

ISTANBUL Convention and Protocol - PALERMO Convention and Protocol
 Details of comparative analysis

SHORT VERSION

| | Council of Europe Istanbul Convention on preventing and combating violence against women and domestic violence | UN Convention against transnational organized crime - PALERMO Convention and Protocol |
|--|---|--|
| Adoption Into force | by the Council of Europe Committee of Ministers on 7 April 2011. entered into force on 1 August 2014 open for any State in the world – under certain conditions | November 2000 – GA resolution open for signature by all States and by regional economic integration organizations |
| Ratification | Signed by 36 of altogether 48 European countries (Member of European Council) and ratified by | Signatories : 147 Parties : 185 |
| Reference treaties /Conventions / inspired by.... | <ul style="list-style-type: none"> • UN convention against transnational organized crime = Palermo Convention and Protocols • UN CEDAW • the Beijing Declaration and Platform for Action • United Nations Commission on the Status of Women | <ul style="list-style-type: none"> • Previous four Women World conferences • Report of the Ad Hoc Committee of the whole of the 23rd special session of the United Nations General Assembly (Beijing + 5 – political declaration and outcome document |
| Intention /Content | Obligation of the States to address all forms of violence against women and domestic violence including to men, children and the elderly by: Prevention - Protection - Prosecution – Monitoring. The Convention firmly establishes the link between achieving gender equality and the eradication of violence against women. Effective co-operation among the following agencies: <ul style="list-style-type: none"> • the judiciary, • public prosecutors, • law enforcement agencies, • local and regional authorities and • NGOs • “other relevant organisations” – civil societies and the like | Signifies the recognition by Member States of the seriousness of the problems posed by it, as well as the need to enhance close international cooperation. States having ratified commit to <ul style="list-style-type: none"> • taking measures against transnational organized crime, including the creation of domestic criminal offences • the adoption of new and sweeping frameworks for extradition, • mutual legal assistance and law enforcement cooperation; • and the promotion of training and technical assistance for building the necessary capacity of national authorities. |
| Legally binding | First legally-binding instrument in Europe in the field of violence against women and domestic violence, the most far reaching international treaty to tackle this violation of human rights. | Main international instrument in the fight against transnational organized crime – about 10 years earlier than Istanbul Each State Party shall adopt, in accordance with fundamental |

| | | |
|--|--|--|
| | The defined offenses have to find their way into the national legal systems. State parties will have to carry out judicial proceedings in a manner that respects the rights of victims . | principles of its domestic law , such legislative and other measures as may be necessary to establish as criminal offences,... States that ratify this instrument commit to the content of the convention |
| Monitoring | Monitoring mechanism to assess the success by: <ul style="list-style-type: none"> • <i>the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO)</i>, an independent expert body, • and <i>the Committee of Parties</i>, a political body composed of official representatives of the State Parties to the Convention. • Monitor reports may draw on information from NGOs as well as national parliaments | Monitoring the successful implementation of the Convention in the States having ratified does not appear a key objective /concern of the convention authors. However the cooperation with experienced NGOs and civil societies and other societal institutions is deemed increasingly important. |
| Role of NGOs | <ul style="list-style-type: none"> • emphasise the important contribution of NGOs, in particular with regard to monitoring and evaluation. | Although the role of NGOs is not explicitly mentioned in the convention and protocol, resp., the UN recognition of their expertise, their capability to do research, to collect data and prepare reports has over time increased. |
| PROTOCOL Title /Relevance | Istanbul Protocol → Manual on the effective investigation and documentation of torture and other cruel, Inhuman or Degrading Treatment or Punishment. The protocol serves as “working instructions” to carry out effective monitoring. Extreme important and demanding: the procedures and measures described in detail in order to document and to prove victimization | <ol style="list-style-type: none"> 1. the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; 2. the Protocol against the Smuggling of Migrants 3. and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms Each of the protocols depict the areas most afflicted by trafficking, above all women and girls as well as violence at home |
| Summary - strengths and differences | <ul style="list-style-type: none"> • Istanbul Convention as further development and in depth refinement of the UN convention against transnational organized crime (Palermo) • violence against women and girls and domestic violence are seen as crucial. • Claim to anchor the convention in national law; • Survivors’ rights and needs are core of all State response. • Provision of a monitoring mechanism. • Emphasis on prevention measures, requiring States to install specialized institutions; partnerships with NGO-sector • Explicit definition of what is meant by violence, violence against women, domestic violence, torture, etc. | <ul style="list-style-type: none"> • Palermo = one of the first important global and international milestone to agree on rules to combat transnational criminal trafficking and other activities alike – • The wording lacks detailed definitions – thus open for interpretation, less legally binding for States having signed. • No provisions /rules for monitoring the measures in those States Parties that signed and ratified, resp. |