

Lesbianising the Istanbul Convention



Research on the
Implementation of
the Convention to
Protect LBT Women

April 2024





**EUROCENTRALASIAN
LESBIAN*COMMUNITY**

LESBIANISING THE ISTANBUL CONVENTION

Research on the Implementation of the Convention to Protect LBT Women

2024



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Authors: Ruth M. Mestre i Mestre, University of Valencia and Sara De Vido, University of Venice

Reviewers: Ilaria Todde (EL*C), Stephanie Futter Orel (WAVE), Anca Ciupa (WAVE)

Proofread: Maureen Lakeman

Graphic design: Denisa Nistor, Silvia Casalino

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The Eurocentralasian Lesbian Community – EL*C is a lesbian feminist and intersectional network. We publish our own research focused on lesbians and we are present at an institutional level with our advocacy to ensure that lesbian needs are visible, heard and considered when creating policies and laws. For more information, please visit our website: www.lesbiangenius.org*

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LESBIANISING THE ISTANBUL CONVENTION

Ruth M. Mestre i Mestre, University of València, Spain
Sara De Vido, Ca' Foscari University of Venice, Italy

Gender-based violence (GBV) against LBT women and non-binary (NB) persons can and must be countered and prevented, and victims must be protected, within the framework of the 2011 Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention or IC).¹ According to Article 4, para. 3 IC, Parties must secure the implementation of the Convention without any discrimination regarding sex, gender, sexual orientation, gender identity and other statuses.² As Dianne Otto suggests, the international legal framework can build solidarity and challenge entrenched inequalities in our societies. By *queering* international law, we can offer valuable insights into 'how international law works to reinforce unequal relations of power, resources and knowledge, and how this might be resisted.'³

This report suggests that considering LBT women and NB persons' rights within the legal framework of women's rights protection is an effective way to stop the replication of discriminatory patterns in our societies. The aim of the report is to provide insights as to how to interpret and enforce the IC in ways that do not result in discrimination for LBT women and NB persons, whatever their background and situation. In that respect, lesbianising the IC implies imagining its 'liberatory possibilities.'⁴

1 The 2011 *Council of Europe Convention on preventing and combating violence against women and domestic violence* (hereinafter, Istanbul Convention or IC) establishes a wide set of binding obligations to ensure a holistic response to all forms of gender-based violence against *all* women and girls, and domestic violence. According to FRA, "The convention is a key instrument for the protection of women, especially lesbian and trans women, particularly those who are victims of gender and domestic violence". FRA (2015), *Protection against discrimination on grounds of sexual orientation, gender identity and sex characteristics in the EU. Comparative legal analysis*, p. 56. For a complete analysis article by article of the IC, see De Vido S. and Frulli M. (eds, 2023), *Preventing and Combating Violence against Women and Domestic Violence. A Commentary on the Istanbul Convention*. Elgar. https://fra.europa.eu/sites/default/files/fra_uploads/protection_against_discrimination_legal_update_2015.pdf

2 The IC recognises that the combination of gender-based discrimination and inequality with other forms of discrimination such as racism, ableism, xenophobia, lesbophobia, transphobia, or ageism can result in specific forms of violence against women, impact women's experiences of violence and their subsequent needs. See the Explanatory Report to the Istanbul Convention (hereinafter Explanatory Report or ER), para. 53, and FRA (2014) *Survey on Violence against women in relation to violence affecting women with disabilities, lesbian women, and women with migrant background*. See Sosa L., Mestre i Mestre R. (2022), *Ensuring the non-discriminatory implementation of measures against women and domestic violence: article 4, paragraph 3, of the Istanbul Convention*, *Collection of papers on the Council of Europe Convention on preventing and combating violence against women and domestic violence*, Council of Europe.

3 Otto D. (2018), *Introduction: Embracing queer curiosity*, in D. Otto (ed.), *Queering international law*. Routledge, p. 2.

4 Otto D. (2018), *Introduction: Embracing queer curiosity*, cit.

A previous version of this report included references to intersex women, after consultation with OII Europe, we decided to remove such references, as well as references to sex characteristics. References to intersex women and “LBTI” included in GREVIO reports and other’s research have been maintained.

Thanks to the expertise and knowledge that was generously shared with us, we consider that inclusion of intersex persons within the legal framework of the Convention of Istanbul is worth of a deeper discussion than what was possible within the limited time and resources that were available for this research. This is linked in particular with the limited data available concerning intersex persons lived experiences. EL*C hope to build upon this reflection and step up our collaboration with the intersex community in the future. We also deeply regret the lack of data concerning specifically intersex people and we encourage universities, research institutes and governments to do more.

I - SETTING THE BACKGROUND OF THE ANALYSIS

Terminology

This report does not aim at defining LBT women and NB persons for several reasons, the main one being that pigeonholing the complexity of an individual identity into fixed categories is as a form of violence *per se*, forcing identity to fit into boxes. As scholars, we embrace the choice of non-definition but self-identification made by EL*C. Thus, in this report the word **lesbians** refers to individuals that identify themselves as 'lesbian', regardless of their sex characteristics or gender identity (lesbians, translesbians, intersex lesbians, lesbians of an ethnic minority, lesbians with disability, migrant and refugee lesbians).⁵ We find this category helpful in naming and describing how heteropatriarchal norms affect women, as it brings to the fore 'the specific effects that homophobia, compulsory heterosexuality, and heteronormativity have on women and on those who identify as lesbians.'⁶

Gender in itself, understood in its binary structure as a fixed and immutable definition of who is who, is a form of violence *in itself*. According to Joan Scott, gender is a constitutive element of social relations based on perceived differences between the sexes and a primary form of significant power relations.⁷ As Vázquez García has put it, 'the social construction of gender is arguably the most effective mechanism of socio-political control as the binary division between male and female enables subordinate relations over more than half the world's population. While other mechanisms of social control, such as race, social class, or religion, are capable of partially subordinating important population groups, and while these mechanisms often work intersectionally with gender, gender is of unmatched power.'⁸ Since gender is 'produced and reproduced through social relations, violence can be seen as a method for the reproduction of the "gender order."⁹ Scholars from the field of peace studies, such as Confortini, have argued that 'violence is both made possible by the existence of power/gender relations, and power/gender relations rely on violence for their reproduction. Violence and gender are involved in a relationship of mutual constitution.'¹⁰ This idea is also expressed in the UN 2018 Report on Protection against violence

5 EL*C and ILGA (2022), Intersections. Diving into the FRA LGBTI II Survey Data.

6 Boulilla S. (2020), Advancing liveable lives for lesbians in Europe. Intersectional challenges and future policymaking, German Federal ministry for Family affairs, Senior citizens, Women and Youth (BMFSFJ), p. 4.

7 Scott J. (1986), Gender a useful category of historical analysis, in *The American Historical Review* 91 (5), p. 1053 ss.

8 Vázquez García R. (2022), Making sense of it. Why democracy and (feminism) needs to go beyond the binary, in *The Age of Human Rights Journal* 18, p. 5 ss.

9 Confortini C. (2006), Galtung, Violence, and Gender: The Case for a Peace Studies/Feminism Alliance, in *Peace and Change* 31 (3), p. 353.

