implementation, they advised on the use of concrete country examples for GREVIO to better grasp the internal situation, and also went through previous urgent recommendations GREVIO has given to other countries. Throughout the training, women’s NGOs from Bosnia and Herzegovina set out a positive example by inviting all women’s organisations, including organisations representing vulnerable groups, such as Roma women or women with disabilities, to take part in the development of the shadow report. The importance of being inclusive in these types of actions represents a form of empowerment and gives minority and disadvantaged groups an opportunity to voice their concerns and experiences.

All these efforts increased women’s NGOs’ knowledge about similar problems they face in the Western Balkans and Turkey in terms of implementing the Istanbul Convention. Furthermore, it also offered concrete tools for using international instruments, such as the IC, European Convention on Human Rights and CEDAW Convention in their everyday work. Lastly, it provided an opportunity for women’s NGOs to connect and share expertise with minority and/or disadvantaged women’s groups organisations regarding the role and importance of marginalized groups of women and it raised awareness on the tendency to not include these groups in women’s NGO everyday work.

### **Benefits and challenges in effectively implementing the Istanbul Convention**

The Istanbul Convention represents the first European legally binding instrument condemning all forms of violence against women and domestic violence, and it recognises that violence against women is a manifestation of historically unequal power relations between women and men. The Convention is currently ratified by 32 European countries and signed by 14 countries.

The Convention represents a tool to increase the safety and liberty of all citizens, as it applies to all victims of violence, including men, but specifies that particular attention should be paid to women victims of gender-based violence. The Convention is built around the word ‘gender’ to define the phenomenon of ‘gender-based violence’, which is violence directed against women merely because they are women. It aims at deconstructing “roles, behaviours, activities and attributes that a given society considers appropriate for women and men”<sup>3</sup>.

Since its entry into force, it has addressed individuals’ perceptions about domestic violence, it has expanded the notion of ‘economic harm’ which it is related to psychological violence and added further grounds for discrimination to the ones already covered by the European Convention of Human Rights in Article 14<sup>4</sup>. State policies have become more oriented towards offering a holistic response to

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<sup>3</sup> The Council of Europe’s Convention on Preventing and Combating Violence against Women and Domestic Violence, Explanatory Report pg. 52

<sup>4</sup> Article 14 of the European Convention on Human Rights prohibits discrimination, stating that the enjoyment of rights set forward in the Convention ‘shall be secured without discrimination on any ground such as sex, race,

violence, based on the four-pillar structure proposed in the IC: prevention, protection, prosecution and integrated policies. Efforts are being made to bring national legislations closer to the scope of the IC, such as the Albanian state, which now has a solid legal framework to address domestic violence. Furthermore, trainings are being carried out mostly by women's NGOs or international/European organisations to address the topic, as for example, the Council of Europe's HELP<sup>5</sup> platform offers the 'Violence against Women and Domestic Violence' legal online course for legal professionals<sup>6</sup>, WAVE being one of the contributors to the creation of the course.

Even though the Convention represents a landmark instrument for the European region and beyond its borders, an effective implementation in national legislations has proven to be problematic for most ratifying countries.

The ratification of the Convention is left to national governments that have two options: either ratifying it first and then adapting the national legislation in accordance with the Convention or adapting the national legislation to the scope of the Convention and ratifying at a later stage. Regardless of which option national governments choose, a proper implementation of the Convention implies mainly: laws that define and sanction all forms of violence and a judiciary which interprets the law in the spirit of the Convention. Furthermore, proper training of the law enforcement authorities and adequate implementation of the legislation through them and judicial system is required to be able to address victims' needs. Last but not least, the involvement of women's NGOs in the law-making process is fundamental, as catalysts of specialized service providers.

