

An Analysis of the Status and Effectiveness of the Istanbul Convention in the International Protection of Women: With Emphasis on State Obligations, the GREVIO Monitoring Mechanism, and Its Implications for the Iranian Legal System

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Protecting women against violence, discrimination, and harms arising from inequality constitutes one of the principal concerns of the international human rights system. Violence against women not only violates human dignity and the right to personal security but also seriously restricts women's enjoyment of fundamental rights, including the rights to life, physical and mental health, access to justice, social participation, and a life free from fear. Within this framework, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, commonly known as the Istanbul Convention, has assumed a prominent position in the development of legal protections for women. By adopting a comprehensive approach, the Convention seeks not merely to punish perpetrators but also to establish a range of preventive, protective, judicial, educational, and institutional measures aimed at reducing violence and ensuring effective support for victims. The present study examines the status of the Istanbul Convention within the international system for the protection of women and analyzes its development, human rights foundations, implementation mechanisms, and degree of effectiveness. The findings indicate that, by emphasizing human dignity, the right to security, the prohibition of discrimination, and the necessity of women's access to effective protective mechanisms, the Istanbul Convention constitutes one of the most significant binding instruments in the field of women's protection. By imposing specific obligations on states concerning the prevention of violence, the protection of victims, the establishment of shelters and counseling services, the guarantee of access to justice, and the monitoring of compliance with treaty obligations, the Convention provides a relatively comprehensive model for the legal and humanitarian protection of women. Nevertheless, its effectiveness depends on the genuine implementation of state obligations, the reform of domestic legislation, the training of executive and judicial institutions, the provision of support services, and the promotion of public awareness. Accordingly, the Istanbul Convention may be regarded as a significant instrument for strengthening the international protection of women, whose principal objective is to ensure a safer, more equitable, and more dignified life for women and to protect them effectively against violence and structural harms.

Keywords: *Istanbul Convention, violence against women, human rights, victim protection, access to justice.*

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1. Introduction

The protection of women against violations of dignity, security, and equality constitutes one of the fundamental concerns of international human rights law. Women's right to enjoy a secure life is directly connected with such fundamental rights as the rights to life, health, liberty and personal security, equal protection of the law, freedom of movement, social participation, and access to an effective remedy. The Committee on the Elimination of Discrimination against Women has likewise affirmed that the right to a life free from gender-based violence is not separate from other human rights and that its violation may impair women's enjoyment of a broad range of civil, political, economic, and social rights. The Istanbul Convention similarly identifies the protection of women, the elimination of discrimination, and the achievement of substantive equality among its fundamental objectives (Mashhadi et al., 2020; Mowlaverdi, 2017).

Effective legal protection in this field cannot be confined to the criminalization of certain conduct and the imposition of punishment after harm has occurred. In addition to criminal sanctions, a protective system must encompass preventive measures, access to judicial protection, legal and social services, risk assessment, compensation, specialized training for public officials, and coordination among the responsible institutions. By linking prevention, victim protection, prosecution, and coordinated policies, the Istanbul Convention has established a comprehensive model of state responsibility and has transformed the protection of women from a set of fragmented responses into a coherent legal and institutional system (Mashhadi & Karami, 2020; Mashhadi et al., 2020).

Under traditional conceptions, matters arising within the family environment were often treated as belonging to the private sphere, and the scope of intervention by public authorities was correspondingly limited. Developments in international human rights law have modified this distinction by placing the protection of individuals' fundamental rights within the sphere of state obligations, irrespective of whether the violation occurs in a public or private setting. Accordingly, in addition to the negative obligation to ensure that public officials refrain from violating individual rights, the state bears positive obligations to prevent harm, provide

protection, conduct effective investigations, ensure judicial proceedings, impose proportionate punishment, and provide reparation. General Recommendation No. 35 of the Committee on the Elimination of Discrimination against Women also distinguishes between responsibility arising from the acts or omissions of state agents and responsibility resulting from the state's failure to address the conduct of non-state actors, while placing both within the ambit of the state's human rights obligations (Mashhadi et al., 2020; Mowlaverdi, 2017).

The due diligence standard constitutes the basis for assessing the legislative, executive, and judicial conduct of states in this field. Under this standard, the state is not required to guarantee absolutely that no harm will ever occur; however, where it knows or reasonably ought to know of a real risk, it must adopt reasonable and proportionate legislative, administrative, and judicial measures. The absence of adequate legislation, disregard of previous reports, delays in judicial protection, failure to enforce protective orders, or the absence of an effective investigation may be examined as independent violations of the state's positive obligations. This approach distinguishes state responsibility from the direct attribution of a private individual's conduct to the state. In other words, the basis of responsibility is generally not the private conduct itself, but rather the attributable failure of public institutions to discharge their protective duties (Mashhadi et al., 2020; Mowlaverdi, 2017).

The case law of the European Court of Human Rights has played an important role in developing this understanding. In *Opuz v. Turkey*, the Court examined the authorities' persistent failure to protect the applicant and her mother in light of the right to life, the prohibition of inhuman treatment, and the principle of non-discrimination. In view of the history of the incidents, the authorities' knowledge of the circumstances, and the inadequacy of the police and judicial responses, the Court did not confine state responsibility to the direct conduct of public officials. The legal significance of the judgment lies in its recognition that state inaction or inadequate intervention in private relationships may, where a foreseeable risk and a discriminatory pattern exist, violate positive obligations under the European Convention on Human Rights (Mahmoudi & Miri Balajorshori, 2021; Miri Balajorshori & Mahmoudi, 2022).

