

**The Istanbul Convention's monitoring mechanism: a preliminary
assessment of the process, and best practice in GREVIO's
monitoring reports.**

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Explanatory note

This working paper contains the research findings of a research project commissioned by the Dublin Rape Crisis Centre (DRCC), and it was created as part of the work of the ICHR Human Rights Clinic 19 – 20. The original version contained a research proposal in its third part, which has been deleted as intended only for DRCC’s internal use. It is published with the consent of the Dublin Rape Crisis Centre.

Introduction

The Istanbul Convention¹ is a Council of Europe Convention on preventing and combating gender-based violence against women.² It has been praised for constituting a ‘crucial development in the movement to combat GBV’;³ for being a ‘modern, comprehensive instrument engendered and based on a holistic approach’; and for its definition of GBV ‘as both a human rights violation and as discrimination against women’.⁴ The purposes of the Convention, listed under article 1, are to:

*a. **protect** women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence;*

*b. **contribute to the elimination of all forms of discrimination** against women and promote substantive equality between women and men, including by empowering women;*

*c. design a comprehensive framework, policies and measures for **the protection of and assistance** to all victims of violence against women and domestic violence;*

*d. **promote international co-operation with a view to eliminating violence against women and domestic violence;***

*e. provide support and assistance to organisations and law enforcement agencies to **effectively co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence.***

In aiming to fulfil its purpose, the Istanbul Convention adopts a holistic approach organised around 4Ps: Prevention; Protection; Prosecution; and integrated Policies, encompassing ‘all relevant measures to prevent and combat’ all forms of violence contained in the Convention.⁵ The Convention’s implementation is monitored by an independent expert body, the Group of Experts on Action against Violence Against Women and Domestic Violence (GREVIO), which draws up and publishes country-specific reports ‘evaluating legislative and other measures taken by the Parties to give effects to the

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¹ Council of Europe, Convention on Preventing and Combating Violence against Women and Domestic Violence (‘Istanbul Convention’) (adopted 11 May 2011, entered into force 1 August 2014) CETS 210.

² Under the Convention’s article 3, subsection (f) ‘women includes girls under the age of 18’.

³ Ronagh McQuigg, *The Istanbul Convention, Domestic Violence and Human Rights* (Routledge 2017) 1.

⁴ Dubravka Šimonović, ‘Global and Regional Standards on Violence Against Women: the Evolution and Synergy of the CEDAW and Istanbul Conventions’ (2014) 36(3) Hum Rts Quar 590, 603.

⁵ Council of Europe, ‘Convention on Preventing and Combating Violence Against Women and Domestic Violence: A global tool to prevent and combat violence against women and girls’ (2014).

provisions of the Convention'.⁶ GREVIO's reports are then followed-up by the Committee of the Parties, a political body which 'adopts recommendations to the Parties concerned'.⁷ As part of the monitoring framework, GREVIO also has powers to undertake 'special inquiry procedures', similar to inquiry procedures undertaken by UN treaty bodies, where there is 'information indicating that action is required to prevent a serious, massive or persistent pattern of any acts of violence Covered by the Convention'.⁸

As is well known, on international women's day 2019, Ireland became the 34th State to ratify the Istanbul Convention, which entered into force on the 1st of July 2019.⁹ As Ireland is in the early stages of its implementation, this is an especially relevant time to undertake research on the Convention, and to start identifying areas for State improvement to ensure its effective and full implementation. Thus, the present report contains research findings providing a first insight into the Convention's monitoring process. This report is composed of three parts:

1. The first part details GREVIO's country monitoring report procedure, and briefly examines the content of the questionnaire which GREVIO provides States Parties to aid in the preparation of their country reports.¹⁰ This part includes information on the potential role of NGOs in the reporting process.
2. The second part presents key findings, and good practices as found within GREVIO's country monitoring reports under the Convention, adopted until February 2020. The reports examined, sorted by date, are: Austria,¹¹ Monaco,¹² Albania,¹³ Denmark,¹⁴ Turkey,¹⁵ Montenegro,¹⁶ France,¹⁷ Portugal,¹⁸ Sweden,¹⁹ Finland,²⁰ Italy,²¹ The Netherlands²² and

⁶ Council of Europe Portal Istanbul Convention, 'About Monitoring' available here: <https://www.coe.int/en/web/istanbul-convention/about-monitoring1>.

⁷ *Ibid.*

⁸ *Ibid.*

⁹ Council of Europe, 'Newsroom: Ireland ratifies the Istanbul Convention' (8th March 2018). Available at: <https://www.coe.int/en/web/istanbul-convention/-/ireland-ratifies-the-istanbul-convention>

¹⁰ GREVIO, 'Questionnaire on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence (Istanbul Convention)' GREVIO/Inf(2016) 1 (11 March 2016).

¹¹ GREVIO, 'GREVIO's Baseline Evaluation Report on Austria' GREVIO/Inf(2017)4 (27 September 2017).

¹² GREVIO, 'GREVIO's Baseline Evaluation Report on Monaco' GREVIO/Inf(2017)3 (27 September 2017).

¹³ GREVIO, 'GREVIO's Baseline Evaluation Report on Albania' GREVIO/Inf(2017)13 (24 November 2017).

¹⁴ GREVIO, 'GREVIO's Baseline Evaluation Report on Denmark' GREVIO/Inf(2017)14 (24 November 2017).

¹⁵ GREVIO, 'GREVIO's Baseline Evaluation Report on Turkey' GREVIO/Inf(2018)6 (15 October 2018).

¹⁶ GREVIO, 'GREVIO's Baseline Evaluation Report on Montenegro' GREVIO/Inf(2018)5 (25 October 2018).

¹⁷ GREVIO, 'GREVIO's Baseline Evaluation Report on France' GREVIO/Inf(2019)16 (19 November 2019).

