

## **Overview: The Istanbul Convention's Compliance with the UN Handbook for Legislation on Violence Against Women**

The Istanbul Convention complies very closely with the UN Handbook for Legislation on Violence Against Women (VAW).<sup>\*</sup> Nonetheless, the Convention diverges from the Handbook in a number of important ways:

(1) Contrary to Handbook Recommendation 3.2.1, the Istanbul Convention does not mandate a national action plan for states nor a concrete framework for implementing the Convention's provisions combating VAW. Nonetheless, the Convention addresses many of the concerns covered by a national action plan (e.g., holistic policy implementation and benchmarks). Convention, Chapter II "Comprehensive and co-ordinated policies."

(2) Handbook Recommendation 3.2.6. urges states to issue "[p]rotocols, guidelines, standards and regulations" to implement VAW legislation. In contrast, while the Convention iterates repeatedly that "[p]arties shall take the necessary legislative and other measures" to combat VAW, the Convention does not immerse itself in such details as protocols and guidelines. Hence, the Convention leaves states significantly more flexibility in implementing measures to combat VAW.

(3) The Handbook recommends that states allocate funds for specific activities. Recommendation 3.2.2. entitled "Budget" reads: "Legislation should: Mandate the allocation of a budget for its implementation by:...Requesting the allocation of funding for a specific activity, for example, the creation of a specialized prosecutor's office." In addition, the Handbook occasionally calls for states to allocate funds for various specified activities. In contrast, the Convention has only one all-encompassing provision: Article 8 states that "Parties shall allocate appropriate [funds] for the adequate implementation" of measures and policies to combat VAW. In other words, the Convention allows states significantly more flexibility in funding and, therefore, in implementing their legislation to combat VAW.

(4) The Convention does not follow the Handbook in a few other instances. Concerning the rights of (alleged) perpetrators of VAW, the Convention gives less special consideration to (alleged) survivors at the expense of perpetrators. For example, the Convention does not exempt survivors from having to testify in a criminal proceedings against perpetrators. Also, while the Handbook specifies perpetrators' obligations to provide financial support to survivors both in the context of protection orders and in relation to divorce, the Convention does not address the issue.

<sup>\*</sup> Please note that the Istanbul Convention was drafted in 2010 prior to the current 2012 edition of the Handbook used here.