Despite the development of United Nations instruments and the case law of the European Court of Human Rights, prior to 2011 the European system lacked a specialized treaty that regulated obligations relating to prevention, victim protection, civil rights, criminalization, judicial proceedings, residence, asylum, data collection, and international monitoring within a single framework. The Istanbul Convention was drafted to address this fragmentation and recognized violence against women as a human rights violation and a form of discrimination. It requires states parties to adopt coordinated legislative and executive measures in the four areas of prevention, protection, prosecution, and integrated policymaking and establishes the specialized GREVIO mechanism to monitor implementation of these obligations (Mashhadi & Karami, 2020; Mashhadi et al., 2020).

Within Iranian legal scholarship, Mashhadi and Karami have assessed the Istanbul Convention as a comprehensive treaty that extends the protection of women beyond criminal-law responses and regulates issues such as prevention, protection, migration, asylum, and institutional cooperation within a coordinated structure. Azari and Babazadeh, focusing on the rights of victims of sexual offences, have examined the significance of the Convention's approach based on human dignity, autonomy, and consent. Nevertheless, a substantial portion of Persian-language scholarship has concentrated primarily on introducing the provisions of the Convention or analyzing particular manifestations of violence, while the combined examination of the nature of states' positive obligations, the legal authority of the GREVIO mechanism, the practical effectiveness of the Convention, and Türkiye's withdrawal experience still requires further analysis (Azari & Babazadeh, 2021; Mashhadi et al., 2020).

In Turkish legal scholarship, the relationship between the Istanbul Convention and Law No. 6284 on the Protection of the Family and the Prevention of Violence against Women has constituted one of the principal areas of research. Existing studies indicate that Law No. 6284 provides for numerous protective measures and remains one of the most important legal foundations for the protection of women in Türkiye. Nevertheless, insufficient training of public officials, deficiencies in certain support centers, limited institutional coordination, and incomplete implementation of monitoring instruments have reduced the law's practical

capacity. The Turkish experience therefore makes it possible to distinguish among the existence of domestic legal rules, their effective implementation, and the complementary role of international monitoring (Bölükbaşı, 2022; Keleş & Sallan Gül, 2025; Kocağalar, 2025).

Against this background, the principal question addressed in the present article is through which treaty obligations and monitoring mechanisms the Istanbul Convention has strengthened the international protection of women and which legal and institutional factors affect its effectiveness. The analytical premise of the article is that, at the normative and institutional levels, the Convention constitutes one of the most comprehensive regional models for the protection of women. Nevertheless, the realization of its practical effects depends on the conformity of domestic law, resource allocation, the independence and continuity of monitoring, the training of officials, and coordination among judicial and protective institutions. Using a descriptive-analytical method and a comparative approach, the study examines the text of the Convention, its explanatory report, General Recommendation No. 35, the case law of the European Court of Human Rights, and Iranian and Turkish legal scholarship and ultimately analyzes the extent to which its standards may be employed as comparative criteria within the Iranian legal system (Bölükbaşı, 2022; Mashhadi & Karami, 2020; Mashhadi et al., 2020; Mowlaverdi, 2017).

2. The Transformation of the Protection of Women from the Private Sphere into a Human Rights Issue

2.1. Limitations of the Traditional Approach

The traditional distinction between the public and private spheres resulted in matters concerning women's security within the family being treated largely as personal affairs, with state intervention generally confined to severe and manifest cases. Consequently, certain forms of conduct violating women's psychological integrity, economic autonomy, and personal security lacked effective judicial and social protection because they occurred within the family or were not covered by a specific legal classification. This approach is incompatible with the universality of human rights, because rights such as life, dignity, security, and physical and psychological integrity remain valid and

enforceable within family relationships (Mahmoudi & Miri Balajorshori, 2021; Mowlaverdi, 2017).

The development of international human rights law has required states not only to refrain from directly violating women's rights but also to adopt positive protective measures. States must establish appropriate laws and institutions, assess foreseeable risks, provide immediate protection, and guarantee effective investigation, prosecution, and reparation. Under the due diligence standard, the conduct of private individuals is generally not directly attributable to the state; however, the failure of public institutions to prevent or respond effectively, particularly where they were aware of the risk, may constitute an independent violation of the state's international obligations (Mashhadi et al., 2020; Mowlaverdi, 2017).

2.2. The Role of the Convention on the Elimination of Discrimination against Women and the 1993 Declaration

The 1979 Convention on the Elimination of All Forms of Discrimination against Women, although it did not provide an independent definition of violence, established the treaty basis for eliminating discrimination. In General Recommendation No. 19 and subsequently General Recommendation No. 35, the treaty-monitoring committee characterized gender-based violence as a form of discrimination and required states to reform legislation, protect victims, ensure effective reparation, allocate resources, and collect systematic data (Mowlaverdi, 2017).