10 Confortini C. (2006), Galtung, Violence and Gender, cit., p. 355.

and discrimination based on sexual orientation and gender identity (A/73/152):

The notion that there is a gender norm, from which certain gender identities “vary” or “depart” is based on a series of preconceptions that must be challenged if all humankind is to enjoy human rights. Those misconceptions include: that human nature is to be classified with reference to a male/female binary system on the basis of the sex assigned at birth; that persons fall neatly and exclusively into that system on the same basis; and that it is a legitimate societal objective that, as a result, persons adopt the roles, feelings, forms of expression and behaviours that are considered inherently “masculine” or “feminine”. A fundamental part of the system is a nefarious power asymmetry between the male and the female.¹¹

The Western modern sexed citizenship is organised along the binary division: men and women occupy a different position on the public/private divide, that unevenly distributes functions, status, recognition, and rights. Key to sustaining the system is heteronormativity, meaning the extension of the heterosexual monogamous family as the norm, because it ensures the division of labor, the subordination of status and the production of human beings separated from economic benefit while ensuring the reproduction of heteronormativity itself.¹² According to Rodríguez Ruiz, ‘in order to break the confines of patriarchal states (...) feminism needs to (...) question the (dichotomous) binary sex-gender system itself. Realising this leads to the further realisation that the sex-gender binary is built upon the subordination of women to men, but also upon the exclusion of everyone who does not fit within the straitjackets of its dichotomies.’¹³ Thus, a feminist transformative project should incorporate a critique to heteronormativity, and the gender binary as being fundamental pieces to understand discrimination, violence, and oppression.¹⁴

As a primary form of unbalanced power relations that imposes subjectivity and expression,¹⁵ gender is a form of violence; but as a system of power, it constitutes the source of discrimination on the grounds of sex, gender identity, gender expression, and sexual orientation. Moreover, because the gender binary and heteronormativity prescribe rigid and hierarchical views on masculinity and femininity, on gender roles, and on sexual and romantic relationships, the transgression of those norms can trigger violence aiming at punishing or correcting individuals or groups perceived as deviant.

11 Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, A/73/152, 12 July 2018, para. 6.

12 Arruzza, Bhattacharya, and Fraser (2019) demonstrate how capitalist western societies have exploited (and benefited from) the effects of racism, colonialism, and other forms of extractivism, and oppression. Arruzza C.; Bhattacharya T., Fraser N. (2019), *Manifiesto de un feminismo para el 99%*, Herder.

13 Rodríguez Ruiz B. (2022), What is at stake in the recognition of non-normative identities, in *The age of Human rights journal*, 18, pp. 39-58.

14 Mestre i Mestre R. (2022), Trans Justice Fights Trans Moral Panics, in *The age of Human Rights Journal* 18, p. 59 ss.

15 Scott J. (1986), *Gender a useful category of historical analysis*, cit.

On the umbrella concept of **gender-based violence**, the Istanbul Convention gives a definition anchored in the binary and centered on women being victims. Article 3 defines GBV as violence that is ‘directed against a woman, because she is a woman or that affects women disproportionately.’ While fighting violence against women remains an important area of concern for feminism, its conceptualisation has mainly been focused on straight women, grounded on binary distinctions that have produced the gendered dichotomy of women-ontological-victims and men-ontological-predators. This approach has failed to unearth that capitalism requires binary sexual difference to be naturalised; that sexual violence and gender-based violence ensure the subordination of women and reproduction to men, and that gender-based violence also affects those who are outside heteronormativity.

While the IC understands gender-based violence as affecting women primarily, it also stresses the fact that certain groups of women, such as LBT women, suffer from specific forms of violence that cis-hetero women do not.¹⁶ In this report, **gender-based violence** as such refers to violence related to gender and heteronormativity, that is, related to the social and political structure that mandates particular behavior, expression and sexuality for individuals that are socially assigned and perceived within a binary code as female or male;¹⁷ whilst “woman” refers to persons that identify totally or partially as women, that are totally or partially perceived as women or that have been or are being socialised as women.¹⁸

The term lesbian expresses or captures distinctive experiences of discrimination and disenfranchisement,¹⁹ can also comprise distinctive forms of gender-based violence. In this report, the term **lesbophobia** designates a specific form of

16 Maggy Barrère proposes to use ‘subordiscrimination’ as the term to designate the set of treatments (actions and omissions) that, acquiring significance in one or more systems of power, inferiorises the status of certain social groups and prevent that status from changing (that is, they reproduce it). Under this perspective, GBV against lesbians is a form of subordiscrimination that acquires meaning (or is *readable*) in more than one system of power. Barrère M. (2018), *Philosophies of anti-discrimination law. What law and what discrimination? A counter-hegemonic view of anti-discrimination law*, in AFD, XXXIV, p. 11 ss. GBV against lesbians is a form of subordiscrimination that acquires meaning (or is *readable*) in more than one system of power, namely heteronormativity and patriarchy.

17 See also Schneider A. et al. (2019), *Gender Matters. Manual on addressing gender-based violence affecting young people*, second edition, CoE, p.17: ‘Gender-based violence refers to any type of harm that is perpetrated against a person or group of people because of their factual or perceived sex, gender, sexual orientation and/or gender identity. Gender-based violence is based on an imbalance of power and is carried out with the intention to humiliate and make a person or group of people feel inferior and/or subordinate. Gender-based violence, as with any type of violence, is an issue involving relations of power. It is based on a feeling of superiority, and an intention to assert that superiority in the family, at school, at work, in the community or in society as a whole.’

18 See Réseau Convention Istanbul, *Mise en oeuvre de la Convention d’Istanbul en Suisse, Rapport alternatif de la société civile*, Juin, 2021.

19 Boulilla S. (2020), *Advancing liveable lives for lesbians in Europe*, cit.

bias and prejudice that encompasses misogyny, sexism, and stigma of non-conforming sexual orientation and gender expression.²⁰ It can manifest itself not only in sexual violence or physical violence, but also in episodes of psychological violence, stalking, harassment, hate speech and ICT-facilitated violence.

Methodology

This report provides insights as to how to interpret and enforce the IC in ways that do not result in discrimination for LBT women and NB persons, as a concretisation of the mandate in Article 4(3) IC. For this purpose, the researchers proceeded in three steps:

Desk research

First, to grasp the complexity of gender-based violence against LBT women and NB persons, the appointed researchers took into considerations numerous reports by NGOs at the international, European, and national level.²¹ The researchers reached the conclusion that lesbians confront multiple forms of GBV, but their experience is under researched.

Second, to understand whether the IC was already being used to better protect lesbians, an analysis of the monitoring process of the convention was carried out. This monitoring process involves two distinct but interacting bodies: an independent expert body, **the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO)**, and a political body, **the Committee of the Parties**. At the time of the preliminary analysis (July 2023), twenty-eight states had fulfilled the first evaluation round with GREVIO. Hence, 28 GREVIO Executive summaries, and 28 Committee of the Parties' Recommendations to the states have been analysed.²² A summary of the analysis is available in Annex II. Some evaluation rounds included shadow reports that have been considered when relevant.²³

This research is pivotal to understand whether GREVIO considers lesbians in the evaluation rounds and GREVIO's approach to the different forms of violence confronted by LBT women and NB persons. It also allows us to gain knowledge on interesting policies or practices in the different states that can be shared and replicated to improve the protection lesbians receive from gender-based violence. Reviewing the monitoring process allowed the researchers to get an

20 EL*C (2021), *Lesbophobia, An intersectional form of violence*, cit., p.6.

21 See the bibliography annexed to the report.

22 In particular, the evaluation of Albania, Andorra, Austria, Belgium, Bosnia-Herzegovina, Cyprus, Denmark, Estonia, Finland, France, Italy, Georgia, Germany, Iceland, Italy, Malta, Monaco, Montenegro, The Netherlands, Norway, Poland, Portugal, Romania, San Marino, Serbia, Slovenia, Spain, Sweden, and Switzerland have been considered.

23 See the bibliography annexed to the report.

idea on whether lesbian associations were already relying on the IC to promote the protection of lesbians from GBV.

The desk-research enabled the researchers to select five countries that either had promising practices or had interesting shadow reports: France, Italy, Germany, Ukraine and Georgia.

Focus group

Lesbian associations from the aforementioned countries were asked to respond to a questionnaire and were invited to attend a focus group discussion in Valencia held in September 2023. The collective knowledge that arose from the focus group discussion was insightful, improved the preliminary results, and inspired this report..²⁴

Discussion with experts

On 22 November 2023, the preliminary results of the report were presented at the European Parliament during the event organised by EL*C: *Lesbianising the Istanbul Convention. EL*C research on the IC implementation for LBT women*. The participants in the discussion with the researchers were Ilaria Todde, EL*C Advocacy Director; Malin Bjork, MEP, Vice-President LGBTI Intergroup in the EP and Shadow Rapporteur on the Directive on Violence Against Women; Gabriela Calleja, from the Sexual Orientation and Gender Identity (SOGI) Unit - Council of Europe; Françoise Kempf, LGBTI desk officer at the GREVIO Secretariat and Stephanie Futter-Orel, Executive Director WAVE – Women against Violence Europe.

