

# INTRODUCTION TO *PREVENTING AND COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE*

**Sara De Vido and Micaela Frulli**

UN Women reported that, globally, an estimated 736 million women – almost one in three – have been subjected to physical and/or sexual intimate partner violence, non-partner sexual violence, or both at least once in their life (30 per cent of women aged 15 and older).<sup>1</sup> Femicides are daily news in most countries in the world. New forms of violence, such as ICT-facilitated violence, are on the rise. In 2020, it was estimated that 1 in 2 young women experienced gender-based cyber violence in Europe.<sup>2</sup> Since the pandemic, violence against women has increased: for example, 1 in 4 women say that household conflicts have become more frequent and that they feel more unsafe in their home; 6 in 10 women said they think sexual harassment in public has worsened.<sup>3</sup> Domestic violence is still too little reported to the authorities. Sexual harassment and stalking are often trivialized, and in cases of rape and sexual violence, victims/survivors might not be believed because of the persistence and resilience of stereotypes. In general, the – direct or indirect – attacks to women’s rights, including reproductive rights, in all continents – by governments, courts, politicians – are of enormous concern. **I.001**

A question naturally arises: what can law do? What can legal instruments like the Istanbul Convention do when – and that is the key issue – effectively implemented? **I.002**

This is why we felt the urge to work on and conclude the commentary to the Istanbul Convention, which took, we must admit, years. A lot has happened since we started, including the COVID-19 pandemic, which has not only inevitably slowed down the process, but also had a disproportionate impact on women and on violence against women and girls. It was not an easy task to finalize the commentary, considering the number of authors involved and the hard times, but we worked with great passion and with the idea that it was all worth it. **I.003**

This book represents the work of about 70 authors from different parts of the world and from different backgrounds, commenting on the provisions of the Istanbul Convention. **I.004**

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- 1 See Research and Data Page of UN Women, <<https://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures>> accessed 10 October 2022.
  - 2 European Parliamentary Research Service (EPRS), *Combating gender-based violence: Cyberviolence*, European added value assessment, 2021.
  - 3 UN Women, *Measuring the shadow pandemic: Violence against women during COVID\_19, 2021*, Report, 24 November 2021, <<https://data.unwomen.org/sites/default/files/documents/Publications/Measuring-shadow-pandemic.pdf>> accessed 10 October 2022.

A Commentary to this advanced Council of Europe Convention, adopted in 2011 and entered into force in 2014, was much needed, in order to understand, from an interdisciplinary perspective, its potential and – inevitably as for all international treaties – its limits. It is important that the Convention is known for what it is: an international treaty subject to ratification by States of the Council of Europe, and open to ratification to non-Council of Europe Member States and the European Union. It is very broad in terms of obligations States must abide by, yet it still presents some weaknesses, e.g. by not directly covering ICT-facilitated violence. It is also facing huge resistance by some Member and Non-Member States of the Council of Europe because of the concept of gender it incorporates, and because of some of the obligations provided, including those dealing with migration issues and with issues of compensation.

- I.005** We made some choices that we wish to explain in order to grasp the complexity of the analysis proposed in this Commentary. First, not all the authors are lawyers, and not all lawyers are international lawyers. We decided that the Istanbul Convention deserved an interdisciplinary and multidisciplinary analysis. Hence, among the authors, we have criminal lawyers, international and human rights lawyers, private law scholars, experts in digital technologies, sociologists, philosophers, historians, linguistics, criminologists, among others. This multi-faced perspective represents for us an added value. Second, the geographical/academic origin of scholars. We decided to (try to at least) avoid Euro-centric approaches to the Istanbul Convention, that is why we decided to provide a comparison with other legal systems – the Inter-American, the African and the Asian one – and to also involve scholars from non-European countries. The perspective offered by all the contributors is important to understand the peculiarity of the Convention, but also to offer an open-minded comparison. Third, given the above considerations, we left the authors free to structure their comment, according to their knowledge, perspective, and sensitivity. We gave them a few basic instructions: to start from the text of every provision, to consider the Explanatory Report and to include State practice provided by the GREVIO reports, so as to ensure consistency. We also decided to add two sections to the Commentary article by article: one at the beginning, to provide some background analysis and contextualization; another one at the end, related to some underexplored issues in the Convention and to current debates around the Convention. The chapters have been checked and approved in the first half of 2022. Further developments, including the accession by the EU to the Istanbul Convention that occurred in June 2023, could be only marginally taken into consideration.
- I.006** Before leaving the readers to the pages that follow, some thanks are in order. First, we would like to thank all our authors for their contributions and for being patient with us waiting for the Commentary to be ready to be published. We would also like to express our utmost gratitude to Professor Hilary Charlesworth, Professor Christine Chinkin and Dr Dubravka Šimonović, former Special Rapporteur on violence against women and girls, its causes and consequences (2015–2021), who agreed to write forewords. We are extremely honoured that they found the time to elaborate these pages after all they had already done as sources of inspiration for our work. Special thanks are due to our students and post-doc researchers, without whom we could not conclude this huge work: Ms Francesca Cerulli, Ms Sara Dal Monico and Agnese Vitale.
- I.007** Last, but not least, our truthful thanks to the women that inspired our work: feminist scholars that shaped our way of thinking and opened new possibilities in academia that could not even be imagined some decades ago.

We dedicate this work to our families, especially to our daughters and son: Amanda, Matilde and Orlando. May our strenuous commitment to women's and girls' rights and for the elimination of gender-based violence be of inspiration in their lives. **I.008**

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