The 1993 Declaration on the Elimination of Violence against Women also played an important role in consolidating the human rights dimensions of the protection of women by recognizing physical, sexual, and psychological harm occurring in both public and private settings. The Declaration called upon states to exercise due diligence to prevent such harm, conduct effective proceedings, and provide appropriate protection and reparation. Nevertheless, because of its declaratory and non-treaty character, it did not create an independent contractual obligation or a specialized monitoring mechanism (Mowlaverdi, 2017).

At the regional level, the 1994 Convention of Belém do Pará and the 2003 Maputo Protocol established more binding obligations concerning prevention, judicial protection, and access to remedies. Continuing this development, the Istanbul Convention consolidated the

human rights elements of global and regional instruments within a comprehensive system encompassing prevention, protection, prosecution, adjudication, residence and asylum, and GREVIO monitoring. The Convention should therefore be regarded as an advanced stage in transforming the protection of women from a general demand into a legally assessable obligation of states (Mashhadi & Karami, 2020; Mashhadi et al., 2020).

3. The Development and Legal Status of the Istanbul Convention

3.1. Background to Its Drafting

Before the adoption of the Istanbul Convention, the Council of Europe had adopted numerous recommendations and programs concerning the protection of women against violence. Nevertheless, differences among the domestic laws of European states, the absence of a common definition, the fragmentation of services, and the lack of a binding monitoring mechanism made it difficult to achieve a harmonized standard. Some states criminalized violence only where severe physical injury had occurred, while in others immediate protective measures, shelters, or services addressing sexual violence were insufficiently developed.

In December 2008, the Committee of Ministers of the Council of Europe mandated an ad hoc committee known as CAHVIO to draft a binding instrument. With the participation of government representatives and experts, the committee prepared the draft Convention. The final text was adopted on April 7, 2011, and opened for signature in Istanbul on May 11 of the same year. Following fulfillment of the required threshold, the Convention entered into force on August 1, 2014 (Mashhadi et al., 2020).

The designation "Istanbul Convention" is not the official title of the instrument but is derived from the city in which it was opened for signature. Its official title is the "Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence." This point is important because the Convention is not an instrument belonging to the Turkish legal system; rather, it is a regional treaty concluded within the framework of the Council of

Europe, and the reference to Istanbul has solely historical significance.

3.2. *Scope of Membership and Current Legal Status*

The Convention was primarily designed for member states of the Council of Europe and the European Union, although it also provides for the possibility of inviting non-member states to accede. This feature enhances the Convention's capacity to exert influence beyond the geographical boundaries of Europe. In 2023, the European Union completed the accession process, and the Convention entered into force for the Union, within the scope of its competences, on October 1, 2023. The Union's accession affects matters such as judicial cooperation in criminal affairs, asylum, non-refoulement, and the functioning of Union institutions. By July 2026, 39 Council of Europe parties had ratified the Convention, while six additional states had signed it. Türkiye, which had been among the first states to sign and ratify the Convention, announced its withdrawal in March 2021, and the withdrawal took effect on July 1, 2021. Accordingly, expressions such as "Türkiye's Convention" or "Turkish law" are legally inaccurate in this context. The Convention is a Council of Europe treaty, and Türkiye is no longer a party to it (Çamurcu, 2021; Durmuş, 2021).

3.3. *The Convention's Position among Instruments Protecting Women*

The Istanbul Convention is not the first human rights instrument concerning violence against women, but its thematic comprehensiveness and monitoring guarantees distinguish it from many earlier instruments. The 1993 Declaration on Violence against Women is norm-setting but non-binding. The Convention on the Elimination of All Forms of Discrimination against Women is global and legally binding, but its original text does not contain detailed provisions concerning shelters, emergency orders, rape crisis centers, risk assessment, or the specific offences addressed by the Istanbul Convention. The European Convention on Human Rights also provides protection through general provisions such as the right to life and the prohibition of inhuman treatment, but it is not a specialized instrument on violence against women.

The Istanbul Convention addresses these gaps by linking human rights, criminal law, judicial procedure, social protection, and public policy. It does not merely require the state to punish perpetrators; rather, it obliges the state to identify the structures that produce or intensify violence and to establish a sustainable system for prevention, protection, and evaluation. For this reason, Mashhadi and Karami have characterized the Convention as an instrument that further develops the legal regime for combating gender-based violence (Mashhadi et al., 2020).

4. **The Conceptual and Human Rights Foundations of the Convention**

4.1. *Definition and Scope of Protection*

Article 3 of the Istanbul Convention defines violence against women as a human rights violation and a form of discrimination and encompasses conduct that causes, or is likely to cause, physical, sexual, psychological, or economic harm. Threats, coercion, and arbitrary deprivation of liberty are also included, whether they occur in public settings or within private relationships. Domestic violence is not limited to current cohabitation and includes conduct occurring between current or former spouses or partners, even where they reside separately (Mashhadi & Karami, 2020; Mashhadi et al., 2020).

4.2. *Non-Discrimination and Equal Protection*

The Convention understands gender-based violence as conduct directed against a person because she is a woman or as conduct that disproportionately affects women. The concept of gender in the Convention refers to socially constructed roles and expectations that may reproduce women's inequality and vulnerability. Article 4 also requires states to make the protections of the Convention available without discrimination, including discrimination based on age, disability, marital status, social origin, or migration or refugee status (Mashhadi & Karami, 2020; Mashhadi et al., 2020).