WAVE has provided comments and feedback on this report.

²⁴ In the text, the comments and information gathered in the meeting will be referenced as 'focus group.'

II - LESBIANISING THE HOLISTIC RESPONSE TO GBV AGAINST ALL WOMEN

When organising a holistic response to GBV against women (holistic being the word used by the Istanbul Convention itself at its Article 7 (1)), states should pay attention to the fact that women located at the intersection of several systems of power and discrimination can find themselves in a more vulnerable position to certain forms of violence, that violence impacts them differently and disproportionately and that their subsequent needs may differ from those of the majority.²⁵ In fact, states and GREVIO have developed strategies to make sure that the IC is implemented without discrimination. For instance, by paying attention to policies focusing on groups (i.e. LBT women) or paying attention to policy dimensions (such as migration or asylum, education, healthcare...); by mainstreaming GBV measures in group-based policies or mainstreaming diversity within GBV policies; or by adopting measures to fight structural discrimination, such as eradicating stereotypes and bias.²⁶

These strategies are not exclusive, but can be all used in parallel if the political work of coordination is properly done, and if civil society organisations fully participate in the different stages of policy drafting, implementation, and monitoring. For this reason, throughout the report we discuss several measures and policies that would foster the inclusion of lesbians' needs and perspectives in the policies and the institutional design of policies that fight GBV. By referring to the concerned IC provisions, we aim at integrating LBT women and their protection in the social structure that provides a response to GBV.

A. Research and data collection to improve protection and the monitoring process

Recent studies highlight not only the frequency and scope of violence against LBT women but also, and specifically, common forms of GBV lesbians confront on a regular basis. Human Rights Watch (2023) points at distinctive factors that perpetuate their exclusion from research, amongst which: (1) the idea that lesbians are invisible by nature or by choice; (2) the idea that they experience violence primarily in "private" and (3) that lesbians are safer and freer than

25 Sosa L., Mestre i Mestre R. (2022), Ensuring the non-discriminatory implementation of measures against women and domestic violence, cit.; Peroni L. (2023), Article 4, in De Vido S., Frulli M. (eds), Preventing and Combating Violence against Women and Domestic Violence, cit.

26 See Sosa L., Mestre i Mestre R. (2023), The Istanbul Convention from an intersectional perspective, in De Vido S., Frulli M. (eds), Preventing and Combating Violence against Women and Domestic Violence, cit.

queer men and boys.²⁷ At the same time, other studies report the little attention states pay to intersecting forms of discrimination when addressing gender-based violence,²⁸ and even point at state-sponsored homophobia and transphobia.²⁹

In fact, although violence is ubiquitous,³⁰ lesbians' experience with violence in general, and with gender-based violence, is under-researched.

This is problematic because knowledge is essential for making effective policies to prevent and combat GBV, but also for evaluating such policies and their impact, as well as to assess whether states are enforcing the IC in its full potential. Indeed, whilst different GREVIO executive summaries mention "LBTI" women (i.e. Albania, Austria, Andorra, Belgium, Norway, Poland, Romania, Switzerland...), and some Committee of the Parties' recommendation reports refer to the need of adopting an intersectional approach to violence that includes LBT women, references tend to be generic, broad and do not refer to a specific practice, law or measure in place that needs to be reconsidered. Nor is homophobia, in general, or lesbophobia, in particular, mentioned or addressed as systems of power and discrimination that permeate GBV against LBT women.

The IC creates the obligation for parties to **support research, gather statistical data and conduct population-based surveys** in order to base policies and measures on actual knowledge (Article 11, para. 1, letter b, IC; Article 10). Gaining knowledge on the scope, the frequency or prevalence of different forms of GBV against women in general and LBT women in particular is key to adequately address the needs of victims. As the Explanatory Report to the IC states, evidence-based policymaking contributes to improving day-to-day, real-world responses to violence against women and domestic violence by the judiciary, support services and law-enforcement agencies (ER para 77). Hence, if GBV against lesbians is under-researched, state responses risk being inadequate, ill fitted, or unable to respond to the needs of the victims. Aware of this problem, GREVIO has systematically encouraged states to **support research** into violence that affects women exposed to intersecting forms of discrimination, including LBT women.³¹

The IC further requires parties to collect **disaggregated relevant statistical data** at regular intervals (Article 10). Administrative statistical data is often collected on a continued basis by different services and agencies that assist victims (hospitals, shelters, the judiciary, the police...), including, in some cases, services provided by NGOs. Whilst different instruments offer guidance as to

27 Human Rights Watch (2023), This is why we became activists. Violence against Lesbian, Bisexual and Queer women and Non-Binary people.

28 Sosa L., Mestre i Mestre R. (2022), Ensuring the non-discriminatory implementation of measures against women and domestic violence, cit.

29 See ILGA annual reports, 2006- 2020.

30 The desk research included international, European and national reports, from official bodies, NGO's or academic research projects regarding GBVAW and violence against LGBTI persons.

31 See Round Baseline Evaluation reports on, *inter alia*, Albania (para 47), Portugal (para 78), Andorra (para 64), San Marino (para 51), Iceland (para 67), Switzerland (para 64), Georgia (para 87), Luxembourg (para 55), North Macedonia (para 76), Croatia (para 63), Romania (para 101).

the type of data these institutions should collect, they are not harmonised,³² and they reproduce heteronormativity. For instance, the Council of Europe Study of Administrative data collection on domestic violence (2014), recommends states to distinguish cases of domestic violence from other cases and to collect, at the very least, the sex and age of the victim and perpetrator, the relationship between them, as well as the type of violence,³³ but little is said about sexual orientation or gender identity in official statistics.³⁴ GREVIO has recommended to states to systematise and streamline the collection of data relating to violence against women at all levels, to publish this data using the terminology of the IC, and to include sex, age and relationship between victim and perpetrator, geographical location, as well as other factors **deemed relevant**,³⁵ which may include sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC).

On the one hand, more often than not, marginalised women and women facing intersectional discrimination do not seek help from state agencies and are not therefore included in statistics. According to Walby, **surveys** are the only way to obtain 'representative information about the majority of victims who do not seek assistance.'³⁶ Thus, the IC creates the obligation to conduct population-based surveys to fill that gap. States that have successfully obtained data on a regular basis have included GBV questions in broader surveys to obtain a sufficiently large and representative sample while operating under cost constraints.³⁷ However, to ensure reliable unbiased data, states must add specific indicators that relate to women and girls confronting multiple and intersecting forms of discrimination and violence, to bring their experiences and needs to the fore.³⁸

32 Walby S. (2016), Ensuring data collection and research on violence against women and domestic violence: article 11 of the Istanbul Convention, A collection of papers on the Council of Europe Convention on preventing and combating violence against women and domestic violence, Council of Europe.

33 Some states include the cause of death in femicides (Denmark), or whether the victim is a woman with disabilities (Spain), see Walby, Silvia (2016), Ensuring data collection and research on violence against women and domestic violence, cit.; and Sosa, Lorena, Mestre i Mestre, Ruth (2022), Ensuring the non-discriminatory implementation of measures against women and domestic violence, cit. To address the lack of comparable data on violence against women, EIGE has developed 13 indicators with uniform definitions of the multiple forms of intimate partner violence, femicide and rape. Yet, EIGE indicators on intimate partner violence refer exclusively to heterosexual violence (female victims of male perpetrators). See EIGE Gender Statistics database, Intimate partner violence indicators. https://eige.europa.eu/gender-statistics/dgs/browse/genvio/genvio_int/genvio_int_adm/genvio_int_adm_ipv.