¹⁸ GREVIO, 'GREVIO's Baseline Evaluation Report on Portugal' GREVIO/Inf(2018)15 (21 January 2019).

¹⁹ GREVIO, 'GREVIO's Baseline Evaluation Report on Sweden' GREVIO/Inf(2018)15 (21 January 2019).

²⁰ GREVIO, 'GREVIO's Baseline Evaluation Report on Finland' GREVIO/Inf(2019)9 (2 September 2019).

²¹ GREVIO, 'GREVIO's Baseline Evaluation Report on Italy' GREVIO/Inf(2019)18 (13 January 2020).

²² GREVIO, 'GREVIO's Baseline Evaluation Report on The Netherlands' GREVIO/Inf(2019) 19 (20 January 2020).

Serbia.²³

3. Finally, the third part offers a proposal for potential further research.

The first and second parts of this paper focus on the State's obligations relevant to the provision of services to women survivors of violence.²⁴ The signatories to the Convention commonly outsource service provision to the third sector. In this vein, Ireland undertakes some of its obligations under the Convention through specialised services to survivors of violence, which are provided by the third sector. In Ireland, the tasks undertaken by the specialist organisations that provide services to women survivors of violence mainly fall within the Convention's protection tier, although services also include those falling under the other two tiers, prevention and prosecution (i.e. prevention campaigns or Court accompaniment). Thus, Ireland's obligations regarding the provision of services to women can be found throughout the Convention, and therefore, throughout GREVIO's country monitoring reports. An evaluation of GREVIO's monitoring, recommendations and best practice might be a particularly interesting advocacy tool for the third sector in their shadow reporting under the Convention, as well as in its contribution - where relevant- into the Government's report.

Part 1. Country-monitoring procedure

1.1 Steps in the process

The country-monitoring and evaluation procedure is comprised of six, sometimes seven, steps.²⁵ These are: data gathering and reporting to GREVIO, State dialogue for consideration of report prior to visit *or* 'consideration of the state report evaluation visit in the context of an evaluation visit', preparation of the draft GREVIO report, preparation and adoption of the GREVIO report, publication and dissemination, and lastly, follow up.²⁶ The whole process can last up to 18 months from beginning to end; Ireland's reporting deadline is scheduled for February 2022, and the country visit is expected to take place in October 2022.²⁷

²³ GREVIO, 'GREVIO's Baseline Evaluation Report on Serbia' GREVIO/Inf(2019)20 (22 January 2020).

²⁴ This report may use the words 'survivor' and 'victim' interchangeably.

²⁵ There are two explanatory documents of this process: see Council of Europe, 'Steps in the first (baseline) evaluation procedure' (24th November 2016) Document IC/Inf(2016)1-rev, and alternatively an online version (undated) with the same title, available at: <https://www.coe.int/en/web/istanbul-convention/publications>. Last accessed 1st May 2020. The former has seven steps (including a State dialogue prior to GREVIO's visit), whilst the latter skips this step. Article 68 of the Convention, on monitoring mechanism procedure does not clarify this discrepancy.

²⁶ <https://www.coe.int/en/web/istanbul-convention/publications>. Last accessed 1st May 2020.

²⁷ Council of Europe, 'Provisional Timetable for the first (baseline) evaluation procedure 2016-2023). Available at: <https://www.coe.int/en/web/istanbul-convention/timetable>

The first step of the procedure involves a data-gathering exercise by the State Party with input from interested NGOs, to be submitted to GREVIO. States Parties' data-gathering is moderately guided by GREVIO, which sends a questionnaire for the State to respond to with all 'legislative and other measures' taken to give effect to the provisions of the Convention.²⁸ 'Data and information' requested by the expert group encompasses the 'two complete calendar years prior to receiving the questionnaire'.²⁹ Both government and non-governmental agencies and organisations may participate in the preparation of the report and or present independent reports.³⁰ This report is then evaluated during a dialogue with the State, which takes place in Strasbourg before GREVIO's country visit.

The following sections refer to step one of the process, on gathering information and reporting it to GREVIO. I have enumerated the questions that the State will need to respond to relevant to the provision of services to survivors. Unless I have referenced otherwise, the questions presented here have been extracted from GREVIO's questionnaire and follow the same order as the original document. These include questions in various fields: integrated policies and data collection, prevention, protection and support, substantive laws, or prosecution. Throughout the preparation of the report, the State Party is expected to take into account general principles of the Convention; follow the Convention's definitions; explain what steps are taken to ensure that the due diligence principle to 'prevent, investigate, punish and provide reparation' for violence is exercised; and to specify governmental agencies involved in the report's preparation as well as other bodies consulted during the data gathering, including NHRIs, NGOs, and others.³¹

1.2 Integrated policies and data collection

Regarding chapter II of the Convention, including articles 7-11, GREVIO seeks information on whether Parties have a comprehensive and co-ordinated policy/ies on violence against women in place.³² GREVIO is also interested in knowing the financial resources allocated to the implementation of the policy or policies, and the resources dedicated to supporting NGOs work, establishing an effective co-operation with these organisations and data collection.³³

²⁸ GREVIO Questionnaire (n10).

²⁹ *Ibid* 4.

³⁰ *Ibid* 6.

³¹ *Ibid* introduction, 4.

³² *Ibid* section II, pg 6.

³³ *Ibid*.