4.3. *The State's Obligation to Exercise Due Diligence*

Article 5 distinguishes between state responsibility for the conduct of public officials and the state's obligation to address the conduct of private individuals. Not every

act of a private person is directly attributable to the state. Nevertheless, the state must exercise due diligence by establishing an appropriate legal framework, assessing foreseeable risks, and providing effective protection, investigation, prosecution, punishment, and reparation. The failure of authorities to respond to a known risk may constitute an independent violation of the state's positive obligations, as illustrated by the European Court of Human Rights in *Opuz v. Turkey*, where the inadequacy of police and judicial responses was examined in relation to the right to life, the prohibition of inhuman treatment, and the prohibition of discrimination (Mahmoudi & Miri Balajorshori, 2021; Mashhadi et al., 2020; Miri Balajorshori & Mahmoudi, 2022).

5. The Legal Mechanisms of the Istanbul Convention

5.1. Comprehensive and Coordinated Policies

Articles 7 to 11 require states to formulate comprehensive policies, allocate financial and human resources, support non-governmental organizations, designate a coordinating body, and collect statistical data. The objective is to define clearly the responsibilities of judicial, law-enforcement, health-care, and social-service institutions and to evaluate their performance on the basis of reliable and comparable data. Data collection must also comply with confidentiality requirements and protect victims' personal information (Mashhadi & Karami, 2020; Mashhadi et al., 2020).

5.2. Preventive Obligations

Articles 12 to 17 regulate prevention as an obligation independent of the criminal-law response. The modification of harmful attitudes and stereotypes, public awareness-raising, education in formal and informal settings, specialized training for police officers, judges, prosecutors, health-care personnel, and social workers, and intervention programs for perpetrators are among the principal measures in this section. Perpetrator programs must not replace legal accountability, and the safety and rights of victims must remain the primary consideration in their implementation (Mashhadi & Karami, 2020; Mashhadi et al., 2020).

5.3. General and Specialized Support for Victims

Articles 18 to 28 require states to establish general and specialized services, including health care, social support, legal and psychological counseling, safe shelters, 24-hour telephone helplines, and sexual violence referral centers. Pursuant to Article 18(4), access to support services must not depend on the victim's willingness to lodge a complaint or testify against the perpetrator. Protection for child witnesses of violence must also be designed in accordance with their psychological consequences and specific needs (Mashhadi & Karami, 2020; Mashhadi et al., 2020).

5.4. Substantive Rights and Sanctions

Articles 29 to 48 establish a range of civil and criminal obligations. States must make it possible to claim compensation and obtain effective civil remedies and must subject conduct such as psychological violence, stalking, physical violence, forced marriage, sexual harassment, forced abortion or sterilization, and female genital mutilation to appropriate sanctions. Article 36 also defines sexual violence on the basis of the absence of freely given consent. Accordingly, the absence of physical resistance cannot, by itself, be regarded as evidence of consent (Azari & Babazadeh, 2021; Mashhadi et al., 2020).

The Convention also prohibits culture, custom, religion, tradition, or the so-called concept of honour from being invoked as justification for conduct falling within its scope. This prohibition is intended to protect the victim's right to life, physical integrity, and dignity and prevents cultural or familial motivations from removing the perpetrator's responsibility or reducing the level of legal protection (Mashhadi & Karami, 2020; Mashhadi et al., 2020).

5.5. Investigation, Prosecution, and Judicial Protection

Articles 49 to 58 emphasize an immediate and proportionate response, effective investigation, victim protection during proceedings, and prevention of renewed danger. Article 51 requires states to assess the risk of death, the seriousness of the situation, and the likelihood of repeated violence. Article 52 provides for emergency barring orders requiring the perpetrator to leave the victim's residence in situations of immediate

danger, while Article 53 concerns restraining and protection orders. These measures are effective only where they are prompt, accessible, enforceable, and accompanied by sanctions for non-compliance (Mashhadi & Karami, 2020; Mashhadi et al., 2020).

Procedural protection includes informing victims about the status of proceedings and the release or escape of the perpetrator, preventing unwanted contact between the parties, protecting privacy, permitting testimony through appropriate communication technologies, and ensuring access to legal assistance. These measures are intended to reduce secondary victimization and guarantee the victim's safe and effective participation in the justice process (Mashhadi & Karami, 2020; Mashhadi et al., 2020).

5.6. Residence, Asylum, and Non-Refoulement

Articles 59 to 61 address the situation of migrant and asylum-seeking women. States must consider granting an autonomous residence status in the circumstances specified by the Convention, take gender-based violence into account when assessing asylum applications, and establish gender-sensitive procedures and support services. The principle of non-refoulement also prohibits a state from transferring a person to a territory where she would face a real risk of death, torture, or inhuman treatment (Mashhadi et al., 2020).

6. The GREVIO Monitoring Mechanism

6.1. Structure and Supervisory Competence

The system for monitoring implementation of the Convention consists of two bodies: the Group of Experts on Action against Violence against Women and Domestic Violence, known as GREVIO, and the Committee of the Parties. GREVIO is composed of independent experts who assess the implementation of obligations through examination of state reports, information submitted by civil society, dialogue with public authorities, and, where necessary, country visits. On the basis of GREVIO's report, the Committee of the Parties adopts recommendations addressed to the state concerned (Mashhadi & Karami, 2020; Mashhadi et al., 2020).