34 It is interesting to note that in Portugal, whilst no official administrative data is available on the sexual orientation and gender identity of the victim and the perpetrator, the Portuguese Observatory of Murdered women appears to have such data. EIGE (2022) Measuring femicide in Portugal.

35 See Round Baseline Evaluation Report on Monaco, para 36. Whilst GREVIO does not refer to LBT women directly, 'other factors deemed relevant' may include SOGIESC.

36 Walby S. (2016), Ensuring data collection and research on violence against women and domestic violence, cit. p.17.

37 Ibid.

38 Sosa L., Mestre i Mestre R. (2022), Ensuring the non-discriminatory implementation of measures against women and domestic violence, cit., p. 46.

A second difficulty refers to the sample that actually responds the survey, and the difficulty to reach lesbians. As an example, according to EL*C/ILGA, cis-gay men were overrepresented in the 2020 FRA survey on LGBTI equality (40% of the respondents),³⁹ whilst the remaining 60% of respondents belonged to the rest of the 'categories' (lesbians; bisexual men, bisexual women; trans persons and intersex persons). This suggests that not only research, knowledge, and data collection about lesbians is scarce, but actual statistics and surveys, both, on gender-based violence and on violence against the LGBTI community rarely include the reality, experiences, and needs of lesbians.

Good practice

FRANCE

GREVIO baseline report highlights that the Departmental Statistical Service on Homeland Security (DSSI) report entitled 'A Statistical Approach to Sexual Harassment from the Virage Survey' revealed that LGBT women, women of immigrant descent and young women appear to be particularly affected by sexual abuse in public spaces and in the workplace.⁴⁰

ITALY

The ISTAT (Italian Institute of Statistics) and UNAR (National Office on Anti-Racial Discrimination) conducted a survey in 2022 on discrimination against LGBT+ people in the world of work, revealing discrimination and forms of 'micro-aggression' in the working experience. However, little is said about the specific discrimination suffered by LBT women and NB persons.⁴¹

On the other hand, LBT women have expressed mistrust in the police and other institutions as well as fear to be marked as *queer* and further stigmatised or discriminated against.⁴² The participants in the focus group pointed out that LBT women show normalisation and resignation to micro-aggressions suffered on a daily basis.

...But we are ostracised. Lesbians have learned to solve their own problems. We have a different socialisation, meaning that we mainly trust community-based organisations.
Olena Shevchenko, Insight, Ukraine

You do not report an episode of violence if you think that you are not well received by the police in that area.
Sharlen Sezestre, Black Feminist Fund, France.

39 EL*C and ILGA (2022), Intersections. Diving into the FRA LGBTI II Survey Data, cit.

40 GREVIO (2019), Baseline Evaluation Report France, GREVIO/Inf(2019)16, para. 23.

41 <https://www.istat.it/it/files//2023/05/report-discriminazioni-15maggio.pdf>

42 This is further discussed in the next section.

Due to the fact that LBT women do not necessarily go to authorities to report violence, quantitative data is hard to capture. NGOs and community-based associations are better placed to collect qualitative data on the experiences and needs of women facing intersectional discrimination and violence, including LBT women. Hence, NGOs need to be adequately funded to collect data and produce evidence-based knowledge on GBV against lesbians. Because data from marginalised groups or sexual minorities is complicated to gather, the insistence on having large numbers (a representative sample) is a methodological burden for small, community-based organisations that serve 'a small percentage of women.' Thus, a change in the narrative about numbers (statistics and surveys) needs to be done, and this change requires innovative policies, research, and funding.

The approach to data collection should be changed. We know how many people, that come to our associations...? We know what the problems are: we can offer qualitative data of quality; more than quantitative.

Olena Shevchenko, Insight, Ukraine

The development of a methodology on **safe data** collection is needed, that is, a methodology that produces data that can be made public without putting women at risk, that protocolises how privacy is ensured and that includes an assessment of the aims and purposes for collecting such data (evaluation or monitoring of a particular measure or service; policy making...).

Good practice

Rete Medus3 - Italian observatory on lesbophobia

Project organised by three Italian Lesbian organisations (Lesbiche Bologna, Alfi and Rete Donne Transfemminista Arcigay) to monitor violence against LBT women, both via an online questionnaire where people can report their experiences of violence, and via LBT-phobic violence reported by national and local the media. The results are published in an annual report.⁴³

Collecting data serves the purpose of producing knowledge and evidence for policy design, for evaluating the efficacy of the measures developed, and for monitoring the compliance of the state with its obligations. Article 10 of the IC requires states to appoint an official body to coordinate, implement, monitor, and evaluate the measures taken following the Convention. The appointed body should coordinate the data collection referred to in Article 11 IC and use this data

43 <https://www.retemeduse.it/>

to report to GREVIO which, in turn, monitors the process of implementation of the IC in each state. Unfortunately, to date, the monitoring process has tended to preclude both the specific forms of violence LBT women may confront, as well as the measures undertaken or needed to effectively protect lesbians from GBV. As an example, none of the 28 GREVIO baseline reports contain, or request, information about corrective practices, forced therapies, or psychological violence on young lesbians even though there is evidence of these practices occurring in different states, such as Austria, France, Poland, or Italy.⁴⁴ There is also evidence about young lesbians confronting violence at home, at school, within religious communities, sport facilities or health care facilities. Yet, state reports and shadow reports have rarely reported this type of violence.⁴⁵ This is a vicious circle, because specific data is inexistent, thus the monitoring process remains incomplete in assessing the scope of GBV against lesbians and the state's ability to prevent, protect and prosecute such violence.

Interestingly, a 2016 study on Article 10 IC recommended state authorities to work with institutions, researchers, and agencies active at the grassroots level to design an **overall strategy for data collection**, because it is important to incorporate data from civil society organisations in the monitoring process. This requires a discussion on how the official body will approach the data generated by shelters, helplines, or advice services (etc.) run by NGOs to ensure that state bodies will not access *client* data.⁴⁶ On the other hand, when evaluating GBV policies and monitoring the state's compliance with the IC, it would be good that GREVIO received or requested information on different policies and data from different monitoring bodies such as equality bodies, Ombudsperson offices, and institutions alike.⁴⁷ In fact, GREVIO has acknowledged that implementing the Istanbul Convention without discrimination entails looking into policy

44 Corrective practices include a wide range of harmful practices, such as harassment, forced marriage, rape, psychological and physical violence that are perpetrated to 'cure' or 'correct people with diverse SOGIESC into having cisgender or heterosexual identities and behavior.' See Ahlenback V. (2022), Ending Violence against LGBTQI+ People: Global evidence and emerging insights into what works. Policy Brief, Ending Violence Helpdesk, London UK, and Human Rights Watch, 2023, cit., p. 64.

45 See, though, the shadow reports on Violence against Intersex Women in Greece, 6 May 2022 submitted to GREVIO by Intersex Greece; Violence against Intersex Women in Ireland, 6 October 2022 submitted to GREVIO by Intersex Ireland; the Shadow report by InterAction Switzerland; Shadow report from the Norwegian civil society 2020, p. 20: 'It is thus the combination of identities that make LGBTIQ people from minority ethnic and religious backgrounds particularly vulnerable. This vulnerability leads to young people experiencing isolation and a shameful self-image, while also being particularly vulnerable to mental, physical or sexual violence in their surroundings.'

46 Rabe H., Ünsal N. (2016), Implementing Article 10 of the Council of Europe Convention on preventing and combating violence against women and domestic violence- establishing national co-ordinating bodies, Analytical report of common challenges and lessons learned from bodies set up under different international human rights treaties. Council of Europe, p. 30.