In a summary form, questions on this chapter include:³⁴

- a. What are the details of the State's action plan and relevant policies?
This question includes a set of sub-questions regarding the nature and content, timeframe, and approach of said action plan.
- b. What financial resources are allocated to implementation of policies above? Including details of sum, in relation to total annual state budget and amounts of other sources.
- c.
 1. 'How is the work of NGOs and other civil society actors, in particular women's organisations, recognised, encouraged and supported, as required by articles 8 & 9'?
 2. Which measures are taken to ensure effective co-operation with these organisations at national and regional/local levels?
- d. What bodies are established or designated to co-ordinate, implement, monitor and evaluate policies and measure 'to prevent and combat all forms of violence covered by the Convention'? (article 10). Further sub-questions relate to any bodies in charge of the 'co-ordination and implementation of policies and measures to prevent and combat all forms of violence covered by the Convention';³⁵ and of 'monitoring and evaluating policies and measures to prevent and combat all forms of violence covered by the Convention'.³⁶ GREVIO asks for information regarding 'administrative status, powers and competences, composition, budget, results'.³⁷
- e. What agencies are collecting data, how are they disaggregating it and how is it made public?

1.3 Prevention

Regarding obligations under Chapter III, which include articles 12 to 17, States Parties have to explain actions taken to prevent violence, for example measures taken for the promotion of social change to eradicate 'prejudices, customs, traditions and other practices... based on the idea of the inferiority of women or on stereotyped roles for women and men'.³⁸ States Parties are also asked about their inclusion of men and boys on prevention actions, and measures taken to promote the empowerment of women.³⁹

For example, Ireland will need to provide details on:⁴⁰

³⁴ Questions presented here are paraphrased from GREVIO Questionnaire (n10) 6-7.

³⁵ GREVIO Questionnaire (n10) 7.

³⁶ *Ibid* 6

³⁷ *Ibid* 7 para E.1&2 (a-g).

³⁸ *Ibid* 8 & 9.

³⁹ *Ibid* 8.

⁴⁰ See exact questions in GREVIO Questionnaire (n10) 8, 9, 10.

- a. Campaigns and programmes relevant to the different forms of violence against women
- b. How teaching material is promoting gender equality, non-discrimination, non-violence and respect as required by article 14 paragraph 1.
- c. What training is given to professionals under article 15, including on preventing and detecting violence, gender equality, rights and needs of victims, or preventing secondary victimisation. Importantly, as it is explained below, under subsection 2 professionals need to receive training on multi-agency co-operation to be able to provide a ‘comprehensive and appropriate handling of referrals’.⁴¹
- d. Service-sensitive training on gender-based violence for law enforcement, prosecutors, judges, social workers, medical doctors, nurses and midwives, psychologists/counsellors/psychotherapists, immigration/asylum officials, educational staff, journalists, servicemen and women, any other relevant category.’⁴²

1.4 Protection and support

Regarding Chapter IV, covering obligations under articles 18 to 28, States Parties are expected to give information on the nature and extent of ‘measures taken to offer appropriate protection and support to women victims and child witnesses’ of violence.⁴³ They are required to explain how multi-agency co-operation and effective referral are ensured.⁴⁴ GREVIO reminds States Parties that in the implementation and reporting of obligations under Chapter IV, it is crucial that all measures undertaken respect the general principles codified under article 18(3):

1. *Gendered understanding of violence against women.*
2. *Focus on the human rights and safety of victims.*
3. *Integrated approach to protection and support services.*⁴⁵

States Parties must ensure that measures taken under article 18 are in line with subsection 3, 4 and 5, and should provide information to highlight its compliance with those.⁴⁶

⁴¹ Istanbul Convention article 15, s.2

⁴² GREVIO Questionnaire (n10) 22, table 2.

⁴³ *Ibid* 10.

⁴⁴ *Ibid*.

⁴⁵ *Ibid*.

⁴⁶ These read as follows: 3. Parties shall ensure that measures taken pursuant to this chapter shall:

- 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;
- be based on an integrated approach which takes into account the relationship between victims, perpetrators, children and their wider social environment;

Thus, under this chapter Ireland will have to answer:⁴⁷

- a. How is it made possible that all victims of violence receive ‘information on support services and legal measures available to them’? How is this information adequate, and provided timely and in an appropriate language?
- b. 1. What are the measures taken to ensure that general support services⁴⁸ (article 20, paragraph 1) give due weight to women’s individual situation, undertake safety measures and interventions, and can refer them to appropriate specialist services?

Please note that general support services are defined as ‘social services, health services, employment services, which provide long-term help and are not exclusively designed for the benefit of victims only but serve the public at large’.⁴⁹ These include: a) financial, b) housing, c) legal counselling services, d) psychological support services, e) education and training services, f) employment services, g) any other relevant service.⁵⁰

2. GREVIO further asks: what measures are taken to ensure survivor’s health care and social services and, how are women being assisted in their referral to specialised services? Specialised services, ‘providing support and assistance tailored to the -often immediate- needs of victims of specific forms of violence against women or domestic violence... not open to the general public’ include: ‘shelter and safe accommodation, immediate medical support, ... short and long-term psychological counselling, trauma care, legal counselling, advocacy and outreach services, telephone helplines... and specific services for children’.⁵¹

- c. How is it made possible that victims have information and support to bring a claim to a regional or international complaint mechanism? This question relates to ‘collective complaints mechanisms’ under article 21.

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- aim at avoiding secondary victimisation;
 - aim at the empowerment and economic independence of women victims of violence;
 - allow, where appropriate, for a range of protection and support services to be located on the same premises;
 - address the specific needs of vulnerable persons, including child victims, and be made available to them.
4. The provision of services shall not depend on the victim’s willingness to press charges or testify against any perpetrator

⁴⁷ See exact questions in GREVIO Questionnaire (n10) 10, 11, 12.

⁴⁸ Liz Kelly, ‘Mapping Support Services for Victims of Violence against Women in Line with the Istanbul Convention Standards: Methodology and tools’ (Council of Europe, December 2018). General support services are defined therein as ‘universal services “offered by public authorities such as social services, health services, employment services, which provide long-term help and are not exclusively designed for the benefit of victims’ only”’⁷.