6.2. Authority and Functions of the Reports

GREVIO reports do not constitute judicial judgments or directly enforceable executive decisions, but they possess a specialized supervisory and interpretive character and play an important role in clarifying the scope of Convention obligations, identifying gaps between law and practice, and providing guidance for reform. The participation of independent institutions and civil society organizations also ensures that the assessment is not confined to the government's official report. Under Article 69, GREVIO may issue general recommendations on thematic matters. General Recommendation No. 1, adopted in 2021, clarified the application of the Convention to conduct committed in the digital sphere or through the use of technology (Mashhadi & Karami, 2020; Mashhadi et al., 2020).

6.3. Limitations of Monitoring

GREVIO does not have the authority to annul domestic legislation, issue binding judicial judgments, or directly enforce its recommendations. The impact of its reports depends on state cooperation, follow-up by the Committee of the Parties, parliamentary oversight, civil society activity, and the performance of domestic institutions. The mechanism is therefore an important instrument for evaluating and directing implementation of the Convention, but it cannot substitute for legislative and executive commitment or effective national oversight (Mashhadi & Karami, 2020; Mashhadi et al., 2020).

Official Council of Europe materials also confirm that GREVIO reports and recommendations are designed to provide guidance for the effective implementation of the Convention and that General Recommendation No. 1 explains the application of the Convention to online and technology-facilitated forms of violence.

7. Assessment of the Effectiveness of the Istanbul Convention

7.1. Normative Effectiveness

Normative effectiveness concerns the Convention's capacity to establish clear legal standards. At this level, the Convention has succeeded in expressly identifying violence against women as a human rights violation and a form of discrimination, providing a comprehensive

definition of violence, and extending state obligations beyond the punishment of perpetrators.

The criminalization of stalking, forced marriage, and certain forms of violence, the adoption of consent-based definitions in sexual offences, the creation of emergency orders, and the development of specialized services in the legislation of a number of states constitute normative effects of the Convention. The Council of Europe has also referred to criminal-law reforms and the establishment of new offences in states parties when evaluating the Convention's impact.

From a normative perspective, the Convention establishes a connection between equality and violence. Violence is not merely harmful conduct committed by one individual; in some circumstances, it may obstruct women's equal enjoyment of rights and opportunities. This connection places anti-violence policies alongside equality policies, education, and the elimination of discrimination.

7.2. Institutional Effectiveness

Institutional effectiveness concerns the Convention's capacity to establish sustainable organizations, processes, and services. The obligation to designate a coordinating body, establish shelters, operate telephone helplines, create sexual violence crisis centers, and implement a data-collection system can enhance the state's capacity to respond coherently.

GREVIO is also significant at this level. Before the Convention, many state obligations relating to violence against women lacked a detailed monitoring mechanism. GREVIO's periodic reports make it possible to identify specific shortcomings, such as insufficient shelter capacity, inadequate judicial training, or incomplete data.

Nevertheless, the formal establishment of institutions is insufficient. A center that lacks funding, trained staff, or geographical accessibility cannot fulfill the protective obligation. Institutional effectiveness must therefore be assessed on the basis of the quality, accessibility, confidentiality, speed, and continuity of services.

7.3. Practical Effectiveness and the Difficulty of Measuring It

Practical effectiveness concerns the actual effect of the Convention on women's safety, the reduction of repeated

violence, increased access to justice, and the prevention of avoidable deaths. Measuring effectiveness at this level is more difficult because recorded statistics on violence are influenced by reporting rates. Following legal reform or greater public awareness, complaints may increase even where the actual prevalence of violence has not increased.

Success should therefore not be assessed solely by reference to a decline in the number of complaints. Indicators such as police response times, the number of enforced protective orders, rates of non-compliance with such orders, access to shelters, recurrence of violence, case outcomes, victim satisfaction with services, and the accessibility of services to vulnerable groups provide a more accurate assessment.

The Convention cannot, by itself, eliminate the economic, cultural, and social roots of violence. Law becomes effective when combined with social policy, education, economic independence, mental health services, housing, and support for children. Accordingly, the persistence of violence in a state does not necessarily demonstrate that the Convention is ineffective, just as the adoption of legislation alone does not establish successful implementation.

7.4. Factors Limiting Effectiveness

The first limiting factor is the absence of sustained political will. Where senior officials minimize violence or disseminate misinformation about the objectives of the Convention, implementation is weakened. The second factor is insufficient resources. Shelters, professional training, legal services, and emergency helplines cannot be sustained without stable funding.

The third factor is fragmentation of responsibility. Where the police, courts, and social services each transfer responsibility to another institution, the victim remains trapped between institutional gaps. The fourth factor is the persistence of professional stereotypes. Assumptions that a victim "could simply have left the home" or that "if the danger had been serious, she would not have withdrawn her complaint" may distort judicial decision-making.

The fifth factor is the absence of reliable data. Without data, it is impossible to identify high-risk areas, evaluate police performance, or determine rates of repeated violence. Finally, instability in international commitments and the possibility of state withdrawal

may result in regression from achievements secured through monitoring.