47 For instance, the Norwegian Equality and Anti-Discrimination Ombud participated in the monitoring procedure with a Shadow report in 2020. The ombud's mandate and role includes the monitoring of Norway's fulfilment of its human rights obligations but is not the monitoring body of the IC. The input from the Ombuds office provided valuable information about violence against minority women, and specifically about LBT women, that the State report had not included.

dimensions, practices and legislation beyond the strategy against gender-based violence against women and domestic violence.⁴⁸ Hence, this cooperation among administrative bodies, that can be understood as part of the due diligence principle enshrined in Article 5,⁴⁹ may also be useful for gathering information about the extent and scope of GBV against lesbians, including institutional violence against LBT women.⁵⁰

B. Integrated policies and the role of civil society

According to Article 9 IC, Parties shall recognise, encourage, and support, at all levels, the work of relevant **non-governmental organisations** and of **civil society** active in combating violence against women and shall establish effective co-operation with these organisations. Whilst the drafters of the Istanbul Convention considered that the participation of civil society organisations in the elaboration of a comprehensive and holistic response to GBV against women is key, what participation actually means and what multi-agency coordination actually entails remains open.⁵¹ NGOs are familiar with the problems and needs of the community they serve, and they can bring a critical perspective on government actions.⁵² NGOs are also an early-warning system for unwanted or unfavorable impacts of policies and/or their implementation, since they see the direct repercussions on the communities they serve every day.

As a rule, NGOs should have an opportunity to provide feedback to a government's proposal of an annual legislative plan, as well as to be consulted during the preparation of ex-ante impact assessment—in addition to being consulted on a draft policy proposal.
Keti Bakhtadze, Women's Initiative Supporting Group, Georgia.

48 See GREVIO (2020), Baseline Evaluation Report on Spain, para 21; see Sosa L., Mestre i Mestre R. (2022), Ensuring the non-discriminatory implementation of measures against women and domestic violence, cit.

49 Article 5 of the IC already establishes a two-fold obligation States parties must abide by: on the one hand, to refrain from engaging in any act of violence against women and ensure that all State authorities operate in conformity with this obligation; on the other hand, to take the necessary legislative and other measures to exercise due diligence to prevent, investigate, punish and provide reparation for acts of violence covered by the scope of this Convention that are perpetrated by non-State actors.

50 Institutional violence refers to violence that occurs within an institution or is perpetrated by those working in institutional settings or is mandated by laws or policies emanating from legitimate institutions.

51 The Explanatory Report (para 69) refers to the state giving effective support to NGOs, and involving them as partners in multi-agency cooperation, but does not describe or develops state obligations regarding what the involvement of NGOs in policy drafting, implementing and monitoring entails. See, in that respect, Logar R. and Marvánová Vargová B. (2015), Effective Multi-agency Co-operation for Preventing and Combating Domestic Violence. Training of Trainers Manual, Council of Europe, 2015, p. 46.

52 Rabe H., Ünsal N. (2016), Implementing Article 10 of the Council of Europe Convention on preventing and combating violence against women, cit. p.31.

However, several challenges have been identified. For instance, NGOs present in the focus group describe their participation as being a mere formality; and are invited as mere consultants rather than as equal standing members of the official body. NGOs have also pointed out that those consultations tend to be too biased towards the needs of the state, concealing the needs of the victims and those of the organisations serving them. The selection of associations invited by state authorities frequently exclude small, community-based NGOs serving women confronting intersecting forms of discrimination.⁵³ Other challenges are the lack of transparency in the criteria for the selection of NGOs, the choice of NGOs that work *against* the Istanbul Convention and the fact that LGBTI women's rights associations are extremely underfunded, lack resources for participating and are not taken into account.

From the focus group some key elements emerged:

- (1) NGOs should be consulted at all stages of policy development.
- (2) Consultation may be carried out through various means and tools, such as meetings, public hearings, focus groups, surveys, questionnaires, and digital tools, depending on the stage of the process.
- (3) Consultation with NGOs should commence at the same time as policy planning, that is, from the beginning of discussions around the policy agenda, in order to minimise the risk of ill-conceived solutions which will be far more difficult to remedy at later stages of the process.

The key questions are what kind of NGOs, how many of them should receive support, and how to avoid corruption and erosion of rights in this process. The Istanbul Convention should always guide the action of women's civil society organisations. Training on the Istanbul Convention and on how to apply it to protect LGBT women from gender-based violence could be a powerful tool to strengthen the activity of NGOs.

The inclusion of civil society in the structure and function of the coordinating body at both domestic, and, for those countries that are European Union members, at the European level, is of great importance. In that respect, the role of the **coordinating body** should be better emphasised, meaning that it should not simply be another body that adds to the dozens of others already present, but rather a body that talks with, and actively involves NGOs in, working towards the aims of the IC. Because the designated body has the purpose of coordinating, implementing, monitoring, and evaluating policies, it should be empowered to evaluate the training programmes, to make sure that NGOs working on LGBT women's rights are listened to and involved in policy design and the provision of services.

⁵³ This challenge has been acknowledged by GREVIO in several baseline evaluation reports, such as the ones for Spain (para. 47) or Poland (para. 46).

It would be important to create bridges between feminist and LBT organisations, make them more capable to do the advocacy work. The Istanbul Convention is not unknown, but there should be more knowledge of its potential to counter attacks to women's rights.

Sharlen Sezestre, Black Feminist Fund, France.

In that sense, it would be pivotal for NGOs to know how to effectively structure shadow reports to GREVIO. The participation of lesbian organisations in policy design and the monitoring process would promote the inclusion of a language and an interpretation of the Istanbul Convention that sheds light on the reality of women that are constantly discriminated against because of their gender identity, gender expression or their sexual orientation.

At the European Union level, the role of coordinating body is played by the European Commission, as a consequence of the accession of the EU to the Convention.⁵⁴ Unfortunately, in the code of conduct laying down the internal arrangements regarding the exercise of rights and obligations of the European Union and Member States under the Council of Europe IC, adopted on 9 February 2023,⁵⁵ there is no reference to the role of civil society. The involvement of women's rights' associations and NGOs led by or serving women facing intersecting forms of discrimination is crucial, both for the effective implementation of the IC within the limits of EU competence, and for the reporting to GREVIO and the fulfilment of the monitoring process.

C. Training of professionals to fight institutional discrimination and violence

The shortcomings in data collection, in the involvement of NGOs in policy drafting and the monitoring process, together with the lack of research result in policy failures. Too often GBV against LBT women is either not considered as violence at all, not considered violence based on gender, or is formally acknowledged but ignored in legislation and policies. Measures ensuring protection for lesbians should be included in the 'comprehensive legislation and coordinated policies' the IC requires states to implement and should be coordinated and monitored by the appointed body.

⁵⁴ Council Decision (EU) 2023/1075 of 1 June 2023 on the conclusion, on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to institutions and public administration of the Union, ST/5514/2023/INIT, OJ L 143I, 2.6.2023, p. 1–3; Council Decision (EU) 2023/1076 of 1 June 2023 on the conclusion, on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to matters related to judicial cooperation in criminal matters, asylum and non-refoulement, ST/5523/2023/REV/1, OJ L 143I, 2.6.2023, p. 4–6. Deposit of the instrument of ratification on 28. June 2023. The IC entered into force for the European Union on 1. October 2023.

⁵⁵ Interinstitutional file 2016/0062 (NLE).

Lesbians face extra burdens when seeking protection because discrimination and **institutional violence** against LBT women appears to be a crosscutting problem in many institutional settings, such as healthcare facilities, police premises, schools, and social services.⁵⁶ Indeed, lesbians who are victims of GBV do not report violence to the police or other agencies due to several factors, including the bias and discrimination they encounter by those who should help.

There's no accountability for harms caused to LBT women. I suffered psychological violence by institutions and people that should have helped me. We need to find redress for the violence experienced.

Juliane Rosin, Lesben*Ring, Germany

Institutional violence can take the form of physical violence – for example in detention centres, or healthcare facilities – but manifests itself also through inertia in the police investigation, harassment, and psychological violence, lack or delay in the investigation for episodes of violence, or non-recognition of one's identity.⁵⁷

We experience threatening tactics from public authorities: for example, being arrested for some vague reasons, such as participating to unauthorised events, and because of that there is the risk of not receiving compensation even if you win in court.