Implementation has been found to be problematic in all Western Balkan countries and Turkey. One particular challenge lies with the states' responsibility or willingness to actively allocate appropriate financial resources for an adequate implementation of the IC. This includes integrated policies, measures and programmes to prevent and combat all forms of violence, including those carried out by NGOs and civil society, according to Article 8 of the IC. Effective cooperation is also still lacking between government institutions and women's NGOs, who are active in combating violence against women by offering tailored specialized services for victims, raising awareness (Article 13), training professionals (Article 15) or undertaking other relevant activities. Specialized support services (Article 22) are best ensured by women's organisations, which are completely devoted to the complex task of empowering victims through optimal support and assistance, catering to specific needs of victims. Limitation of financial resources hinders the victims' ability to access holistic and appropriate support services. One example comes from Montenegro, where after the ratification of the Istanbul Convention, the state started funding the 'SOS Telefone' national helpline, resulting in the service being free of charge for victims of violence, however the funding is insufficient as it only covers 50 % of the overall costs of the helpline.

Collecting data on cases of violence is also deficient in most Balkan countries and Turkey. In practice, the state collects data only on criminal cases where a decision to prosecute exists, excluding cases reported to the police where the prosecutor raised no charges and a large number of cases that are

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<sup>4</sup> (continued) colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

<sup>5</sup> Human Rights Education for Legal Professionals <http://help.elearning.ext.coe.int/>

<sup>6</sup> The course is offered in English, but, at the moment, it is being translated into other languages and adapted to national legislations.

never reported to any authorities<sup>7</sup>Cases followed by a decision not to further prosecute are, in most scenarios, related to the victim withdrawing her complaint. The reasons behind these withdrawals are usually not taken into consideration by the prosecutor, and they can vary from the economic dependence the victim has on the perpetrator, to the victim being threatened and intimidated by the perpetrator. National governments tend to only include cases where a decision to prosecute exists in their statistical records, resulting in a misrepresentation of the scale of violence in the country. This is problematic, as when national governments report to international mechanisms such as GREVIO or the CEDAW Committee, they report a distorted image of the actual scale of violence against women happening in the country.

The issue of vulnerable groups is still not satisfactorily addressed by national governments. Article 4.3 of the IC stipulates that apart from the general grounds of discrimination<sup>8</sup>, gender, sexual orientation, gender identity, age, state of health, disability, marital status and migrant or refugee status or other status, shall not constitute grounds for discrimination when applying the Convention. The open-ended list of Article 4.3 draws attention to the fact that discrimination against certain groups of victims is still widespread in society. Certain groups of individuals, especially marginalised groups such as women with disabilities or Roma women, may experience multiple forms of discrimination. For example, women with certain disabilities are not just discriminated on the grounds of their disability, but also on the grounds of their gender roles. Countries implementing the Convention still struggle with their inability to gather data on this issue, as well as with misperceptions society has towards vulnerable groups. A problem identified in most baseline reports is that women from vulnerable groups at times do not recognise that what they are experiencing is gender-based violence due to the context they grew up in, i.e. their cultural background. Moreover, forced marriage is still an important issue within many Roma communities, as this practice is perceived by many as part of their tradition. The interpretation of Article 37 (forced marriage) within the IC also includes early marriage, as GREVIO highlights. Yet, most national governments do not recognise that the Convention also covers early marriage in the concept of forced marriage.

### **A country-by-country short analysis on the implementation of the Istanbul Convention**

**Albania** signed the Istanbul Convention in 2011, ratified it in 2013 and had it enter into force one year later in 2014. Albania was one of the first countries to sign the convention, even though the country was not internally ready to adopt the document. After the ratification, national legislation has been improved; for example, there is now a solid legal framework to address domestic violence, both in the civil and criminal law, but Albania still lacks legislative and political attention when it comes to covering other forms of violence against women such as forced marriage, sexual harassment or sexual violence. Even though there is a solid legal framework on domestic violence, figures show that the number of crimes being reported is still low compared to the number of actual crimes occurring according to official crime statistics. An increase in the number of reported incidents can be noticed from each year,

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<sup>7</sup> Statistical data from e.g. the UK, demonstrates that on average only 37% of all domestic violence cases are ever reported to the police or other authorities and only about 6% of perpetrators are convicted in court. This data applies to the UK, a country in which NGOs and statutory bodies are, despite many funding cuts since 2010, still comparatively well-resourced in Europe.