⁴⁹ Council of Europe, ‘Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence’ (Istanbul, 11 May 2011) CETS No 210, para 125.

⁵⁰ GREVIO Questionnaire (n10) 10.

⁵¹ CoE, ‘Explanatory Report’ (n49) para 125, 132.

- d. Regarding, specifically specialist women's support services for women and their children, and for all categories of centres, GREVIO asks for information relating to the number and distribution (including number of spaces available), paid staff, accessibility, criteria for definition of a center as 'specialist' (including 'standards of intervention', protocols, guidelines, etc.), groups of victims they can give services to, annual women accessing services (including those who could not receive them), funding sources (in periods and legislative basis), who runs them, price and co-ordination between them and general services.
- e. What measures have there been taken to establish telephone helplines, to advice on all forms of violence covered by the Convention? (art 24). Particularly, GREVIO is interested in knowing: if phonelines are state-wide, if there is any cost for victims, what are its operation times (i.e. are they 24/7), how is confidentiality of the caller ensured, what is the training of call handlers, or what is the number of annual number of calls.
- f. How are services (both generalist and specialist support services) provided to victims, taking due account to the rights and needs of child witnesses?
- g. Any other measures including those with regards to reporting acts of violence, and measures taken in relation to these. (Arts 27, 28).

1.5 Substantive law and investigation, prosecution and procedural law and protective measures

Questions regarding the legal framework in place to address violence against women, implementing the Convention (including criminal law, civil law and administrative law) refer to obligations under Chapter V and VI (on substantive law, and on investigation, prosecution and protection). They include those on the normative content of the law, guidance on its implementation, remedies available for victims, sanctions and data.⁵²

Relevant to the services provided by the third sector, GREVIO asks questions regarding investigation, prosecution and procedural law and protective measures in which NGOs may be involved. For example, it questions if and how risk assessments are taking place and being taken into account under article 51. GREVIO asks: under what legal basis are NGOs or civil society able to assist or support victims in legal proceedings (article 55, paragraph 1)? Or, under what circumstances is prosecution taken forward?⁵³ Similarly, these are questions of special interest to the third sector, because specialist services' insights can highlight gaps in implementation of the Convention regarding women's

⁵² GREVIO Questionnaire (n10) 13.

⁵³ *Ibid* 18

protection (article 56). For example, GREVIO is interested in knowing if there are any protection measures for women during investigations and legal proceedings, or how are women informed of changes in the perpetrator status, how are they supported so that their rights and interests are presented and taken into account, or how is made sure that contact between victims and perpetrators is avoided?⁵⁴ Similarly, GREVIO wants to know the availability of legal aid for women, or if there are any other additional protection measures not contemplated in the questionnaire, to include data on their functioning.⁵⁵

1.6 The Role of Women’s Support Services within the monitoring process

Prof. Liz Kelly, from London Metropolitan University recently produced a report on mapping support services for women, and on the potential role for these organisations in the implementation and reporting exercise under the Convention. The report, entitled ‘Mapping Support Services for Victims of Violence Against Women in Line with the Istanbul Convention Standards. Methodology and Tools’, presents various guidelines, potential methodologies for data collection, including data reporting templates and questions that services ‘might consider for shadow reporting’.⁵⁶

Kelly highlights in her report that GREVIO reporting is first and foremost the government’s obligation, and confirms that although non-governmental organisations are expected to cooperate with the State, NGOs may also report separately to GREVIO.⁵⁷ In the exercise of cooperation, Kelly suggests the use of roundtables with stakeholders ‘trained in the guidelines and date which needs to (be) compiled’, and working with the definitions provided by the Convention, to compile the data.⁵⁸ She anticipates data collection to take at least six months, with the suggestion of a one-year plan. In the form of roundtables, Kelly’s proposed methodology and process includes:

- a ‘training event on the data requirements, including identifying if there are significant forms of support not covered by the tools’
- ‘ensuring... “no double counting” of organisations where they may be a member of several networks’
- ‘agreeing a time-line for the delivery of data... to the government official responsible’

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*

⁵⁶ Kelly (n48) 13.

⁵⁷ *Ibid* 11.

⁵⁸ *Ibid* 13.

- ‘a draft of the state report section on support services to GREVIO sent to all members for comment’, with the aim of crosschecking ‘data quality and interpretation’
- ‘a final version produced in light of comments’.⁵⁹

In her report, Prof. Kelly also suggests additional questions in order to furnish the country report, including critical comments on different areas, such as on ‘the inter-agency communication and coordination’ or on the adequacy of the current capacity of support services.⁶⁰ Likewise, being aware of a potential difficulty to address some aspects in the government report, Kelly proposes some questions NGOs might consider addressing in their shadow reports. For example, these include -among many others- the organisation’s assessment on the accuracy of the information provided by the government, including any information that could be added; an assessment on any gaps in service-provision, including funding changes or policies, issues of capacity, length of support.⁶¹ NGO submissions are uploaded onto the Istanbul Convention’s website, and a list of those submitted by domestic NGOs under the monitoring procedure so far have been listed and are available to read.⁶²

Part 2. GREVIO reports

The following section presents data on best implementation practices of selected articles, gathered from GREVIO’s published country monitoring reports thus far. Despite the fact that the following information may serve to compare or contrast Irish practices with other States Parties’, different frameworks are influenced by ‘cultural, historical and institutional diversity across Europe’, and thus, might bring about different results in different states.⁶³

2.1 Article 11 - Data collection and research

Article 11 lays out States Parties’ obligations regarding data collection under the Convention, requiring that they collect ‘disaggregated relevant statistical data at regular intervals on cases of all forms of violence covered by the scope of the Convention’.⁶⁴ The CEDAW Committee observed in Ireland’s

⁵⁹ *Ibid* 11.

