



Sara De Vido and Micaela Frulli (ed), Preventing and Combating Violence against Women and Domestic Violence: A Commentary on the Istanbul Convention, Cheltenham UK & Northampton, MA: Edward Elgar, 2023, 929 pp, Hardback, ISBN: 9781839107740

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The Council of Europe (CoE) Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention) came into force on 1 August 2014. It ‘[aspires] to create a Europe free from violence against women [VAW] and domestic violence [DA]’ (Preamble). It intends to achieve this aim by promoting equality between women and men, protecting women against violence, and preventing, prosecuting, and eliminating discrimination and violence against women, designing comprehensive frameworks and policies, and promoting, supporting, and assisting cooperation.

Statistics published by the European Union (EU) in 2024 suggest that 50% of women in the EU have experienced physical and/or sexual violence by a partner, friend, relative, or family member. The same percentage of women have experienced sexual harassment. 44% have suffered psychological violence from a partner and at least two women are killed every day by an intimate partner or family member.

These statistics highlight the disturbing reality that, a decade after it entered into force, the Istanbul Convention remains highly relevant. The EU and the 37 states that have ratified the Convention to date still have a lot of work to do to achieve its aims.

The comprehensive commentary on the Istanbul Convention edited by De Vido and Frulli might aid them in their efforts. The edited collection makes a timely and valuable contribution to ensuring that the Convention is better and more widely understood and utilised. About 70 authors from different parts of the world and from different backgrounds provide extensive, multi-faced explanation and analysis, opening the book up to a wide audience in a very accessible way. Their contributions would be of interest to professionals, scholars, and students working in the area of criminal

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law, human rights and women's rights, international law, gender equality, and gender-based violence. The interdisciplinary and multidisciplinary analysis and discussion makes it relevant, for example, to criminologists, historians, health experts, lawyers, faith leaders, linguists, policy makers, political and social philosophers and scientists, social services personnel, and sociologists.

The book is divided into three sections. The first one sets out the background and context of the Convention. The second section provides an article-by-article commentary. The third addresses shortcomings of the Convention as well as underexplored issues and current debates. While each chapter is uniquely based on its author's knowledge, perspective, and sensitivities, they all start from the text of the provision, consider the CoE's Explanatory Report to the Convention, and include state practice as reported by the Group of independent Experts on Action against Violence against Women and Domestic Violence (GREVIO).

Section 1 of the book begins by situating the Istanbul Convention in a discussion about intersectionality. This logically leads into an open-minded comparison of the Convention with the Inter-American, African, and Asian legal systems. In the Introduction, the editors state that this was done intentionally – and importantly – to avoid Euro-centric approaches to the Convention. Nevertheless, the treaty is further contextualised in efforts to embrace gender parity at international and European levels. Following the Convention's view, all three comparative chapters create a link between gender equality, gender-based discrimination, and VAW, understanding gender inequality as the root cause of discrimination and violence and therefore equality as a key to ending it. Section 1 also highlights that the commitment to gender equality, like the Convention itself, extends from peace time to emergency situations.

Section 2 comments on the provisions of the Istanbul Convention article by article. It carries forward the themes of Sect. 1, creating strong cohesion across the book. For example, the commentaries of McQuigg, Buscemi, De Vido, and David on Articles 66–71 and 73–74 lend themselves to comparison of the Convention itself as well as its monitoring mechanisms, effects, and means of dispute settlement with other international instruments and systems. Calloni and Belliti also trace the origins of Article 7 on comprehensive and co-ordinated policies in other international human rights documents such as the Vienna and Beijing declarations and programmes for action. Similarly, in their commentary on Article 19, Fernández Rodríguez de Liévana and Yoshida provide an overview of the right to information, drawing on jurisprudence from the European Court of Human Rights and the Committee on the Elimination of Discrimination against Women. They explain that gender inequality and discrimination can lead to a lack of education which, in turn, can be a barrier to accessing information, for example about support services and available legal measures. In addition to timeliness, adequacy, accessibility, and language, the authors emphasise accuracy as an important aspect of the right to information, especially in the era of misinformation. This links the commentary on Article 19 to Sękowska-Kozłowska's discussion of Article 14 on education as prevention. Sękowska-Kozłowska contextualises Article 14 within United Nations human rights treaties and practices of treaty bodies such as the Convention on the Elimination of Discrimination against Women, the Convention on the Rights of the Child, and the International Covenant on Economic, Social and Cultural Rights. While the call for education to prevent VAW has a

long history internationally and regionally, Sękowska-Kozłowska notes that findings related to Article 14 have not been a priority during the country evaluation process. Challenging this, the author argues that education on gender equality is ‘endangered’ (p 237) yet extremely powerful ‘in the face of backlash and hostility from so called anti-gender movements’ (p 236-7).

This observation indicates the contentious nature, not only of gender equality education, but also of the definition of the term itself. The editors and Merino-Sancho comments further on this, highlighting the contentious nature of the definition of gender and the resulting resistance to the Convention by some states as one of the limits of the Convention. Following on from a critical analysis of the definition of gender and VAW (Article 3), Merino-Sancho considers intersectionality, performativity, autonomy and agency, and decoloniality as other approaches to gender-based violence against women.