Olena Shevchenko, Insight NGO, Ukraine

In other terms, institutional violence encompasses both actions (e.g. random identity checks by the police)⁵⁸ and omissions (e.g. the 'tolerance' expressed by police forces with regard to cases of gender-based violence against LBT women).

56 See footnote 50.

57 <https://www.coe.int/en/web/commissioner/-/manifestations-en-france-les-libert%C3%A9s-d-expression-et-de-r%C3%A9union-doivent-%C3%AAtre-prot%C3%A9g%C3%A9es-contre-toute-forme-de-violence>; <https://www.france24.com/es/francia/20230325-las-autoridades-francesas-bajo-la-lupa-del-consejo-de-europa-y-ong-por-violencia-policia>

58 For example, a news report on the evening of Tuesday 28 March reported that two people were taken into police custody outside a queer bar in Paris after demonstrating against the pensions reform, without a clear reason for the action as reported by the witnesses who spoke to the media. This incident was also reported by the member of the Parliament Antoine Léaument, who posted a video on Twitter, obtained from a local resident. https://www.20minutes.fr/societe/reforme_des_retraites/4030530-20230331-paris-violent-arbitraire-recit-intervention-police-mardi-soir-devant-bar-queer

Good practice

GERMANY

Crimes reported to police based on the victim's gender and/or sexual orientation have increased overall. According to the Federal Criminal Police Office report, the number of victims of domestic violence rose by 8.5% in 2022 compared to 2021. In 2022, the Federal Ministry of the Interior reported a significant increase in hate crimes related to sexual orientation and gender compared to the previous year (DIMR).

This suggests that, when collected appropriately, data can support the acknowledgement of the gendered character of violence against LBT women.⁵⁹

Thus, **professional training** is a salient issue, key to preventing secondary victimisation and institutional violence, to recognising what violence is (especially IPV), and to dismantling myths and stereotypes. It is a clear obligation for parties under Article 15 IC, and it has been a concern for GREVIO as well.⁶⁰ The training should not be a formal compliance with a legal obligation (a 'checking boxes' action), but must determine significant changes in the short, medium, and long term. Participants in the focus group mentioned that, even when trainings are conducted, they are insufficient, do not present any form of assessment of the outcomes, and their quality is low because the programme has been designed without involving lesbian organisations.

Training must be compulsory and there should be an assessment of the outcomes. States should be obliged to include NGOs in the preparation of the training of the professionals.

Olena Shevchenko, Insight NGO, Ukraine

Article 15 IC requires that issues such as the prevention and detection of GBV violence, equality between women and men, the needs and rights of victims, and the prevention of secondary victimisation are included. Participants in the focus group of the Valencia Meeting agreed on several elements:

- (1) Initial and in-service training (concurring with official responsibilities) must be compulsory.⁶¹

⁵⁹ <https://www.institut-fuer-menschenrechte.de/aktuelles/detail/institut-begruesst-er-gaenzung-in-46-absatz-2-satz-2-strafgesetzbuch>

⁶⁰ For instance, GREVIO recommended Germany to 'increase the degree of specialisation of law-enforcement officers across the country and ensure their sensitivity towards women and girls at the intersection of discrimination, notably (also) LBT women.' GREVIO (2022), Baseline Evaluation Report, Germany, para. 296.

⁶¹ See GREVIO (2022), Mid-Term Horizontal Review, para. 175, which found that a best practice is the inclusion of training as compulsory by law. See also the baseline evaluation reports thereby mentioned: Albania, para. 69; Austria, paras 75, 79 and 81; Belgium, para. 84; Denmark,

- (2) Training must not be a *façade* to get funds but must be planned along with NGOs working in the field of protection of LBT women's rights.
- (3) NGOs providing training must be contacted in due time and not last minute, must receive adequate payment for their work, must be involved in the design of the training from the very beginning; and must enjoy an adequate slot of time to provide an appropriate training.
- (4) There must be a periodic monitoring of the training activities, including what has worked and what has not.⁶²
- (5) This periodic monitoring should be done by the official appointed coordinating body in which LBT NGOs participate as equal standing members.

Training is also fundamental for lawyers and judges alike, in order to **avoid secondary victimisation**. Article 54 of the Istanbul Convention states that 'Parties shall take the necessary legislative or other measures to ensure that, in any civil or criminal proceedings, evidence relating to the sexual history and conduct of the victim shall be permitted only when it is relevant and necessary.' The European Court of Human Rights, in *J.L. v. Italy* (2021) dealt with the case of a gang rape against a bisexual woman.⁶³ The Italian court of appeal acquitted all men involved, accepting the argument of the defendants that she had no credibility. The domestic judges blamed her for her bisexuality, labelling her as 'uninhibited,' 'non-linear,' 'capable of managing her (bi)sexuality and of having casual sex encounters she wasn't entirely convinced of,' having an 'ambivalent attitude to sex, which led her to choices that she did not entirely own, and experienced in a contradictory and traumatising fashion.' The Court in Strasbourg found that Italy violated Article 8 of the European Convention on Human Rights, because the references of the Court of Appeal to the applicant's bisexuality, her relationships, and casual sexual relations prior to the events in question were 'unjustified.' In that respect, training to professionals working in the justice system must raise awareness of the relevant provisions of the Istanbul Convention, including Article 4(3), 15, and 54, as applicable to protect LBT women from GBV; and of the Court of Strasbourg's arguments on the right to privacy of LBT women when they are victims/survivors of gender-based violence.

Because the designated body has the purpose of coordinating, implementing, monitoring, and evaluating policies, it should be empowered to evaluate the training programmes, to make sure that NGOs working on LBT women's rights are listened to and involved in policy design and the provision of services.

paras 81, 83, 85 and 86; Finland, para. 72; France, paras 107 and 114; Italy, para. 107; Malta, para. 81; Montenegro, para. 89; The Netherlands, paras 100 and 102; Portugal, para. 99; Serbia, para. 81; Spain, para. 104; Sweden, paras 92 and 96; and Turkey, paras 120 and 122.

⁶² The importance of monitoring and evaluating the quality, implementation and impact of the trainings provided was also highlighted in the baseline evaluation reports on Albania, Belgium, Italy, Serbia, and Spain. GREVIO (2022), Mid-Term Horizontal Review, para. 180.

⁶³ *J.L. v. Italy*, Appl. No. 5671/16, judgment of 27 May 2021 [ECtHR], especially para 41 and 136.

III. LESBIANISING SUBSTANTIVE PROVISIONS OF THE ISTANBUL CONVENTION

Whilst recognising the need to train professionals and to mainstreaming LBT rights into GBV policies, participants in the focus group in Valencia stressed the need to go beyond 'inclusive policies' that merely add lesbians to pre-existing frameworks and/or policies.

The different failures suggest the existence of greater problems. On the one hand, and despite the due diligence principle enshrined in Article 5, private, public, and even institutional violence against LBT women is tolerated, accepted, and normalised by different institutions. The invisibility and the absence of appropriate investigations on violence against LBT women, committed both by public and private actors, is an example of such tolerance. The lack of accountability for such a practice/tendency is yet another instance. On the other hand, a pattern of systemic failure in protecting lesbians seems to emerge due to the fact that their experiences are seldom contained in the terms we use: the semantic field of GBV is occupied by realities that do not describe lesbian experiences of violence.

As an example, the Istanbul Convention requires parties, under Article 42, to adopt measures to ensure that, in criminal proceedings, honor is not regarded as a justification for gender-based violence against women and domestic violence. The desk research for this report suggested that because *honor-related violence* describes violence that targets women who dissent from traditional sexual and gender roles, as established by their families and/or communities, it could include GBV against lesbians. Moreover, this interpretation of the IC was inspired by postcolonial feminist critiques that argue that the IC approach to **honor**, if applied uncritically, risks reinscribing images of inherently powerless women victimised by their non-European 'cultures.'⁶⁴ Therefore, moving beyond the correlation of honor and crimes committed in non-European 'cultures' was seen as a critical interpretation of the IC. However, participants in the Valencia Meeting suggested that the term was already being used to describe *another reality* that deserved attention on its own. Hence, a constant exercise of fitting within the mainstream narrative and a conscious effort to queering the policies, concepts and laws is needed to liberate real protective possibilities.

