

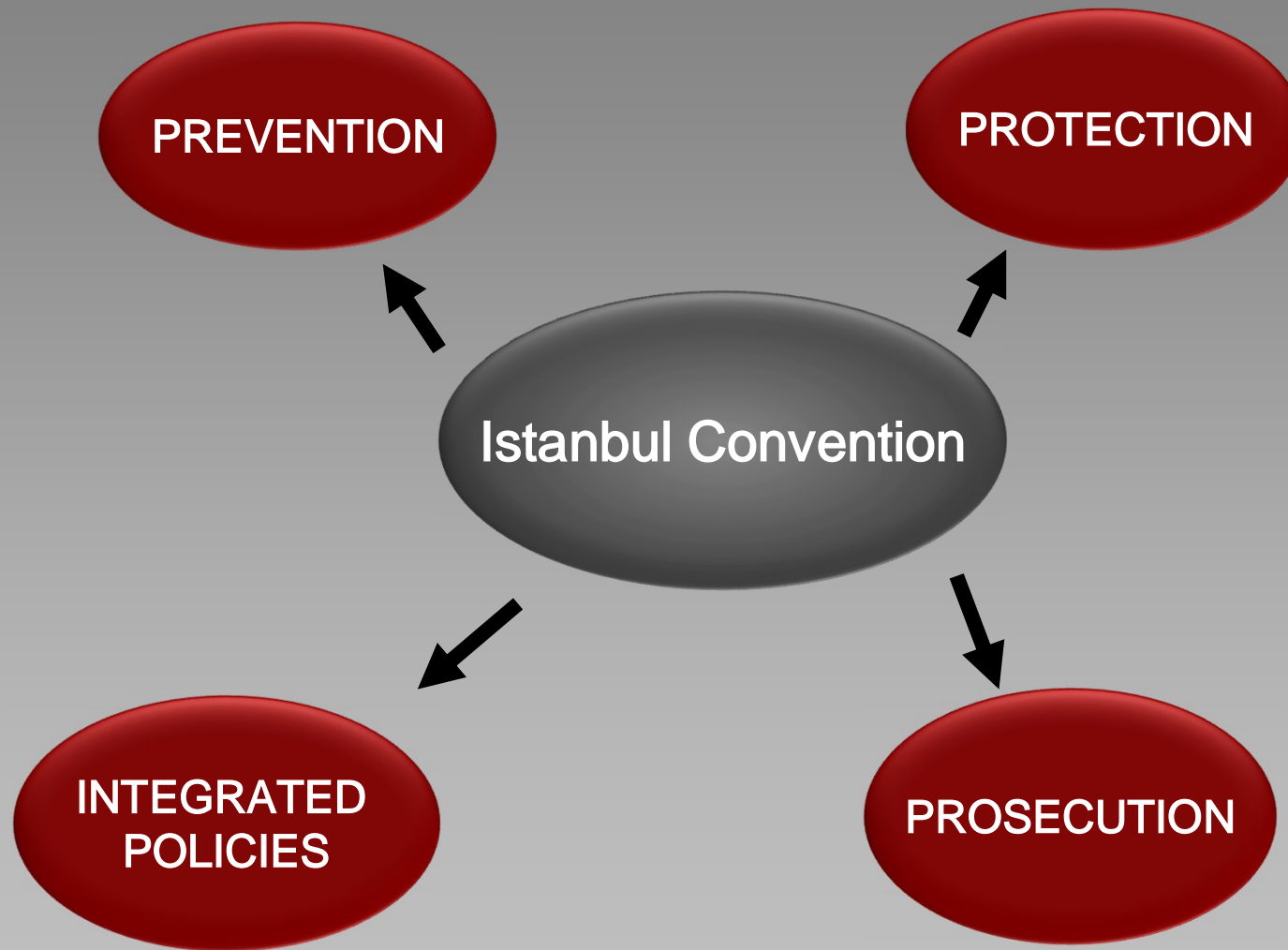
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**VIOLENCE**

# The requirements of the Istanbul Convention in the area of prosecution

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# FOUR PILLARS OF THE ISTANBUL CONVENTION



# ENSURING PROSECUTION THROUGH NEW CRIMINAL OFFENCES

- obligation to criminalise several types of behaviour:
  - intentional conduct vs. negligence;
  - framed in gender neutral manner, except: female genital mutilation, forced abortion, forced sterilisation
- obligation to ensure these offences are applicable irrespective of the relationship between offender and victim

# ENSURING PROSECUTION THROUGH NEW CRIMINAL OFFENCES

- psychological violence (Article 33)
- stalking (Article 34)
- physical violence (Article 35)
- sexual violence and rape, based on lack of consent not use of force (Article 36)
- forced marriage (Article 37)
- female genital mutilation (Article 38)
- forced abortion and forced sterilisation (Article 39)
- sexual harassment (Article 40)



# INTRODUCING AGGRAVATING CIRCUMSTANCES (Article 46)

- multiple perpetrators;
- use of weapons;
- victim's relationship with the offender (past or present spouse or partner)
- abuse of authority
- personality of offender (repeat offender, including possible consideration of sentences passed in other States)



# ENSURING CRIMINAL PROSECUTION: ZERO TOLERANCE FOR SO-CALLED HONOUR CRIMES

- Ban on invoking culture, custom, religion, tradition or so-called “honour” as justification for acts of violence against women and domestic violence (Article 42)



# ENSURING CRIMINAL INVESTIGATION AND PROSECUTION

- Obligation to ensure effective investigation and prosecution without undue delay (Article 49)
- Article 55: Ex parte and ex officio proceedings in cases of:
  - physical violence
  - sexual violence and rape
  - forced marriage
  - female genital mutilation
  - forced abortion and forced sterilisation
- Ban on mandatory mediation and conciliation (Article 48)
- Limitations on evidence based on the victim's "sexual history and conduct" (Article 54)



# ENSURING CRIMINAL INVESTIGATION AND PROSECUTION

- Importance of placing the rights of the victim at the centre of all measures, including any safety needs, specific measures contained in Articles 56 and 57)
- Extending statute of limitation for the most serious offences (Article 58)





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Opening for signature: 11 May 2011

Current progress:

➤ 24 signatures:

Albania, Austria, Belgium, Finland, France, Germany, Greece, Iceland, Italy, Luxembourg, Malta, Monaco, Montenegro, Netherlands, Norway, Portugal, Serbia, Slovak Republic, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, United Kingdom and Ukraine

➤ 1 ratification: Turkey



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Domestic Violence**

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