



PLATAFORMA PORTUGUESA
PARA OS DIREITOS
DAS MULHERES

CoE - Committee on Equality and Non-Discrimination

Parliamentary Network Women Free from Violence

- 21.06.2021

Ana Sofia Fernandes

The Istanbul Convention, a powerful tool for protection against violence

On behalf of the Portuguese Platform for Women's Rights (PpDM), the umbrella organisation of women's human rights organisations in Portugal, I thank you for the invitation.

Violence against women and girls continues to be the most pervasive violation of women's human rights in Europe and worldwide, affecting the lives of millions of women and girls. It is a major concern made even worse as the world turned 'upside-down' with the COVID-19 pandemic. The 'shadow pandemic' - the persistent structural male violence against women and girls - was made even more visible during the lockdowns.

Portugal was the first EU country to ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence, better known as the Istanbul Convention. Our engagement with the creation of this Convention goes back to 2008, when the Portuguese MP Mendes Bota, General rapporteur on violence against women and Coordinator of the Parliamentary Network *Women Free from Violence*, authored [Resolution 1635](#) and [Recommendation 1847](#). These two documents were **unanimously approved in Strasbourg** that year, during the debate of his report "*Fighting Violence against Women: for a Convention of the Council of Europe*", which urged the Committee of Ministers of the Council of Europe to move forward with the creation of this Convention.

The Convention is Europe's most comprehensive legal framework to protect all women and girls from violence. It recognises the right of women to be protected from violence. It is structured around four pillars: prevention, protection, prosecution, and integrated policies, thereby providing orientation to **PREVENT violence, PROSECUTE perpetrators and PROTECT the victims.**

The Istanbul Convention is a human rights treaty. Accordingly, violence against women is understood as a violation of human rights and a form of discrimination against women that includes all acts or threats of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, in public or private life.

What was the impact of the Istanbul Convention in Portugal? Let's look at the four pillars:

Policies:

- **Changes in civil and/ or criminal law on VAWG and DV:**
 - Although economic violence was still largely left out of current legislation, and significant forms of economic abuse are still unaddressed
- **Amendments in criminal law on sexual violence and rape**
 - Although “consent” is not yet a concept in the legislation – the chosen term was “cognoscible will” (vontade cognoscível)
- **Policy focus on women, as seen in the creation of the National Action Plan on VAW (The previous ones referred to “domestic violence”)**
 - There is still, though, room for better integrated policies
- **Improved monitoring**
 - The Istanbul Convention opened avenues for the monitoring of public policies by organized civil society - in particular, women's rights associations - by the State itself, and by an external entity (GREVIO). The first baseline report on Portugal offered several recommendations for improvement which the Portuguese State is striving to implement.

Protection:

- **Increased funding for shelters and other support services**
 - Although regular predictable funding for services run by women's rights organizations should exist and be foreseen in the State Budget
- **Creation of specialized services for survivors of sexual violence (Art 25)**
 - Although, issues with the Portuguese translation of Article 25 of the IC impacted directly on the type of services available to survivors of sexual violence. Rape crisis or sexual violence referral centres for victims were translated as *crisis centers* (centros de crise) and, therefore, financial support to referral centers is not yet foreseen. There are only 2 specialized support services for victims of sexual violence for women and girls in Portugal.



PLATAFORMA PORTUGUESA
PARA OS DIREITOS
DAS MULHERES

- **Creation of specialized services for older women, women with mental health problems, migrant and refugee women (among others)**
- **Creation of common standards for service provision**
 - Although the network of professionals and services is not yet composed of specialists on male violence against women and girls and there is still room for better functioning of the network in the community.

Prosecution:

- **Positive developments in investigation and prosecution of DV**
 - Although the number of convictions is extremely low, which raises concerns on women's access to justice
- **Protection orders for victims of DV or VAWG identified and/ or improved**
- **Improved risk assessments**

Prevention:

- **Increased awareness of VAWG and DV (Art 13) and training of professionals (Art 15)**
- **Creation of school education programs on the topics of gender equality and VAWG (Art 14)**
 - Although not always dismantling gender stereotypes and asymmetric power relations between men and women and boys and girls, which are root causes of VAWG

Despite these advancements, we must still note these facts on Portugal:

- in 2020, 27 women, two children and three men were murdered in the context of violence in intimate partner relations. [Available here](#).
- in 2020, 27,609 complaints were made to the security forces for domestic violence and 1,716 women and 1,317 children went to shelters. [Available here](#).
- According to a recent report by the Judiciary Police, in the last 6 years, 316 women were murdered in Portugal, of which 111 in the context of intimate partner relations – approximately one woman was killed by her partner or former partner every 20 days in Portugal between 2014-2019. [Available here](#).

Looking ahead:

All forms of male violence against women are linked and form a continuum of violence which takes very diverse forms, from blatant violations of women's rights to more subtle or distorted forms of control over women's lives, bodies, and sexuality. Male violence against women is clearly linked to a culture of sexism in our societies.

I started by noting that the Istanbul Convention was born out of a widespread consensus around its importance. This original consensus is now being shattered. As such, it is even more crucial to strengthen the Convention, namely by linking it with other instruments from the Council of Europe such as the Convention on Action against Trafficking in Human Beings, the Gender Equality Strategy 2018-2023, or the 2019 Council of Ministers Recommendation on Preventing and Combating Sexism, which sets the first ever internationally agreed-upon definition of sexism as: *any expression (act, word, image, gesture) based on the idea that some persons, most often women, are inferior because of their sex.*

Understanding the continuum of male violence against women and girls online and offline, including sexual exploitation, will foster better integrated policies with positive spillover effects on prevention. Every woman has the right to live a life free from violence and free from the fear of violence. The Istanbul Convention saves women's lives. Let's make it happen.

Thank you