⁶⁰ *Ibid* 12.

⁶¹ *Ibid* 13, 14.

⁶² GREVIO, ‘1st General Report on GREVIO’s Activities’ (Council of Europe, April 2020) Table 2, page 49.

⁶³ Carol Hagemann-White, ‘Analytical Study of the Results of the Fourth Round of Monitoring the Implementation of Recommendation Rec (2002)5 on the Protection of Women against Violence in Council of Europe member states’ (Council of Europe, 2014) 46.

⁶⁴ Istanbul Convention art 11(a).

last monitoring report that it is ‘concerned at the reports of the lack of data disaggregated by sex, gender, ethnicity, disability and age’.⁶⁵

In its country-monitoring reports, GREVIO has expanded the implementation requirements under article 11. The expert group has stressed the importance that data collected uses the same ‘units of measurement’, and it has advocated for the use of uniform methodology criteria.⁶⁶ This is requested in order to facilitate the collection of representative and comparable data, which aids the possibility of harmonising statistical data.⁶⁷ In terms of best practice, GREVIO has commended Albania’s data management system which permits the transmission of data which is anonymised automatically, and which in turn, allows for access by all relevant actors in the community.⁶⁸ This system also takes into account and respects service users’ right to private life and protection of personal data.⁶⁹ Moreover, Albania’s system has been said to ‘serve as a case-management tool to monitor progress and follow individual cases from their inception to their final conclusion’.⁷⁰ This system also further functions as (1) an assessment tool to appraise the ‘effectiveness of local actors’ response to domestic violence’, (2) as a tool ‘to measure progress in the implementation of gender equality policies’ and (3) to ‘fine-tune policies and measures taken at the local level’.⁷¹

2.2 Article 13 and 14 – Awareness Raising and Education

Article 13 of the Convention codifies States Parties’ obligations to take measures to ‘increase awareness and understanding among the general public’ of the forms in which violence against women may manifest, their consequences on women and children, and the need to prevent it.⁷² This obligation includes the promotion and dissemination of measures taken to prevent violence against women, as laid out under article 13 subsection 2. Similarly, article 14 prescribes States Parties’ the obligation to take steps to allow education on equality, non-stereotyping, mutual respect and non-violence, the right to personal integrity and GBV ‘at all levels of education’.⁷³

Similarly to initiatives present in Ireland, such as the DRCC BodyRight programme, different

⁶⁵ UN Committee on the Elimination of Discrimination against Women, ‘Concluding observations on the combined sixth and seventh periodic reports of Ireland’ CEDAW/C/IRL/CO/6-7 (9 March 2017) para 18.

⁶⁶ GREVIO France (n17) para 67, 69.

⁶⁷ *Ibid* para 67.

⁶⁸ GREVIO Albania (n13) para 85.

⁶⁹ *Ibid* para 98.

⁷⁰ *Ibid* para 85.

⁷¹ *Ibid* para 85.

⁷² Istanbul Convention art 13(1).

⁷³ Istanbul Convention art 14(1).

GREVIO reports feature various initiatives State Parties have undertaken in discharging their obligations under article 13 and 14. By way of example, Sweden's report mentions an 'online portal www.youmo.se which offers young migrants answers to important questions around sexuality, family relations, marriage and violence/control and what their rights are in Sweden'.⁷⁴ A quick glance at the website shows an up-to-date page with current information available in six languages, on young peoples' concerns and questions, including practical information on services available to them, such as health care.⁷⁵

As Ireland advances its sexual education, as recommended by the CEDAW Committee in its last periodic review of Ireland,⁷⁶ GREVIO's monitoring information on article 13 and 14 might give an insight into other States Parties' methods and programmes. For example, GREVIO highlights that France's approach to sexuality education, although not always implemented, has a legal basis, and includes sessions with a three-pronged approach. These include the following dimensions: (1) 'biomedical', focussing on contraception and STDs; (2) psycho-emotional, tackling self-esteem and respect subjects; and (3) 'legal and social', with a focus on 'discrimination and violence'.⁷⁷ The Netherlands' report includes, also, commentary on the State's provision of sexual and gender diversity training, which includes a focus on gender equality and the gendered nature of violence.⁷⁸ Similar information may be useful in Ireland, as the CEDAW Committee recommended the government to strengthen its plan of action (including temporary special measures) to address gender stereotyping and sexism in education, and to integrate 'standardized-age appropriate education on sexual and reproductive health and rights into school curricula'.⁷⁹

2.3 Article 18 – General obligations

Article 18 is the first of Chapter IV dealing with Protection. It lays down important general obligations which shall apply to the rest of obligations under the chapter. First and foremost, State Parties have the obligation to 'take the necessary legislative or other measures to protect all victims from any further acts of violence'.⁸⁰ Second, equally important, they must ensure that:

'there are appropriate mechanisms to provide for effective cooperation between all relevant

⁷⁴ GREVIO Sweden (n19) para 77.

⁷⁵ For more information, please see: <https://www.youmo.se/en/>

⁷⁶ CEDAW/C/IRL/CO/6-7 Para 39(1)(a)(c).

⁷⁷ GREVIO France (n17) para 95.

⁷⁸ GREVIO The Netherlands (n22) para 87-89.

⁷⁹ CEDAW/C/IRL/CO/6-7 Para 39(1)(a)(c).

