

**Zonta International United Nations Committee
Individual Committee Member Report Form**

Relating to: (please check one)

- Prevention of violence (including trafficking)
- Improving women's health and maternal health (fistula, FGM, information/education)
- Women's rights/human rights/CEDAW/Beijing +20
- Economic equity (WEPs, women's employment, ILO)
- Delay of early marriage
- Education

Name of Committee Member

Barbara Devin

Meeting and Location

"home office"

Date of Meeting

February 2015

Date of Submitted Report

22.02.2015

**UN Convention against transnational organized crime and protocols
thereto – Palermo Convention
and
Council of Europe Convention on preventing and combating violence
against women and domestic violence – Istanbul Convention**

COMPARATIVE ANALYSIS

Adoption

The Istanbul Convention was adopted in 2011, entered into force November 2014, the Palermo Convention adoption took place in November 2000, entered into force in September 2003.

Motivation – Predecessor

The original inspiration and motivation for both conventions and relevant protocols base on the treaties and conventions existing at that time. In the case of Palermo the "predecessors" were essentially the four World Women Conferences from Mexico in 1975 to Beijing 1995/ Beijing + 5 and also the endeavors of UNHRC, UN Women, CSW, CEDAW. The Istanbul convention mentions in addition a variety of regional documents (a.o. Inter American Convention, African Charter on the rights of women, European Committee for the prevention of torture and inhuman or degrading treatment or punishment, different professional ethic codes).

Progress over time

The Istanbul Convention was initiated about 10 years later than the Palermo Convention. The analysis of both documents reflect clearly the progress made over this 10-year timespan: increase of awareness of the problem, differentiation of measures taken and legally anchored. While the Palermo convention dealt on a global and international level for the first time with transnational trafficking and crime, in particular drawing awareness on affection of women

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and girls, the Istanbul convention focuses solely on violence against women and girls and domestic violence – also affecting boys and men, though with much smaller penetration. The wider definition of the target group, i.e. violation victims and afflicted, the Istanbul Convention addresses at the same time the overriding gender equality problem.

Relationship between Istanbul and Palermo

Looking at the topic „violence against human beings, in particular against women and girls”, the Istanbul Convention positions itself as further development and in depth refinement of the Palermo convention and the protocols “trafficking in persons” and “smuggling of migrants”. The Istanbul document does not “compete” with the UN Convention, but complements and supplements the UN document of 2003 demanding to include more practice oriented details of violence against women, including domestic violence. Istanbul profits from the experience and information gathered over the last 10 years. But Istanbul also criticizes the – still – severe lack of measures taken in practice to reach the goals: Prevention – Protection – Prosecution – Monitoring. So do the later adopted Palermo protocols.

Both conventions are open for signature by all States of the world as well as by economic integration organizations; the European Council did sign the Palermo Convention and Protocols.

Legally binding...

While Istanbul speaks of “States have to work the Convention into their national law” the UN document asks for “accordance with fundamental principles of its domestic law”. The overtone of the Istanbul convention is clearly more mandatory than this holds true for the Palermo document. The pressure inherent to the Istanbul Convention finds its expression in “binding” wording: it signals that the States have to take measures against violence with no loophole and no return! No question: the Istanbul convention is binding! Palermo documents can be “interpreted” as less compulsory. However, the pure fact that the mentioned documents deal with human rights, both conventions claim to be “legally binding” when it comes to violence against human beings. It may be the deplorable little success of the Palermo convention that European Council initiated the more forceful demand for national legislation in particular concerning violence against women and girls and domestic violence.

Monitoring

The Istanbul Protocol represents in essence an extreme comprehensive manual on the effective investigation and documentation of torture and other cruel, Inhuman or degrading treatment or punishment. The manual provides details procedures and sources in order to find the cases of violence, to meet and support the victims. This helps also to prepare a documentation necessary for legal prosecution. Finally, the manual facilitates the monitoring – collecting data, compiling reports and thus accompanying the States’ efforts.

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Role of NGO

Historically, UN as well as the European Council acknowledge NGOs due to their specific expertise and experience with the relevant target groups. NGOs as well as social societies (and the like) are increasingly called upon to initiate research, provide reports and carry out monitor systems. The Istanbul Convention anchors the role of NGOs in the Istanbul protocol (manual). Palermo welcomes NGOs implicitly – but increasingly.

Attachment

Attached is a table that shows the details of the comparative analysis of the Istanbul and Palermo conventions and relative protocols. The list of criteria is not exhaustive, but deals with the most important ones.

Other interested ZI Committees

- UN Committee Chairman
- President of Board Liaison
- Other UN committee (please specify)
- Advocacy Committee
- Communications Committee
- Other (please specify)