<sup>8</sup> According to the IC, the general grounds for discrimination are the following: sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth.



due to civil society's commitment to raising awareness of the issue of gender-based violence, but this is unfortunately still low compared to the actual occurrences.

There is a National Strategy in place on violence against women, but the strategy does not tackle the issue of public funding for women's support services. For instance, the national women's helpline in Albania had no allocated funding for the operation of the helpline, except for part of the support service costs. The National Strategy and Action Plan rely heavily on donation funding (around 60%), especially for Strategic Objective no. 3 on "Reducing gender-based and domestic violence". Since its signature, the Convention is being used by women's NGOs as a key advocacy tool at a national but also European level. The Albanian government is more accountable towards the implemented policies, especially when it comes to reporting to GREVIO.

According to the GREVIO Baseline Evaluation Report<sup>9</sup>, policies have been developed to offer a holistic response in dealing with acts of domestic violence. However, more efforts are needed from the national government to address all forms of violence. Available data regarding these other forms of violence, however limited, indicates the need for these forms to be addressed immediately. More efforts are needed, notably in the areas of data collection, multi-agency cooperation, awareness-raising, education, training of professionals, supporting general and specialist support services, as well as restraining or protection orders, to effectively cover all forms of VAWG.

Another important aspect, according to GREVIO, regards interpretations of laws, which have to be both consistent and mindful of the legislator's intent to ensure that victims' rights are effectively recognized. In Albania, interpretation has served to ensure that incidents of violence are considered in the determination of custody and visitation rights of children, thus remedying the absence of any national legislative measures that should be in accordance with Article 31 of the IC. However, there is overall divergent interpretation across the country which tends to eventually deny effective access to justice for victims of violence; for example, by introducing mandatory conciliation in the emergency barring orders procedure. Therefore, improved awareness among legal professionals is needed regarding the fundamental principles that should guide any intervention process, such as considering a victim's and her children's safety at all stages of the legal process.

Based on GREVIO's recommendations – one of them being to take all necessary measures, including legislative measures to harmonise definitions of domestic violence in domestic law with the IC and to ensure an effective application of such a harmonised definition in practice – the Albanian government began in 2017 to bring Law no. 9669 into accordance with the articles of the IC. Women's NGOs have been closely consulted during this process. Namely, representatives from civil society organisations took part in the hearing session in June 2018 along with the Committee of Labour, Social Affairs and Health to present concrete suggestions for the draft law. Among the changes, the new law will extend its protection of domestic violence victims to couples not sharing the same residence (the precondition of prior co-habitation has been removed), in accordance with the definition of domestic violence in Article 3 paragraph b of the IC. Other changes to the law, will include the establishment of emergency centres for immediate support of victims of domestic violence, and the obligation of the court to issue

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<sup>9</sup> For a complete report of the situation in Albania, see the GREVIO Baseline Report for Albania:  
<https://rm.coe.int/grevio-first-baseline-report-on-albania/16807688a7>

protection orders even in cases where parties have claimed that the conflict has been dealt with through reconciliation or mediation.

**Bosnia and Herzegovina** signed the IC in 2013 and ratified it in November 2013. The Convention entered into force in 2014. The signing and ratification of the IC raised awareness on the issue of violence against women in society, for instance domestic violence not being perceived as a private matter anymore. Even though the country signed and ratified the convention in a timely manner, problems are occurring in the process of implementation. Implementation is hindered in part due to the country's political structure; Bosnia and Herzegovina has a three-member body that replaces a single president, each representing one of the three constituent peoples (Bosniaks, Croats and Serbs), and two entities: Federation of Bosnia and Herzegovina (FBiH) and Republic of Srpska.

