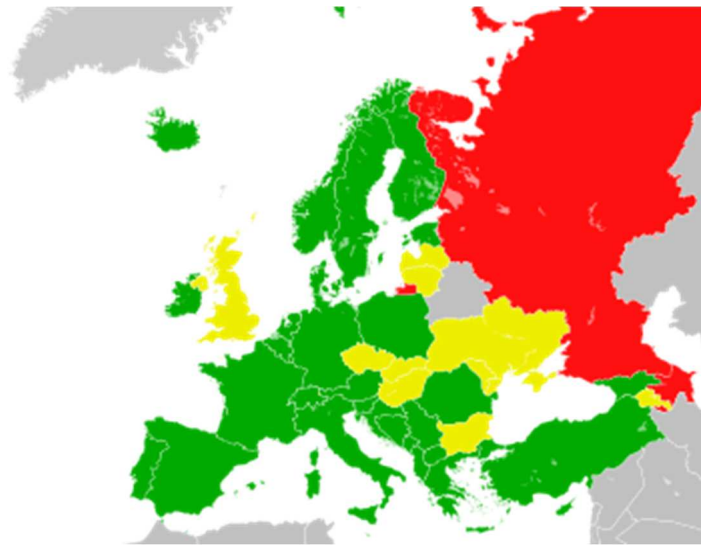




HUMAN RIGHTS COMMISSION

“ISTANBUL CONVENTION”

Convention on preventing and combating violence against women and domestic violence



“Countries in Europe that:

have signed and ratified the convention (green), **among them Poland**

signed the convention (yellow)

Convention on preventing and combating violence against women and domestic violence, colloquially the **“Istanbul Convention”** - a convention for the protection of human rights developed by the Council of Europe in to combat violence against women and domestic violence, which was opened for signature on 11 May 2011 in Istanbul, Turkey.

The Convention aims to combat violence, protect victims and "end the impunity of perpetrators". Until 2020, it was signed by 45 countries and the European Union. As of March 14, 2012, Turkey became the first country to ratify the convention, followed by a further 33 countries between 2013 and 2019.

The document provides a framework for legal prevention of all forms of violence against women at the European level, as well as for the prevention, prosecution and elimination of violence against women and domestic violence. The convention also provides a special monitoring mechanism to ensure that its provisions are effectively implemented by the parties that have ratified it.

The Convention consists of 81 articles divided into 12 chapters. The structure of the document is based on four issues: prevention; protection and support for victims; prosecution of criminals and integration policy. There are a number of specific ways of doing things in each area. The convention also lays down obligations to collect data and support research in the field of violence against women (Article 11).

The preamble refers to the European Convention on Human Rights, the European Social Charter and the Convention on Action against Trafficking in Human Beings, as well as the international human rights treaties of the United Nations and the Rome Statute of the International Criminal Court. In art. 2 of this Convention indicates that these provisions apply in peacetime as well as in situations of armed conflict in the field of violence against women and domestic violence.

What's important:

Article 3 defines key terms:

"Violence against women" is understood as a violation of human rights and a form of discrimination against women, including any act of violence on the basis of sex, which causes or may lead to physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, situations of coercion or arbitrary deprivation of liberty, both in public and private life;

"Domestic violence" means any act of physical, sexual, psychological or economic violence within the family or household, or between former or current spouses or partners, whether or not the perpetrator and victim share a residence;

'Gender' means the socially constructed roles, behaviors, actions and attributes that a given society considers appropriate for women or men;

"Gender-based violence against women" means violence directed against a woman on the basis of her gender or such violence that affects women in particular;

Article 4 prohibits a number of types of discrimination by stating: "The implementation of the provisions of this Convention by the Parties, in particular measures to protect the rights of victims,

shall be guaranteed without discrimination on the basis of: biological sex, cultural and social gender, race, color, language, religion, political opinion and other, national or social origin, membership of a national minority, property, birth, sexual orientation, gender identity, age, health condition, disability, marital status, refugee or migrant status or other”.

In July 2020, the Polish Minister of Justice, Zbigniew Ziobro, declared the start of the process of formal withdrawal from the convention. He said the treaty is harmful because it requires schools to educate children about gender in an ideological way and it devalues biological sex.

In Warsaw, hundreds of people demonstrated against the denunciation of the convention.

On July 27, 2020, the Ministry of Justice sent an application to the Ministry of Family, Labor and Social Policy to start work on the termination of the Istanbul Convention.

On July 26, the statement was issued by **the Secretary General of the Council of Europe** (who adopted the document), **Marija Pejčinović Burić**: “The announcements of the Polish government that Poland should terminate the Istanbul Convention are alarming. The Istanbul Convention is the Council of Europe's fundamental international treaty to combat violence against women and domestic violence - and that is its sole purpose. If there are any disagreements on the Convention, we will resolve them through constructive dialogue. Exiting the Istanbul Convention would be regrettable and would be a huge step backwards in protecting women from violence in Europe.”

The foregoing indicates that we must be vigilant at all times that no one tries to limit or exclude the human rights of both women and men in any way.

/-/ Artur Wierzbicki

FBE Human Rights Commission