⁸⁰ Istanbul Convention art 18(1).

state agencies... as well as NGOs and other relevant organisations and entities, in protecting and supporting victims and witnesses of all forms of violence covered by the scope of this convention, including by referring to general and specialist support services as detailed in article 20 and 22.’⁸¹

Third, as mentioned above, States Parties must follow the underpinning principles applying to the obligations under the Chapter, which include: a gendered, human rights, victim-centered approach to protection, an ‘integrated approach’ considering both the personal and social dimension of the victim experience, an approach that avoids re-victimisation, that empowers the victim and that addresses any potential vulnerability issues.⁸² Last, it requires where possible that services for women are ‘located on the same premises’.⁸³

Upon an analysis of the country monitoring reports it seems clear that GREVIO places a strong recurrent emphasis on the importance of multi-agency cooperation and effective coordination when States Parties discharge their obligations under the Convention. In light of the Convention’s holistic approach to violence against women, the importance of multi-agency cooperation is also referred to in article 7, which prescribes the obligation to ensure that policies are implemented following ‘effective multi-agency co-operation’.⁸⁴ Thus, an examination of the reports reveals some key characteristics or best practice in multi-agency cooperation, according to GREVIO, and the third sector’s role within this cooperation. The monitoring reports posit that the aim of effective coordination is to ensure that responses on violence against women ‘fit the community needs’.⁸⁵ Similarly, according to GREVIO, coordination should facilitate the provision of ‘one-stop-shop’ of services to victims’.⁸⁶

Albania’s ‘network for co-ordinated community intervention’⁸⁷ is highlighted by GREVIO as best practice, describing a rolling-basis referral mechanism between municipalities, law enforcement (police and courts), employment offices, educational offices and NGOs specialised on violence against:

⁸¹ Istanbul Convention art 18(2).

⁸² Istanbul Convention art 18(3).

⁸³ *Ibid.*

⁸⁴ CETS 210 Explanatory (n49) para 64.

⁸⁵ GREVIO Albania (n13) para 81.

⁸⁶ *Ibid.*

⁸⁷ *Ibid* para 82.

‘Whichever member of the mechanism the victim first contacts will set the process in motion by referring the victim to the local co-ordinator and/or the other members of the system. The services provided span both short-term and long-term solutions, such as healthcare support, shelter and protection, including procedures for protection orders.’⁸⁸

GREVIO not only highlights the need for effective coordination, but also the potential negative implications of having ‘weak links in referral mechanisms’.⁸⁹ According to the expert group, lack of coordination can ‘affect the effectiveness and the quality of the inter-institutional response on violence against women’ and lack of normative ‘referral and co-operation leaves these victims at risk of not being reached’, thereby barring them specialist support.⁹⁰ Similarly, an integrated approach to gender-based violence against women, GREVIO has noted, benefits from a ‘formalised structure of consultation with NGOs in respect of both policy making and monitoring’.⁹¹

GREVIO has clarified in various reports that a multi-agency approach may also require ‘any structure such as round tables, case conferences or agreed protocols that would enable a number of professionals to co-operate to deal with each case in a standardised manner’.⁹² This could, or should, include a ‘standardised procedure for communication with or involvement of law enforcement agencies’.⁹³ Commenting on organisations functioning individually, GREVIO has observed that it:

‘leads to the compartmentalisation of services, with each service – general or specialist – addressing the issue from one perspective only and attempting to deal with it within the limits of their own mandate or financial resources. Although GREVIO has observed high levels of motivation to co-operate among many professionals, their efforts seem to be based on individual commitment rather than institutionalised forms of co-operation.’⁹⁴

For example, regarding structure, GREVIO has welcomed in the Portuguese report the development and use of ‘flowcharts’ to guide coordinated action, with ‘harmonised intervention forms, including for risk assessment’ and a ‘common info management system to foster information sharing and to effectively match support and protection services with the needs of the victim’.⁹⁵ Victim consent is

⁸⁸ *Ibid.*

⁸⁹ *Ibid* para 83.

⁹⁰ *Ibid.*

⁹¹ GREVIO The Netherlands (n22) para 56.

⁹² GREVIO Denmark (n14) para 102.

GREVIO Finland (n20) para 90.

⁹³ GREVIO Denmark (n14) para 103.

⁹⁴ *Ibid.*

⁹⁵ GREVIO Portugal (n18) 117.

crucial in this regard, and their interests as well as right to data protection must be protected.⁹⁶ Hence, a central aspect of multi-agency work is that ‘it focuses on the human rights and safety of victims’; this includes the representation of the victim by a support service the victim trusts.⁹⁷ Although it could appear that the multi-agency coordination response would be only required for general support services, binding state agencies only, it appears clear through GREVIO’s monitoring that specialist support services are given the crucial role within it to represent the survivor.

2.4 Article 19 – Information, Article 24 Telephone helplines

Article 19 requires that States Parties take steps to ensure that women can access ‘adequate and timely information on available support services and legal measures in a language they understand’.⁹⁸ This information ‘could include... contact details, opening hours’ as well as information on the services offered.⁹⁹ Therefore, States must make sure that women ‘are informed of the help and support available to them and of the legal avenues they may wish to pursue.’¹⁰⁰ Information not only should be available, but also ‘accessible to victims at the time or in the manner they need’.¹⁰¹ Thus, for example, it should also be made available, in a tailored manner, ‘to serve groups of victims who are at risk of social exclusion’ especially if they face barriers accessing services, adopting ‘a wider approach of outreach aimed at making it possible for them to access support’.¹⁰² Relevant to information provision is the obligation under article 24 to provide a free of charge telephone helpline, available 24/7. It is similarly important that it is widely advertised,¹⁰³ that calls are anonymous, handled by qualified trained staff, and that information is provided in several languages to sidestep any potential language barriers.¹⁰⁴

To fully implement article 19, it is crucial to take into account accessibility factors in providing information in different languages. An example of good practice in this regard is Finland, that provides information online about life in Finland, including on violence against women in multiple languages, with an offline version of this information also available.¹⁰⁵ There must also be a focus on working to make information available to hard-to-reach groups, for example to migrant, minority and rural

⁹⁶ GREVIO Finland (n20) para 90.