Even though the convention was signed at a state level, implementation happens at an entity level, where harmonization of laws is only partial. For example, in 2017, the Republic of Srpska adopted a new Criminal Code that is in accordance with the scope and purpose of the Istanbul Convention, however this did not happen yet in FBiH and the Brcko District<sup>10</sup>. Bosnia and Herzegovina also adopted the Framework Strategy for the Implementation of the IC for the period 2015-2018, which defines strategic measures and determines commitment of the institutions in BiH to strategically act on preventing and combating violence against women and domestic violence. The Framework Strategy is not accepted in the Republic of Srpska, which prevents its effective implementation in practice. Despite the progressive legal framework of the country, the lack of harmonization of the legislation is very problematic due to the current political structure. Violence remains an issue in the country as 47% of women above the age of 15 experience some kind of gender-based violence during at least one point in their lives. Other issues the country is facing are the unequal practices in dealing with victims of violence and the insufficient number and capacity of safe houses, as they do not match international standards and their number is 7% less than what is required by the IC<sup>11</sup>.

**Kosovo** is the only country in the Balkan region and Turkey that has been unable to join the Council of Europe. Therefore, it has neither ratified nor signed the Istanbul Convention. Kosovo is cut off from key European instruments due to its unresolved political status as a country, not being recognised by some nations including Serbia, Russia and China. Kosovo's Constitution does state though that laws should be interpreted in line with the rules of the Council of Europe Strasbourg's court, the European Court of Human Rights<sup>12</sup>, but also key international agreements such as CEDAW or the Istanbul Convention. The Kosovo constitutional court can decide if the state is acting in accordance with these treaties or not.

Kosovo has incorporated some international standards on human rights as part of its national law. This means that when national laws or other acts of public institutions cases are contradictory to international provisions on human rights, the latter have prevalence over national legislation and

<sup>10</sup> Brcko District is a self-governing administrative unit in north-eastern Bosnia and Herzegovina.

<sup>11</sup> According to the Explanatory Report of the IC, pg. 81, the IC calls for 'shelters to be set up in sufficient numbers to provide appropriate temporary accommodation for all victims. The term 'sufficient numbers' is intended to ensure that the needs of all victims are met, both in terms of shelter places and specialised support. The Final Activity Report of the CoE Task Force to Combat Violence against Women, including Domestic Violence (EG-TFV (2008)6) recommends safe accommodation in specialised women's shelters, available in every region, with one family place per 10 000 head of population'.

<sup>12</sup> <http://www.balkaninsight.com/en/article/vicious-cycle-kosovo-s-battered-women-syndrome-11-03-2017-2>



should be enforced. The international standards directly applicable in Kosovo are: the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the European Convention on Human Rights (ECHR) and the International Convention on Civil and Political Rights and its protocols.

Regarding its national legal framework, Kosovo adopted its second National Strategy on Protection from Domestic Violence and Action Plan 2016-2020 in December 2016. Several initiatives have sought to build the capacity of public institutions to implement the national action plan and other legal responsibilities pertaining to domestic violence. While sexual harassment has been discussed more openly in public, other forms of gender-based violence, such as sexual violence remain largely invisible and under-researched.

When it comes to domestic violence, Kosovo has several laws in place to protect victims of domestic violence. For instance, the Law on Protection from Domestic Violence approved in 2010, as well as two bylaws derived from it addressing the needs of the perpetrators (Administrative Instruction No. 12/2012 addressing the psycho-social treatment of perpetrators and Administrative Instruction No. 02/2013 addressing the treating methods for perpetrators). Furthermore, the Standard Action Procedures (SAP) was approved by the Kosovo National Coordinator against DV in 2013 and provides details on the legal and institutional roles and responsibilities of institutions, courts, prosecutors' offices and services provided by NGOs (such as shelters). Yet, the Kosovo Criminal Code does not contain any definition on domestic violence as is the case in most other European countries. Despite all these efforts, domestic violence is still tackled from an old-fashioned perspective, such as the widespread view that violence between spouses is a private family matter. Furthermore, there is a clear lack of implementation of the existing legislation in the country, a lack of coordinating mechanisms for it, a weak inter-institutional cooperation and a lack of specialized services for treating gender-based violence victims, among other issues.