8. The Turkish Experience: From Ratification to Withdrawal

8.1. Ratification of the Convention and Law No. 6284

Türkiye signed the Convention on May 11, 2011, and ratified it on March 14, 2012. The Convention entered into force for Türkiye on August 1, 2014. During the same period, Law No. 6284 on the Protection of the Family and the Prevention of Violence against Women was enacted. The law provides for protective measures, removal of the perpetrator, no-contact orders, and the provision of support services.

Comparative studies indicate that Law No. 6284 was influenced by the Istanbul Convention and has a broader scope than Türkiye's previous legislation. It also addresses situations in which actual violence has not yet occurred but a risk of violence is present. Nevertheless, not all dimensions of the Convention, particularly obligations concerning integrated policies, different forms of violence, migration, and international monitoring, have been fully reflected in domestic law (Bölükbaşı, 2022).

8.2. GREVIO's Findings concerning Türkiye

GREVIO published its baseline evaluation report on Türkiye in October 2018. In addition to the state report, the evaluation process considered information submitted by civil society organizations and independent groups. The report identified certain legislative and institutional developments but raised concerns regarding inconsistent implementation, insufficient specialized services, the condition of shelters, the effect of discriminatory attitudes, and the need to strengthen coordinated policies.

Turkish studies confirm this implementation gap. In their study of actors responsible for implementing the law in Erzurum, Keleş and Sallan Gül showed that differences in officials' attitudes, deficiencies in institutional coordination, and practical implementation problems affect the level of protection afforded to victims (Keleş & Sallan Gül, 2025). Kocağalar similarly identified insufficient training of law-enforcement officers, limitations affecting Violence Prevention and Monitoring Centers, and the incomplete development of

electronic monitoring as obstacles to the effective implementation of the law (Kocağalar, 2025).

These findings demonstrate that a relatively comprehensive legislative text cannot ensure full protection in the absence of trained personnel, adequate funding, monitoring, and coordination. In a field such as domestic violence, where risk may intensify within a short period, the quality of implementation of emergency measures is more important than the mere number of enacted laws.

8.3. Türkiye's Withdrawal and Its Legal Consequences

In March 2021, Türkiye announced its withdrawal from the Convention by presidential decision, and the withdrawal took effect on July 1 of the same year. The method of withdrawal generated extensive legal controversy within Turkish domestic law. One of the principal questions was whether a human rights treaty incorporated into the legal order through parliamentary approval could be terminated solely by presidential decision. Durmuş analyzed the withdrawal in terms of presidential authority over treaties and the principles of Turkish constitutional law, emphasizing the complexity of the relationship among the executive branch, parliament, and human rights obligations (Durmuş, 2021).

Çamurcu has also shown that the controversy surrounding the Convention was not exclusively legal but was influenced by social disputes concerning the concepts of gender, family, and the permissible scope of state intervention. Some opponents claimed that the Convention weakened the family, whereas its supporters maintained that the principal objective of the instrument was to prevent violence and protect individuals' lives and physical integrity (Çamurcu, 2021).

Türkiye's withdrawal did not automatically repeal Law No. 6284. The law remains the principal domestic legal basis for protecting women in Türkiye. Nevertheless, withdrawal had three important consequences: Türkiye's treaty obligation to implement all Convention standards ended; GREVIO's periodic monitoring of Türkiye's future measures ceased; and an adverse political message was conveyed concerning the durability of human rights protections.

The Turkish experience demonstrates that domestic legislation and an international treaty do not perform identical functions. Domestic law establishes specific

protective measures, whereas a treaty provides a broader range of obligations, interpretive standards, and independent monitoring. Accordingly, the continued existence of Law No. 6284 cannot replace all of the legal and institutional consequences of membership in the Convention.

9. Implications of the Convention for the Iranian Legal System

9.1. Fragmentation of Existing Protections

Within the Iranian legal system, certain forms of violent conduct may be prosecuted under general criminal legislation, and various provisions address homicide, assault and battery, threats, insults, abduction, coercion, and sexual offences. The Code of Criminal Procedure also provides, in certain circumstances, for the protection of vulnerable victims and prosecutorial intervention. The Law on the Protection of Children and Adolescents similarly identifies persistent violence among family members as a circumstance placing a child at risk. Nevertheless, these provisions are dispersed across multiple statutes and do not establish a comprehensive and specialized system for prevention, risk assessment, emergency orders, specialized services, and institutional coordination.

The Bill on Preserving the Dignity of Women and Protecting Them against Violence was submitted to Parliament in 2020 and subsequently underwent numerous amendments. On June 1, 2025, the government submitted a request for its withdrawal in order to complete the applicable legal formalities. Nevertheless, legislative consideration continued, and in January 2026 its approval by the Parliament's Social Commission was again reported. These developments indicate that, at the time of writing, the process of adopting a final and comprehensive law had not yet been completed.

Comparison with the Istanbul Convention should not be based on the assumption that all of its provisions must be transferred verbatim without regard to Iran's legal and cultural structure. The comparative value of the Convention lies in identifying the constituent elements of an effective protective system. Many of these elements, including immediate protection of life, risk assessment, professional training of public officials, shelters, counseling, and institutional coordination, may be

redesigned within the framework of Iranian domestic law.