⁹⁷ *Ibid* para 211.

⁹⁸ Istanbul article 19.

⁹⁹ CoE, ‘Explanatory report’ (n49) para 124.

¹⁰⁰ GREVIO Sweden (n19) para 120.

¹⁰¹ GREVIO The Netherlands (n22) 29.

¹⁰² GREVIO Albania (n13) para 88.

¹⁰³ GREVIO Sweden (n19) para 142.

¹⁰⁴ CoE Explanatory Report (n49) para 136.

¹⁰⁵ GREVIO Finland (n20) 94.

women.¹⁰⁶ Monitoring reports have shown innovating practices in the implementation of article 19. An example of this is Austria's development of a mobile application, which allows victims to 'contact instantly the law enforcement agencies, the women's helpline and the various support services'.¹⁰⁷ The app also allows users to 'record, in the form of a 'log-book', incidents of violence they experience'.¹⁰⁸

2.4 Article 20 and 22 - General and specialist support services

Under article 20 States Parties must make sure that women can access services that facilitate their recovery. These services may include, 'legal and psychological counselling, financial assistance, housing, education, training and assistance finding employment'.¹⁰⁹ Similarly, States Parties have the obligation under article 22 to take measures to ensure '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 scope of this Convention'.¹¹⁰

Again, there is a visible importance put on a coordinated community response, which offers holistic services and multi-disciplinary services allowing for a range of 'interconnected ... support services, based on the victim's needs and choices'.¹¹¹ GREVIO has emphasised the need that assistance specialist support services should not be provided by generalist services,¹¹² as specialist services are the best placed to provide services to empower, support and assist victims.¹¹³ Therefore specialist services need to be available in sufficient numbers 'throughout the country and accessible to all victims'.¹¹⁴ Needs of different groups of women must be able to be fulfilled, in line with a non-discriminatory approach, including 'women members of the LGBTI community, elderly, substance misuse, prostitution, etc'.¹¹⁵

In addition to obligations under article 20 and 22, article 23 codifies obligations regarding shelters, whilst 25 codifies obligations regarding the provision of support for victims of sexual violence. These place obligations on States Parties to (1) put in place both shelters and rape crisis centres, (2) that deliver service-provision by trained and specialised staff, (3) which are available throughout the

¹⁰⁶ GREVIO Portugal (n18) 125.

¹⁰⁷ GREVIO Austria (n11) para 92.

¹⁰⁸ *Ibid.*

¹⁰⁹ Istanbul Convention art 20.

¹¹⁰ Istanbul Convention art 22.

¹¹¹ GREVIO Albania (n13) para 91.

¹¹² GREVIO France (n17) para 154.

¹¹³ *Ibid* para 147.

¹¹⁴ *Ibid.*

¹¹⁵ GREVIO Italy (n21) para 26.

country (at least one shelter family place per 10.000 inhabitants, and one rape centre per every 200.000 inhabitants and spread evenly geographically).¹¹⁶ Aside from complying with more specific obligations, these services need to be easily accessible and tailored to the needs of the victim.¹¹⁷

2.5 Article 55, paragraph 2 – victim support in legal proceedings

As is well known, victim support services have a crucial role in ‘facilitating victims’ access to protection measures’ which ensure that victim can access their rights and justice¹¹⁸ and that survivors can be supported by support or advocacy services during investigations and the judicial process. An obligation for States Parties to ensure that victims can use this service is prescribed under article 55 paragraph 2, with States Parties expected to practically facilitate that there is support in place for the victim.¹¹⁹

Where GREVIO has commented on this obligation, it has discussed the importance of providing the service through a wide eligibility criteria, as not to exclude, vulnerable survivors such as children.¹²⁰ Similarly, it has highlighted that this support service is best provided by a specialist support agency, with provides ‘gender-sensitive, comprehensive and empowering services’.¹²¹ It has welcomed the practice of providing the service in both criminal and civil courts,¹²² and has highlighted the importance of informing survivors at the early stage of the process so they can benefit from it early on.¹²³

Part 3. Conclusion: the need for further research

Whilst a discussion of best practice through the evaluation of GREVIO reports brings to the fore interesting practices, it also introduces the need for a more in-depth evaluation of the implementation measures of the Convention’s in Ireland and any potential shortcomings. In GREVIO’s publication of their ‘1st General Report on GREVIO’s Activities’ covering the period between June 2015 to May 2019, the Group highlighted various common trends in failures to implement the Convention.¹²⁴ I

¹¹⁶ CoE Explanatory Report (n49) para 142.

¹¹⁷ *Ibid.*

¹¹⁸ GREVIO Netherlands (n22) para 297.

¹¹⁹ GREVIO Finland (n20) para 230.

¹²⁰ GREVIO Austria (n11) para 184.

¹²¹ GREVIO Netherlands (n22) para 295.

¹²² *Ibid.* GREVIO Portugal (n18) at para 226, GREVIO strongly encouraged Portugal to ensure that support is available in criminal and civil proceedings, including compensation, divorce or custody proceedings.

¹²³ GREVIO Austria (n11) para 183.

¹²⁴ GREVIO, ‘1st General Report’ (n62) para 40.

believe some of these concerns are mirrored in Ireland: i.e. gender-neutral codifications of offences that fail to recognise violence ‘as a social mechanism that helps keep women in a subordinate position to men’, or ‘insufficient allocation of financial and human resources for the implementation of integrated policies’,¹²⁵ evident in the precarious and short-term funding allocated to the third sector by the government. Similarly, countries evaluated have tended to fail both in data collection,¹²⁶ and in relation to the requirement to have sufficiently sturdy mechanisms and bodies ensuring ‘effective coordination’:¹²⁷ failures also arguably happening in Ireland. Given the lack of research currently available in Ireland in this light, I believe that a longer, more in-depth study of the implementation of the status of the Istanbul Convention is needed.