Whilst in many cases the best strategy seems to be to provide *the fitting solution*, a discussion about the need to find a narrative of one's own emerges in other cases where a specific situation cannot be encapsulated in the mainstreamed term. These strategies are not necessarily dilemmatic (either/or) and will be developed in the following section by addressing substantive law and problems

⁶⁴ Peroni L. (2016), Violence against migrant women: The Istanbul Convention through a postcolonial feminist lens, in *Feminist Legal Studies* 24 (1), pp. 49-67.

related to the effective protection from and persecution of GBV against lesbians.

A. Fitting solution strategies

By a *fitting solution strategy*, we refer to strategies that encourage a lesbian interpretation of an IC provision to offer protection to LBT women, by making their reality and experiences *fit* within the scope of the provision. These strategies are of two types.

The **first** one refers to interpretations of the substantive provisions of the IC to show the lesbian manifestation of a particular form of violence. By so doing, this strategy seeks to enervate the application of the IC to realities that remain otherwise invisible or under radar. For instance, corrective practices imposed upon young lesbians by their parents or by institutions constitute psychologic and domestic violence. In the same vein, the IC forbids forced sterilisation and whilst GREVIO has not yet addressed this problem regarding trans persons, the ECtHR case law has established that both, mandatory/compulsory hormonal treatment leading to sterilisation and mandatory/ compulsory mutilation are abusive requirements for amending birth certificates.⁶⁵

The **second** one refers to interpretations that ensure that prosecution of GBV against lesbians is adequately addressed and effective, specifically by looking at the circumstances surrounding criminal responsibility. More specifically, this second strategy is illustrated with examples regarding aggravating circumstances that may apply and that foster a better understanding of GBV against lesbians.

The following table develops the first strategy and brings forms of GBV against LBT women within the scope of the forms of violence enshrined in the IC.

⁶⁵ See ECtHR, *A. P., E. Garçon and S. Nicot v. France*, Appl. Nos 79885/12, 52471/13, 52296/13, judgment of 6 April 2017. And, more recently, *A.D. and others v. Georgia*, Appl. No. 57864/17, 79087/17 and 55353/19, judgment of 1 December 2022. The Court affirmed that the aim of ensuring legal certainty does not justify presenting trans people with an impossible dilemma: *either* they undergo hormonal treatment or reassignment surgery against their wishes, thereby compromising their right to physical integrity with procedures resulting in probable sterilisation; *or* they renounce to having their identity recognised and respected, which is a clear violation of their right to private life. Thus, whilst recognising states a margin of appreciation to fulfill their positive obligations ex article 8, the Court has proclaimed that mandatory body modifications or treatments without fully free consent are abusive requirements contrary to the Convention. Mestre, *Transjustice* (2022), cit.

TABLE IC GBV AFFECTING LBT WOMEN AND NB PERSONS

FORM VIOLENCE + IC ARTICLE	IC DEFINITION	CONDUCTS	MOST-AFFECTED VICTIMS
DOMESTIC VIOLENCE (ARTICLE 3, B)	All acts of physical, sexual, psychological, or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim. DV not conceived as a separate offence; not differentiated from IPV. A series of behaviours fall under the umbrella term DV.	Battering, slapping, pushing, hitting. Lesbophobic rape Facilitating lesbophobic rape Rape ¹ Economic violence Psychological violence (including conversion practices, insults in the family)	All Youngsters IPV- partners
PSYCHOLOGICAL VIOLENCE (ARTICLE 33)	The intentional conduct of seriously impairing a person's psychological integrity through coercion or threats	Conversion practices Forced medical treatment Manipulation, Insults Hate speech	All Youngsters IPV- partners
STALKING (ARTICLE 34)	The intentional conduct of repeatedly engaging in threatening conduct directed at another person, causing him or her to fear for her or his safety	Street and online stalking	All Trans Butches
PHYSICAL VIOLENCE (ARTICLE 35)	The intentional conduct of committing acts of physical violence against another person	Battering, slapping, pushing, hitting. Conversion practices	All
SEXUAL VIOLENCE, INCLUDING RAPE (ARTICLE 36)	The intentional conduct of engaging in non-consensual vaginal, anal or oral penetration of a sexual nature of the body of another person with any bodily part or object engaging in other non-consensual acts of a sexual nature with a person; causing another person to engage in non-consensual acts of a sexual nature	Lesbophobic rape Facilitating lesbophobic rape Rape Sexual violence within IPV	All Youngsters IPV- partners
FORCED MARRIAGE (ARTICLE 37)	The intentional conduct of forcing an adult or child to enter a marriage	Forced heterosexual marriage	All Youngsters Countries not recognising egalitarian marriage
FEMALE GENITAL MUTILATION (ARTICLE 38)	Excising, infibulating or performing any other mutilation of the whole or any other part of a woman's labia or clitoris	Compulsory sex confirmation surgeries	Practicing communities Trans women and trans persons

¹ Regarding the material scope of specific offences on domestic violence, explicit mention of sexual violence is present in several States in Europe. See, in that respect, De Vido S., Sosa L. (2021), Criminalisation of gender-based violence against women in European States, including ICT-facilitated violence. EELN, European Commission, p. 61.

FORCED ABORTION AND FORCED STERILISATION (ARTICLE 39)	Performing an abortion on a woman without her prior and informed consent; Performing surgery which has the purpose or effect of terminating a woman's capacity to naturally reproduce without her prior consent	Forced sterilisation to align the legal gender with the person's gender identity ²	Trans women and trans persons
SEXUAL HARASSMENT (ARTICLE 40)	Any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment	At work, street harassment, online and through ICT Hate speech	All

2 Several European countries require hormonal treatment and/or sex confirmation in order to allow for change of the legal gender. More details are available at here: <https://transrightsmap.tgeu.org/>

Whilst criminal law is necessarily and quite inevitably gender-neutral in the elaboration of the elements of the offences, lesbianising the provision of the Istanbul Convention on **aggravating circumstances** represents a 'liberating possibility' for effectively protecting lesbians from GBV. Article 46 (a) IC refers to the aggravating circumstances of an act committed within the family or among current or former partners; (c) concerns the conditions of vulnerability determined by specific circumstances; (f) and (g) highlight the means, such as extreme levels of violence (f), and the use or threat of a weapon (g); 46 (h) focuses on the consequences, namely physical or psychological harm to the victim. Hence, the question is how to use these aggravating circumstances to adequately address gender-based violence against LBT women. Though a clear aggravating circumstance related to lesbophobic hate is absent, both in the IC and in most countries, it is however possible to work on these categories included in the Istanbul Convention. We will propose here some operative examples.

The first example is **femicide**, which, despite not being defined in the IC, falls under multiple forms of violence as defined in the IC – notably physical violence – and can be reasonably considered as being characterised by 'extreme levels of violence' (Article 46, f), and as an act committed within either the family or among current or former partners. A gender-sensitive interpretation of the aggravating circumstances enshrined in the Istanbul Convention would allow to consider the killing of a girl by her brother, her father or other relative *for being* a lesbian, as femicide. The second example refers to **conversion practices**,⁶⁶ motivated by sexual orientation and gender identity, which represent a combination of psychological, physical, and sometimes sexual violence. These practices can trigger the aggravating circumstance related to the consequences (h), namely physical and psychological harm, and the situation of a person made vulnerable

66 Belavusau U. (2023), Conversion Practices on LGBT+ People. European Parliament; See the report by Mijatović D. (2023), Nothing to cure: putting an end to so-called "conversion therapies" for LGBTI people, Council of Europe.

by particular circumstances (c). The explanatory report to the IC indicates, among the persons in a situation of vulnerability: ‘gay men, lesbian women, bisexual and transgender persons.’⁶⁷

As a third example, following the same line of legal reasoning, **institutional violence** – prohibited in Article 5(1) IC – can also be addressed through the aggravating circumstance of ‘extreme levels of violence’ (Article 46, f). The European Court of Human Rights has already argued, in the *Aydin v. Turkey* case (1997), that a rape of a woman by a public officer ‘must be considered to be an especially grave and abhorrent form of ill-treatment given the ease with which the offender can exploit the vulnerability and weakened resistance of his victim.’⁶⁸ A gender-sensitive interpretation of the aggravating circumstance of ‘extreme levels of violence’ would not look at the means used to cause this violence, but rather at the ‘accumulation of acts of physical and mental violence inflicted on the applicant, and the especially cruel act of rape to which she was subjected.’⁶⁹ This instance taken from the case law of the European Court of Human Rights is used here to refer to the gravity of the behaviour committed by public authorities – which can trigger the aggravating circumstance under Article 46 (f).