While Merino-Sancho’s commentary is informed by theoretical considerations, Meyersfeld and Sironi De Gregorio argue that support for victims (Articles 20–25) must take into account intersecting psycho-social, neurological, cultural, and contextual imperatives and realities to avoid minimising and delegitimising women’s experiences of violence and retraumatising victim-survivors. Reporting of acts of violence by persons other than the victim (Article 27 ad 28) might also be seen as a way to avoid secondary trauma. Additionally, Angiolini argues that, reporting by a third party contributes to building a support network for the victim. However, it can also negatively impact victim-survivor’s autonomy and self-determination and might deter them from accessing services. To empower women who experienced violence, they should be able to choose which kind of assistance and protection they need.

De Vido also argues for a transformative approach to disrupt victim-survivors’ suffering. This includes gender-sensitive reparations (Article 30) that go beyond restitution and also consider, for example, free psychological treatment for victim-survivors. While the Inter-American Court of Human Rights has proven to be open to broaden the scope of compensation, it needs a contextual interpretation of the Istanbul Convention for it to endorse a similarly considerate approach.

While the possibility of gender-sensitive reparations might have to be read into the Convention, Vettorel discusses that the treaty does recognise the need for appropriate justice processes that limit the introduction of evidence related to the sexual history and conduct of the victim (Article 54) to avoid gender stereotyping and victim blaming. However, the Convention also recognises the discretionary power of judges to admit such evidence if relevant and necessary.

While Vettorel’s contribution clearly demonstrates the expansion and contraction of some of the Conventions’ provisions, Article 2 highlights the treaty’s wide reach. Frulli’s commentary on the scope of the Convention explains and analyses the role of the Convention in times of armed conflict, highlighting synergies between international human rights law, international humanitarian law, and international criminal law. Notably, Poli’s discussion of article 36 on sexual violence, including rape, and Ragni’s discussion of Article 37 on forced marriage bring into conversation the Convention, its domestic incorporation, and relevant international criminal case law. This informs, for example, discussions around consent-based or coercion-based definitions of the two offences. Arguably, this is one of the outstanding features of this

book. Extensive research has been conducted on VAW in times of peace and war. However, it largely exists in silos. De Vido's and Frulli's Commentary on the Istanbul Convention begins to build a rare bridge between those very distinct bodies of literature, opening up exciting possibilities for new research and improved practice.

As the chapters summarised above exemplify, the commentaries in Sect. 2 promote the Convention while critically assessing its provisions, highlighting their potential as well as shortcomings. In addition to the already mentioned achievements and limitations, it is worth pointing out Kalantry's and Moti's discussion of the Convention's silence on "crimes of passion", Metha's summary on the challenges in implementing Article 45 on sanctions and measures, Stoyanova's commentary on reservations to Article 59 on residence status, and McQuigg's note on the lack of an individual communications mechanism in this context. Some of the limitations introduced in Sect. 2 are considered further in Sect. 3. For example, van der Wilk follows up on Faloppa's comment on the participation of the private sector and the media in the elaboration and implementation of policies (Article 17) as well as Tevere's discussion of the digital dimension of sexual harassment (Article 40). Faloppa emphasises the need for social media platforms to remove and sanction cyberbullying, cyber stalking, digital dating abuse, recording and distributing sexual assault imagery or threats, hate speech against women, the use of social networks in the recruitment for human trafficking of women and girls, and online exploitation of minors. Tevere points, amongst others, to GREVIO Recommendation 1 which considers the definition of online sexual harassment to include: image or video sharing as well as taking, producing or procuring intimate images or videos without consent; sexualised bullying committed online or by way of digital means; and cyber flashing. Van der Wilk's contribution situates Internet of Things-facilitated DA within the context of other forms of online and technology-facilitated VAW. While ICT-facilitated violence is not directly covered by the Convention, the three commentaries demonstrate that it can be read in. It is also worth noting that the European Union's first-ever directive (COM/2024/60 final) on combating VAW and DA criminalises the most widespread forms of cyber-violence, including the non-consensual sharing of intimate images, cyber-flashing, cyber-stalking, cyber-harassment, and misogynous hate speech. Consequently, even though it is omitted from the Convention, ICT-facilitated violence will be incorporated in the domestic law of at least 21 states that have ratified it via the EU Directive.

The contributions by Tevere, Faloppa, and van der Wilk are illustrative of different ways in which authors comment on the domestic incorporation of the provisions of the Istanbul Convention. Van der Wilk's discussion is issue-focused, considering regional rules rather than domestic laws as well as theoretical approaches to Internet of Things-facilitated DA. Faloppa uses national examples to illustrate the discussion of the role of the media in ending VAW. Tevere provides a one-country case study of Italian law on sexual harassment. Similarly, Vettorel's discussion focuses on Italy while also commenting on the implementation of Article 54 in a few other countries. Halperin-Kaddari presents the possibility of Israel's accession to the Convention as a current issue related to Article 70. Similarly, Tekin discusses Turkey's relatively recent withdrawal from the Convention, supplementing Prażmowska-Marcinowska's commentary on Articles 80–81 on denunciation and notification. The analysis of the

domestic implementation of the Istanbul Convention provided in individual chapters is enhanced by David's discussion of the relationship between the Convention and national laws in general.

Overall, De Vido's and Frulli's extensive commentary highlights the progress made in the fight against VAW and DA by the Istanbul Convention as well as other international, regional, and domestic legal instruments, jurisprudence, and practice. However, rather than complacently or naively celebrating these achievements, the authors emphasise that the road to ending violence against women is long, windy, and full of potholes that need to be fixed for gender equality to be achieved and discrimination to be eliminated. The book makes an insightful travel guide.

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