

### **Combating violence against women concerns each and every one of us. Let's act. Together. Now.**

Violence against women is a violation of human rights. It is a major obstacle to overcoming inequality between women and men in society. It occurs in every Council of Europe member state despite positive developments in law, policies and practices.

One-fifth to one-quarter of all women have experienced physical violence at least once during their adult lives, and more than one-tenth have suffered sexual violence involving the use of force. About 12% to 15% of all women have been in a relationship of domestic abuse after the age of 16. Many more continue to suffer physical and sexual violence from former partners even after the relationship ends.

### **Background**

As Europe's leading human rights Organisation, the Council of Europe ran, from 2006-2008, a campaign to combat violence against women, including domestic violence. During this campaign, governments, parliaments and local and regional authorities worked hand in hand to improve the lives of women across Europe.

The campaign revealed the magnitude of the problem in Europe, but it also brought to light a wide range of good practices and initiatives in many different member states. It increased awareness among key actors and helped place the various forms of violence against women on the political agenda.

The Council of Europe *Task Force to Combat Violence against Women, including Domestic Violence* carried out an assessment of national measures to address violence against women taken before and during the Campaign. In its *Final Activity Report* it concluded that serious gaps remained in the areas of prevention, protection and prosecution.

Furthermore, its assessment showed the need for harmonised legal standards to ensure that victims across Europe benefit from the same level of protection and support. The *Task Force* therefore recommended that the Council of Europe develop a human rights convention to prevent and combat violence against women.

At around the same time, the Ministers of Justice of Council of Europe member states began discussing the need to step up protection from domestic violence, in particular intimate partner violence. A study on this subject stressed the importance of setting legally binding standards to ensure adequate protection for all victims and recognise it as a crime.

### **Ad hoc Committee on Preventing and Combating Violence against Women and Domestic Violence (CAHVIO)**

In response to these calls for action, the Committee of Ministers of the Council of Europe created, in December 2008, the *Ad Hoc Committee on Preventing and Combating Violence against Women and Domestic Violence (CAHVIO)* and instructed it to prepare one or more legally binding instrument[s] "to prevent and combat domestic violence including specific forms of violence against women, other forms of violence against women, and to protect and support the victims of such violence as well as prosecute the perpetrators". It endorsed the CAHVIO decision that "the focus of the future convention should be on the elimination of violence against women;" and that it "should deal with domestic violence which affects women disproportionately".

Taking up its work soon thereafter, the Committee has embarked on the difficult path towards setting legally binding standards for all forms of violence against women and domestic violence. In a field that touches upon many sensitive issues such as gender

roles, the right to protection of individual family members but also the protection of the family as such, the role and limits of state intervention as well as the need to ensure real gender equality, many divergent views exist.

Since early 2009, CAHVIO has held four meetings and has finished its first reading of the draft convention. It is now entering the final phase of the negotiations.

Between one and four government representatives per member state take part in the meetings of CAHVIO. In addition, the Committee includes many observers: representatives of the five observer states of the Council of Europe, but also NGO representatives as well as representatives of international organisations, in particular the European Union. Furthermore, various steering committees and bodies of the Council of Europe, such as the Commissioner for Human Rights, the Parliamentary Assembly and the Congress of Local and Regional Authorities are represented in the Committee.

The Parliamentary Assembly has long taken a firm political stance against all forms of violence against women. It has adopted a number of resolutions and recommendations calling for legally-binding standards on preventing, protecting against and prosecuting the most severe and widespread forms of gender-based violence. It closely monitors the drafting process, actively contributes to the negotiations on the text of the convention and has prepared to incorporate a parliamentary monitoring mechanism in the future convention.

### **The future convention**

Building on Council of Europe *Recommendation Rec(2002)5 on the protection of women against violence*, the convention will set new legally-binding standards to prevent violence against women and domestic violence, protect its victims and punish the

perpetrators. The future convention will fill a significant gap in human rights protection for women and will also extend its protection to male victims of domestic violence.

It will contain comprehensive obligations to improve the criminal law response to violence against women and domestic violence and to expand protective measures such as restraining and barring orders. Moreover, it will help to enhance the role of law enforcement agencies in responding to calls for assistance. In this regard, the drafting process is inspired by case-law from the European Court of Human Rights and jurisprudence of the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) on violence against women.

In addition to measures in criminal and civil law, the convention will comprise important obligations to offer adequate support and protection to all victims of violence against women and domestic violence. Hotlines, shelters, counselling, medical and forensic services as well as legal aid are crucial for victims to find help and recover, but also to stay safe and seek justice.

Finally, the convention will address the need to step up activities in the areas of education, training of professionals and general awareness-raising to change attitudes, gender roles and stereotypes which tolerate or legitimise violence against women. The future convention will be based on the premise that eradicating violence against women and domestic violence requires a comprehensive and multi-faceted strategy which needs to be carried out jointly by a wide range of actors.

The work on the future convention demonstrates that international consensus on the importance of preventing and combating violence against women is growing the world over. It ties in with efforts in Europe and other regions of the world to remove inequalities between women and men and enhance the protection of the human rights of women.

## **Adoption and entry into force**

The Committee will be holding a few more meetings to conclude its work. Once it has adopted the final draft text of the convention and the accompanying explanatory memorandum, the convention will be submitted to the Parliamentary Assembly for opinion. The step thereafter will be the adoption of the convention by the Committee of Ministers of the Council of Europe. Subsequently, the convention will open for signature and ratification by member states of the Council of Europe. Non-member states will be invited to accede to the convention. It will enter into force following the ratification or accession of five parties.

The information above reflects the situation in May 2010. To find out more about the work of CAHVIO, please visit the Committee's website at [www.coe.int/violence](http://www.coe.int/violence) or contact its Secretariat:

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## **The Council of Europe**

## **Working towards a convention on preventing and combating violence against women and domestic violence**