¹²⁵ *Ibid* para 40 & 50.

¹²⁶ *Ibid* para 47.

¹²⁷ *Ibid* para 45.

BIBLIOGRAPHY

Instruments

Council of Europe, Convention on Preventing and Combating Violence against Women and Domestic Violence ('Istanbul Convention') (adopted 11 May 2011, entered into force 1 August 2014) CETS 210.

Books

McQuigg R, *The Istanbul Convention, Domestic Violence and Human Rights* (Routledge 2017).

Academic articles

Grans L, 'The Istanbul Convention and the Positive Obligation to Prevent' (2018) 18(1) Human Rights Law Review 133.

Šimonović D, 'Global and Regional Standards on Violence Against Women: the Evolution and Synergy of the CEDAW and Istanbul Conventions' (2014) 36(3) Hum Rts Quar 590

Staiano F, 'The Italian Implementation of the Council of Europe Convention on Violence Against Women and Victims' Rights to Reparations' (2015) 24(1) Italian Yearbook of International Law Online 269.

Council of Europe Documents

Council of Europe, 'Convention on Preventing and Combating Violence Against Women and Domestic Violence: A global tool to prevent and combat violence against women and girls' (2014).

Council of Europe, 'Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence' (Istanbul, 11 May 2011) CETS No 210.

Council of Europe, 'Steps in the first (baseline) evaluation procedure of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)' (24th November 2016) Document IC/Inf(2016)1-rev

Council of Europe, 'Newsroom: Ireland ratifies the Istanbul Convention' (8th March 2018). Available at: <https://www.coe.int/en/web/istanbul-convention/-/ireland-ratifies-the-istanbul-convention>

Council of Europe, 'Provisional Timetable for the first (baseline) evaluation procedure 2016-2023). Available at: <https://www.coe.int/en/web/istanbul-convention/timetable>

Council of Europe Portal Istanbul Convention, 'About Monitoring'. Available at: <https://www.coe.int/en/web/istanbul-convention/about-monitoring1>.

GREVIO, 'Questionnaire on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence (Istanbul Convention)' GREVIO/Inf(2016) 1 (11 March 2016).

GREVIO, '1st General Report on GREVIO's Activities' (Council of Europe, April 2020)

GREVIO, 'GREVIO's Baseline Evaluation Report on Austria' GREVIO/Inf(2017)4 (27 September 2017).

GREVIO, 'GREVIO's Baseline Evaluation Report on Monaco' GREVIO/Inf(2017)3 (27 September 2017).

GREVIO, 'GREVIO's Baseline Evaluation Report on Albania' GREVIO/Inf(2017)13 (24 November 2017).

GREVIO, 'GREVIO's Baseline Evaluation Report on Denmark' GREVIO/Inf(2017)14 (24 November 2017).

GREVIO, 'GREVIO's Baseline Evaluation Report on Turkey' GREVIO/Inf(2018)6 (15 October 2018).

GREVIO, 'GREVIO's Baseline Evaluation Report on Montenegro' GREVIO/Inf(2018)5 (25 October 2018).

GREVIO, 'GREVIO's Baseline Evaluation Report on France' GREVIO/Inf(2019)16 (19 November 2019).

GREVIO, 'GREVIO's Baseline Evaluation Report on Portugal' GREVIO/Inf(2018)15 (21 January 2019).

GREVIO, 'GREVIO's Baseline Evaluation Report on Sweden' GREVIO/Inf(2018)15 (21 January 2019).

GREVIO, 'GREVIO's Baseline Evaluation Report on Finland' GREVIO/Inf(2019)9 (2 September 2019).

GREVIO, 'GREVIO's Baseline Evaluation Report on Italy' GREVIO/Inf(2019)18 (13 January 2020).

GREVIO, 'GREVIO's Baseline Evaluation Report on The Netherlands' GREVIO/Inf(2019)19 (20 January 2020).

GREVIO, 'GREVIO's Baseline Evaluation Report on Serbia' GREVIO/Inf(2019)20 (22 January 2020).

Hagemann-White C, 'Analytical Study of the Results of the Fourth Round of Monitoring the Implementation of Recommendation Rec(2002)5 on the Protection of Women against Violence in Council of Europe member states' (Council of Europe, 2014).

Hester M & Lilley SJ, 'Preventing violence against women: Article 12 of the Istanbul Convention' (Strasbourg: Council of Europe 2014).

Kelly L, 'Mapping Support Services for Victims of Violence against Women in Line with the Istanbul Convention Standards: Methodology and tools' (Council of Europe, December 2018).

Walby S, 'Ensuring data collection and research on violence against women and domestic violence: Article 11 of the Istanbul Convention' (Strasbourg: Council of Europe 2016).

UN Treaty Bodies:

UN Committee on the Elimination of Discrimination against Women, 'Concluding observations on the combined sixth and seventh periodic reports of Ireland' CEDAW/C/IRL/CO/6-7 (9 March 2017)

Other:

Albanian Women Empowerment Network, 'Advancing the Istanbul Convention implementation: the Role of women's NGOs and networks in the Western Balkans and Turkey' (September 2019).

Law Society Gazette, 'Istanbul Convention a Major Step Towards Protecting Women in Ireland' (2 July 2019),

<https://www.lawsociety.ie/gazette/top-stories/istanbul-convention-a-major-step-towards-protecting-women-in-ireland/>

WAVE, 'GOOD practices for the implementation of the Istanbul Convention' (2018)29(1) Fempower. Available at: <https://www.wave-network.org/2019/03/20/10926/>