9.2. The Need for a Comprehensive and Precise Definition of Violence

One of the first requirements of comprehensive legislation is a clear definition of the various forms of violence. An excessively narrow definition disregards psychological, economic, and controlling conduct, while an excessively vague definition may conflict with the principle of legality and the requirement of legal foreseeability. An appropriate solution is for the legislation to provide a relatively comprehensive definition in its protective provisions while defining the constituent elements of each criminal offence with precision.

A distinction must be drawn between criminalization and the recognition of harmful conduct. Not all inappropriate conduct within the family necessarily needs to constitute a separate criminal offence, but it may still be relevant to the issuance of a protection order, the provision of counseling, or social intervention. The Istanbul Convention likewise does not confine all of its obligations to criminal punishment and, in some circumstances, regards civil, administrative, and protective measures as appropriate.

9.3. Establishment of Emergency Protection Orders

One of the significant gaps in many legal systems is the period between the reporting of violence and the final judicial decision. Comprehensive legislation should permit the issuance of emergency and interim orders in situations of risk. No-contact orders, proximity restrictions, temporary removal of the perpetrator from the residence, surrender of weapons, police protection, and transfer of the victim to a safe location may be included within this framework.

The issuance of such orders must be accompanied by procedural safeguards, a specified duration, a right of appeal, and expedited review. The objective is not to impose punishment before the offence has been proven, but to manage an immediate risk and prevent irreparable harm. The severity of the restriction must be proportionate to the level of risk.

9.4. Professional Risk Assessment

Legislation without risk-assessment instruments may fail to identify critical cases. Standardized risk-assessment forms should examine factors such as a history of violence, threats of homicide or suicide, access to weapons, strangulation, stalking, pregnancy, recent separation, violation of a prior order, and threats against children.

Risk assessment should not be conducted only once. Risk may increase after the perpetrator's release, the initiation of divorce proceedings, a change in residence, or the issuance of a judicial decision. Controlled information-sharing among responsible institutions and renewed assessment at critical stages are therefore necessary.

9.5. Support Independent of the Victim's Decision to Pursue Criminal Proceedings

A victim of violence may not initially be prepared to lodge a complaint. Fear, financial dependence, concern for children, or social pressure may affect her decision. Medical and psychological services, shelters, and legal information should not be conditional upon the immediate filing of a complaint.

Conversely, in cases involving a serious risk to life or physical integrity, withdrawal of a complaint should not automatically terminate all protective measures. Judicial authorities must examine the actual circumstances surrounding the victim's decision and the possibility of coercion or threats. Achieving a balance between the victim's autonomy and the state's responsibility to protect life requires precise legal rules.

9.6. A National Coordination and Monitoring System

The creation of a national coordinating body with more than a ceremonial role constitutes one of the most important lessons of the Convention. Such a body should have the authority to collect data, assess institutional performance, develop joint protocols, and publish periodic reports.

To preserve impartiality, evaluation of the law's implementation should not be entrusted exclusively to the implementing agencies. The participation of universities, bar associations, medical experts, social organizations, and independent institutions may enhance the accuracy of assessment. Data should also be

published without revealing victims' identities and in compliance with information-security requirements.

10. Comparative Discussion and Conclusion

An examination of the legal structure of the Istanbul Convention demonstrates that its principal innovation lies in moving beyond a limited and retrospective approach based on punishing the perpetrator and toward the establishment of a comprehensive system for preventing, identifying, managing, and combating violence against women. Within this framework, criminalization constitutes only one component of the protective system and operates alongside preventive obligations, immediate and long-term victim protection, specialized training for officials, coordination among responsible institutions, data collection, risk assessment, and independent monitoring. Through this approach, the Convention removes violence against women from the exclusive domain of criminal law and situates it at the intersection of human rights, the international responsibility of states, criminal policy, victims' rights, and public-governance requirements.

At the normative level, the Convention expands the scope of state obligations by recognizing violence against women as a human rights violation and a form of discrimination. On this basis, the state is responsible not only for the direct acts of its officials but is also required, where it knew or ought to have known of a real and serious risk, to adopt proportionate and effective measures to prevent violence by private individuals, protect victims, investigate and prosecute offences, and provide reparation. State responsibility in this field therefore arises primarily from failures to fulfill positive obligations. For example, failure to assess risk, delay in issuing a protection order, non-enforcement of a judicial decision, or the absence of an effective investigation may constitute an independent violation of the state's international obligations. From this perspective, the Istanbul Convention is not merely an instrument for coordinating social policies but a binding treaty that provides specific legal criteria for assessing the legislative, executive, and judicial conduct of states parties.

At the institutional level, the establishment of the Group of Experts on Action against Violence against Women and Domestic Violence, known as GREVIO, constitutes one of the Convention's principal distinguishing features.

This mechanism moves implementation beyond the mere adoption of legislation and makes it possible to examine states' actual performance. Although GREVIO reports do not have the status of judicial judgments and are not directly enforceable, they possess considerable interpretive, supervisory, and persuasive authority and may reveal legislative gaps, insufficient services, inadequate training of officials, and institutional fragmentation. The principal limitation of this mechanism, however, is that implementation of its recommendations continues to depend on state cooperation, civil society pressure, the performance of domestic institutions, and sustained political will. Institutional effectiveness therefore cannot be evaluated solely by reference to the existence of GREVIO; the impact of its reports on legislative reform, budgetary allocation, judicial practice, and victims' actual access to protection must also be considered.