**Macedonia**, out of all the seven countries in the region, is the last one to ratify the Istanbul Convention (23/03/2018), even though they signed it at an early stage (08/07/2011). The Convention entered into force on the 1<sup>st</sup> of July 2018. The Convention was signed in Macedonia by the right-wing party, but never ratified during their mandate. Due to the major shift of parties on the political scene, a new social democratic government was established, bringing the ratification to the government's table. After the ratification of the Convention, the Ministry of Labour and Social Politics formed a working group which elaborated a five-year action plan on implementing the Istanbul Convention. The formation of the working group included all relevant actors, such as: members of the Ministry of Labour and Social Politics, Ministry of Interior, Ministry of Education and Science, Ministry of Justice and Ministry of Health, as well as members from civil society organisations, judicial representatives as well as women parliamentarians and the media. The action plan can facilitate changes and improvements of current laws, as well as improvements of current support services and opening new ones for victims of violence and is supposed to be finalized in the upcoming months. One of the biggest challenges facing this action plan is a proper allocation of funds for its implementation.

In terms of specialized services, the Ministry of Labour and Social Politics together with the Ministry of Health and NGOs are preparing to open three support centres for survivors of rape (Skopje, Tetovo and Kumanovo), as the country did not have these kind of services for victims of sexual violence before. Moreover, the National Network to end Violence against Women and Domestic Violence – Voice against Violence, lobbies since 2015 for the opening of regional services for women victims of violence.

Since the 2017 local elections, in collaboration with the newly elected mayors in three Macedonian regions (Skopje, Polog and Vardar), the network is working on finalizing the details to open specialized counselling centres for women victims of violence in the following five cities: Skopje, Tetovo, Gostivar, Veles and Kavadarci. Up until 2018, the country had only one specialized service of this type located in the capital. Funds have also been allocated as of September 2017 by the Ministry of Labour and Social Politics for the sustainability of one national helpline, one shelter and one crisis centre for women victims of violence – all three are run by non-governmental organisations.

**Montenegro** is one of the first countries to sign and ratify the Istanbul Convention, that entered into force in 2014. According to four leading NGOs providing specialized support services to victims of domestic violence, which produced the shadow report for the evaluation of the implementation of the IC in Montenegro, Montenegro still needs to make considerable efforts to improve the institutional response to victims' protection and support, and to increase the accountability of perpetrators of violence.

At the national level, the existing laws and regulations for protection of human rights in the context of violence against women, such as the Law on Gender Equality or the Law on Domestic Violence Protection, as well as the Criminal Code, are too general and gender-neutral. Furthermore, these laws have not been adequately implemented in practice, thus do not provide satisfactory protection for women victims of violence. The terminology in the legal framework needs to be brought in line with the spirit and articles of the Convention, as well as the definitions regarding different forms and terms of VAW, DV and GBV. Moreover, the Ministry of Justice has retained an outdated definition of rape, which does not incorporate the element of consent, when it comes to sexual intercourse. The central element when investigating a rape crime should be placed on the victim's lack of consent, and not on the use of coercion or threat as a condition for sexual assault. Furthermore, according to women's NGOs, the fact that Montenegro does not have any convictions for gender discrimination shows that there is a clear lack of awareness of gender equality in the society, a lack of public information about protection mechanisms available to victims of violence, as well as a low level of citizens' confidence in the work of the judiciary and law enforcement. Regarding the actual implementation and promotion of the IC, the State has not shown much initiative so far, nor has it allocated specific funds for it. In terms of compensation for victims of violence, Montenegro adopted the law on Compensation for Victims of Criminal Offences, however a prerequisite of this law to enter into force is for the country to join the European Union.

When it comes to the provision of support services for victims of gender-based violence, the financial assistance offered by the state is insufficient. The state does not finance shelter work, while the work of the national SOS helpline for survivors of domestic violence is only partially covered (about 50 % of the costs). Moreover, Montenegro has no crisis centres for rape victims. Support programmes for children witnesses of violence are missing and the state does not ensure that the best interest of children is applied when it comes to custody and visitation rights. Public institutions, despite mandatory alternative dispute resolution being prohibited by the Istanbul Convention, mediate and reconcile the perpetrators and the victims. When it comes to risk assessment and risk management procedures, these are not visible in the work of institutions, and survivors of violence are not included

in development of safety plans. Lastly, there is no actual plan to train professionals on working with victims of gender-based violence.

**Republic of Serbia** signed the IC in 2012, ratified it one year later, in 2013, and entered into force in August 2014. Even though the signature and ratification process happened in a short period of time, as with other national policy documents in Serbia, the IC was never consistently implemented. The Convention's operative implementation document was never introduced, and consequently no public funding was allocated. The Gender Equality Coordinating Body is the accountability body for the implementation of the Convention and the reporting process to GREVIO; whereby the GREVIO Committee received the first official report on the 3rd of July 2018<sup>13</sup>.

The official state report to GREVIO provides an extensive list of information about activities of various actors. The report does not clearly state the necessary policy and service improvements in Serbia based on the requirements of the IC and does not directly link the public administration's actions with the public policies and support services provided. Furthermore, the report does not identify the gaps and developments needed to implement the IC.

According to other available data and data analysis it can be concluded that one of the outcomes of implementing the IC is the amendment brought to the national Criminal Law, but only to a limited extent. The introduction of the new Law on prevention of domestic violence, which entered into force in 2017 (DV Law), is another significant benefit. The new DV Law introduced important changes related to procedural issues, such as jurisdiction and conduct of public institutions regarding victims of GBV. For example, DV related procedures have now an emergency character, the police can issue short-term emergency measures without needing a decision of the court, and risk assessment is undertaken. The independent monitoring of new DV Law implementation shows quantitative improvements in the work of institutions (e.g. higher number of DV related trials, more protection measures issued, and increased respect for deadlines). Qualitative improvements are, on the other hand, negatively assessed.

Among the IC implementation challenges, the human resources management at the policy implementation level represents another problem. Public servants do not understand the gendered and uneven power aspects of the violence, as well as the cycle of violence. Victim blaming, discrimination or insensitivity to other forms of violence (sexual, psychological or economic) except for physical violence, are encountered among public authorities. Furthermore, services for women are not adequately provided, and if provided by women's CSOs the services are not financed with public funds. The private sector (mainly NGOs and the services provided by women's CSOs) is not recognized as a significant resource for policy and service improvement. Lastly, there is a lack of official data regarding the extent of gender-based violence in Serbia, which would help professionals and the society to recognize this phenomenon.

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<sup>13</sup> Official report to GREVIO prepared by the Republic of Serbia can be accessed under the following link:  
<https://rm.coe.int/grevioinf-2018-9/16808c1a4e>

**Turkey** has been one of the strongest supporters of the Istanbul Convention at the beginning of the negotiations and during the drafting process, being also the first country to ratify the Convention without any reservations in 2012. However, the actual implementation of the Convention is proving to be much more challenging and Turkey is facing difficulties in monitoring gender-based violence. The independent women's movement is continuously struggling to ensure the IC is being correctly implemented and that the laws protecting women's rights and preventing VAW are enforced adequately. In recent years, the AKP (Justice and Development Party) government has brought many legal changes, which are clearly undermining the egalitarian aspects and articles of the laws. The promotion of the "protection of the family", contradicts the promotion of women's rights. Furthermore, the government has adopted policies that confine women and girls, instead of empowering them, to more traditional roles in the name of "protecting the family institution".