The comparative study of Türkiye clearly demonstrates the gap among normative commitment, legislative capacity, and practical implementation. The adoption of Law No. 6284 on the Protection of the Family and the Prevention of Violence against Women was an important step in establishing domestic grounds for protection orders, no-contact measures, temporary removal of perpetrators, and victim support. Nevertheless, legal and empirical studies have shown that legislation alone is insufficient to ensure effective protection and that factors such as inadequate training of law-enforcement and judicial officials, inconsistent institutional practices, insufficient specialized services, limited shelter capacity, and incomplete coordination may reduce the effectiveness of the legal framework. Türkiye's withdrawal from the Convention did not invalidate Law No. 6284, but it terminated the country's treaty obligation to implement the full range of Convention standards and ended GREVIO's continuing supervision. This situation demonstrates that domestic legislation and an international treaty create two complementary levels of protection and that the continued existence of domestic rules cannot necessarily replace all of the Convention's normative, interpretive, and supervisory functions (Bölükbaşı, 2022; Durmuş, 2021; Keleş & Sallan Gül, 2025; Kocağalar, 2025).

The Turkish experience also shows that human rights achievements, even after their incorporation into domestic law, may be affected by political developments

and disagreements concerning the interpretation of family, gender, and the limits of state intervention. From a legal perspective, withdrawal from a treaty may be carried out in accordance with the procedures prescribed by the treaty itself, but this does not resolve all questions concerning the domestic legitimacy of withdrawal, executive authority, and the role of parliament. Moreover, withdrawal does not extinguish the state's prior obligations or any potential responsibility arising from acts or omissions occurring before the effective date of withdrawal. Türkiye's experience therefore provides not only a basis for assessing the Convention's effectiveness but also an important example for examining the relationship among the international law of treaties, domestic constitutional law, and the principle of non-regression in human rights protection (Çamurcu, 2021; Durmuş, 2021).

Any overall assessment of the Convention must avoid two extreme positions. The continued existence of violence in states parties does not, by itself, demonstrate the Convention's ineffectiveness, because the Convention is a legal and institutional instrument for reforming policy and cannot eliminate all social, cultural, and economic causes of violence in the short term. Conversely, ratification or accession alone does not establish success. A state party may claim effective implementation only where domestic law has been harmonized with treaty standards, protection orders are issued and enforced promptly, specialized services are accessible to victims, effective investigations are conducted, and vulnerable groups do not face additional barriers. The Convention's effectiveness must therefore be measured at three levels: the normative level, concerning the quality of legal standards; the institutional level, concerning the existence of implementing and supervisory structures; and the practical level, concerning the actual outcomes of protection for women.

In comparison with the Turkish legal system, the principal issue in Iran concerns not withdrawal from an international treaty but the fragmentation of legislation, the absence of a comprehensive law, and the lack of a coherent connection between social protection and judicial response. Under Iranian law, certain forms of violence may be prosecuted through general criminal offences, and provisions also exist concerning the

protection of victims, children, and vulnerable persons. Nevertheless, these rules do not constitute an integrated system for risk assessment, emergency orders, support independent of criminal complaints, specialized shelters, institutional coordination, and monitoring of implementation. In this respect, the Turkish experience demonstrates that the adoption of specialized legislation is a necessary condition for reforming the existing situation, but that legislation alone is insufficient without enforcement mechanisms, funding, training, and effective oversight.

Iran's use of the standards of the Istanbul Convention does not necessarily require immediate accession or unconditional acceptance of all of its concepts and provisions. The Convention may serve as a comparative criterion and legislative model for evaluating the comprehensiveness of domestic law. In this process, each treaty obligation should be examined in terms of its compatibility with the Constitution, principles of criminal law, the judicial structure, the foundations of domestic law, and Iran's cultural and social requirements. Nevertheless, elements such as clear definitions of the forms of violence, emergency protection orders, continuous risk assessment, access to services without requiring an immediate complaint, specialized training of officials, protection of child witnesses of violence, and the establishment of a national coordinating and monitoring body have considerable potential for adaptation within Iranian law.

The comparative analysis demonstrates that the prominent position of the Istanbul Convention within the international system for the protection of women derives primarily from the comprehensiveness of its obligations and its integration of human rights, criminal law, judicial procedure, social protection, and international monitoring. At the normative level, the Convention has succeeded in establishing a relatively comprehensive framework of state responsibility, while at the institutional level it has created, through GREVIO, a mechanism for assessing implementation. Nevertheless, the realization of its objectives at the practical level depends on political will, domestic legal reform, resource allocation, institutional coordination, professional training, and victims' actual access to protection.

In conclusion, the most important lesson of the Convention for the Iranian legal system is that the

effective protection of women cannot be achieved through the fragmented expansion of criminal offences or the mere intensification of punishment. An effective protective system must integrate prevention, emergency intervention, judicial prosecution, social support, reparation, and monitoring within a coherent structure. Comprehensive legislation in this field can generate genuine transformation only where the duties of each institution, procedural deadlines, financial resources, methods of information exchange, accountability mechanisms, and evaluation indicators are clearly specified. Within such a framework, the protection of women may move beyond fragmented provisions and ad hoc responses and become an enforceable, monitorable, and legally guaranteed system.

Authors' Contributions

Authors contributed equally to this article.

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In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Transparency Statement

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