The women's NGOs that prepared the shadow report for the evaluation of the implementation of the IC in Turkey, are extremely concerned about the lack of political will regarding the elimination of VAW and gender inequality as well as the malpractices of the state when it comes to the implementation of the Convention. An example was the draft bill on sexual abuse of children proposed by the government in April 2018, which included the introduction of chemical castration for sex offenders, life sentences for sexual abusers and the increase of prison terms in general. 163 women and LGBTI organisations issued a joint declaration stating that medical interventions such as chemical castration are not the right solution since sexual abuse is not an illness. They argued that child abuse cannot be prevented solely with harsher and increased prison sentences, but rather by addressing and eliminating the conditions where children are being abused, and institutionalising preventative and protective services. They also stated that a draft law on child abuse must be in conformity with the international treaties and conventions that Turkey is part of.

Turkey still lacks policies fitting the scope and purpose of the Convention. Hereby, establishment of necessary judicial and administrative mechanisms as well as allocation of sufficient human and financial resources are imperative for a proper implementation of the IC. The independence of the judiciary plays an important role in properly implementing the Convention, especially when it comes to imposing sanctions on public officers who act in violation of the IC. Furthermore, the government still excludes and pressurizes independent women's and LGBTI organisations who have been working in the field of VAW for years and does not allocate fair and sufficient financial resources for the functioning of specialist support services for survivors of gender-based violence. Most resources are currently allocated to general social assistance. There is a strong need for Turkey to increase its long-term work to eliminate VAW.

## Concluding remarks

The implementation of the Istanbul Convention differs from one country to another with the main variable factors being the relatively friendly or hostile political environment and the local level of general understanding of violence against women. Nevertheless, similarities can be encountered across all seven analysed countries.

Even though some improvements have been made in terms of adopting relevant laws, for instance legislation that recognises psychological and/or economical violence as forms of VAW; or domestic violence legislation that extends its protection to couples not sharing the same residence, there is a notable lack of effort in properly implementing the Istanbul Convention. Implementation is problematic mainly due to a lack of adequate training of the judicial and enforcement authorities and the lack of/very limited allocation of resources for women's NGOs providing support services to victims of gender-based violence. Moreover, some states still do not recognise nor fund any work undertaken by women's specialist support services (WSS) to provide tailored support to victims. Therefore, WSS often struggle significantly in making these services accessible to survivors of all forms of GBV. Conversely, most support services offered by states, such as counselling, shelters for victims of GBV or women's helplines, are not in accordance with the standards of the IC.

Some state efforts to bring national legislation in accordance with the aims and goals of the IC have been identified throughout the project countries, but in practice implementation is often hampered by a lack of awareness by public authorities about gender-based violence, which frequently leads to a lack of sensitivity when dealing with victims of violence. Due to these type of attitudes victims have a low trust in the judicial system, which negatively impacts their willingness to report gender-violence e.g. to the police.

Data collection represents another important aspect in demonstrating the impact of GBV and effectively addressing it, which is neglected by the majority of the states. Effective legislation, comprehensive and co-ordinated policies, and society's overall perception about the nature of GBV are supported, by research into all forms of gender-based violence. As the Explanatory Report of the IC highlights, 'evidence-based policy making (...) implies effectively documenting the magnitude of GBV by producing robust, comparative data in order to guide policy and to monitor the implementation of measures to address the problem<sup>14</sup>'. Accurate data is not only important in efforts to raise awareness amongst policy makers and the wider public about the seriousness of GBV but can also encourage reporting by victims or witnesses.

Despite the existing challenges and difficulties in properly implementing the IC, it can be concluded, that the IC has contributed significantly to the general improvement of most national legal frameworks addressing VAW and DV, but so far there has been little political will to allocate sufficient funding for an effective implementation of such legislation.

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<sup>14</sup> The Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence, Explanatory Report, pg. 63