These examples show that lesbianising the provision on aggravating circumstances allows both a better understanding of the realities of LBT women, and an improved prosecution of crimes of GBV against lesbians, including when applied to honour-related violence. This interpretative strategy is a *fitting solution* that allows a respectful narrative of LBT women’s experiences to emerge as it allows legal operators to better grasp the situations of violence LBT women face when they object traditional sexual and gender roles, and to adequately use the IC to prosecute such acts.

Good practice

PARLIAMENTARY ASSEMBLY OF CoE

In 2022, the Parliamentary Assembly of the CoE adopted Resolution 2417(2022) on *Combating rising hate against LGBTI people in Europe*.⁷⁰

The Resolution invited member states to ‘amend criminal legislation as necessary to ensure that its provisions with respect to hate crimes clearly

67 Explanatory Report, para. 87 and para. 238. By referring to persons made vulnerable by particular circumstances or in a situation of vulnerability, the IC stresses the fact that such persons (or groups) are not vulnerable *per se* but are rendered so by structural power relations embedded in our laws, institutions and interpersonal relations.

68 *Şükran Aydın v. Turkey*, 57/1996/676/866, 25 September 1997 [ECtHR], para. 83.

69 *Şükran Aydın v. Turkey*, 57/1996/676/866, 25 September 1997 [ECtHR], para. 86.

70 See also ECRI’s factsheet on LGBTI issues. ECRI clarified that its recommendations should not be taken in isolation from applicable CoE and other international standards.

cover all offences committed against a person or group of persons based on their sex, sexual orientation, gender identity, gender expression and sex characteristics, provide for proportionate and dissuasive sanctions, protect victims' rights and make provision for them to receive compensation' (para. 14.1) and 'make motivations based on sex, sexual orientation, gender identity, gender expression and sex characteristics an aggravating circumstance for all ordinary offences' (para. 14.2).

In 2022, the Parliamentary Assembly of CoE started working on a resolution focusing specifically on violence and discrimination against LBQ women considering in particular that "Legislative, political and societal responses to lesbophobia require a holistic approach that takes into consideration the specificities of LBQ women, puts an end to the invisibility of non-heterosexual women and takes targeted actions to understand and tackle lesbophobia."⁷¹

FRANCE

The Cour d'assises de Paris in a landmark judgement of 28 May 2021, convicted a man for 'rape motivated by sexual orientation.' The man had been condemned by a lower court, but the aggravating circumstance of sexual orientation was not taken into consideration. The aggravating circumstance was eventually taken into consideration by the higher judges, because the perpetrator knew since the beginning of the rendezvous the sexual orientation of his victim.⁷²

EUROPEAN PARLIAMENT

The European Parliament in the report on the proposal for a directive of the European Parliament and of the Council on combating violence against women and domestic violence (July 2023), included the following paragraph (amendment n° 131):

"(od) the intention of the crime was to punish victims for their sexual orientation, gender expression, gender identity, sex characteristics, skin colour, religion, social origin or political beliefs".

The report expressly mentioned LGBTQ+ women, for example in an article on the provision of specific support to victims at an increased risk of violence against women or domestic violence by virtue of intersectional discrimination (Article 35, amendment 247).⁷³

71 <https://pace.coe.int/pdf/60ef82628d3954132e1ffb8c2fdd87c98e7231bd6bdcfb-2c87fd64824f0a9920/doc.%2015559.pdf>

72 <https://dgemc.ac-versailles.fr/spip.php?article806>. The advocate general demanded the judges to 'avoir le courage de mettre des mots sur les choses: 4 % des femmes hétérosexuelle disent avoir été victimes de viol, contre 10 % des femmes lesbiennes. On ne peut pas faire semblant de ne pas comprendre.'

73 Report on the proposal for a directive of the European Parliament and of the Council on combating violence against women and domestic violence.

It is nevertheless important to note that practices like forced marriages, institutional violence, conversion practices, etc. have a common *fil rouge*, which is *lesbophobia*. Including lesbophobic motives as an aggravating circumstance would mark a significant step forward in countering GBV against lesbians. Despite the fact that this circumstance is not enshrined in the IC, it can nonetheless emerge using the traditional criteria of interpretation of international law, by reading the provisions on aggravating circumstances in conjunction with Article 4 (3) IC containing the prohibited grounds for discrimination.

However, it is also important to let the gender dimension emerge from the neutrality of criminal law provisions, for example by explicitly 'lesbophobic rape.'⁷⁴ Even though at the moment it is possible to lesbianise the provision on aggravating circumstances in the Istanbul Convention only, more research is needed to coin a new, legally sound ground-breaking aggravating circumstance that ensures an adequate response to *all* women's realities.

B. Finding a lesbian narrative

Fitting strategies are not always capable of grasping the complexity of the realities of lesbian women. Even though the fitting strategies are legally sound, it is important to work – and continue to work because this report does not have the ambition to provide all possible answers – on a new narrative capable of altering the hetero-centred approach to gender-based violence against women and domestic violence that inhabits our language and the core of many discussions. By *finding a lesbian narrative* we refer to the need to find ways to address and respond to the specificities of GBV against lesbians by queering the perspective from which we discuss and get involved in policy design, and by engaging in difficult discussions on which would be the best policy approach.

We need to implement Article 4 of the Istanbul Convention listening to our realities. We need to bring Article 4 into our realities.

Juliane Rosin, Lesben*Ring, Germany

A specific narrative concern which emerged from the desk research and the focus group has to do with definitions of domestic violence and intimate partner violence (IPV). **Domestic violence** regarding LBT women and non-binary persons can take at least two different forms: intimate partner violence (IPV) and violence targeting family members, especially youth, to conform with heteronormativity.⁷⁵

⁷⁴ See also Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI), Thematic review of the implementation of Recommendation [CM/Rec\(2010\)5](#) of the Committee of Ministers to member States on measures to combat discrimination based on sexual orientation or gender identity, 7 September 2023, part C.

⁷⁵ INED France (2020) Violences intrafamiliales : les filles et les jeunes LGBT plus touchés, at https://juridique.defenseurdesdroits.fr/doc_num.php?explnum_id=19717

These realities are not differentiated as two separate concepts in the Istanbul Convention.⁷⁶ Article 3 IC defines domestic violence as a broad concept that can include IPV. According to the Convention, states are obliged to criminalise 'all forms of violence against women, including domestic violence, which affects women disproportionately' and are encouraged 'to apply this Convention to all victims of domestic violence.' However, states are not obliged to criminalise intimate partner violence nor domestic violence as separate offences, but rather to criminalise certain behaviours that, either taken separately or combined (psychological violence, physical violence, stalking, etc.), can amount to it.⁷⁷ Whilst violence against young lesbians occurring within the family clearly falls within the definition of domestic violence, a clarification/discussion is needed in what constitutes IPV in lesbian couples.

In fact, how IPV is conceptualised and legislated upon has consequences on the protection LBT women may receive from the state, including issuance of protection or emergency barring orders, access to services and rights, i.e., if it is conceptualised as being man-to-woman violence, or if it does not explicitly extend to same-sex partners and is generally considered that it applies only to married and divorced couples or to unmarried opposite-sex couples. There are political and structural aspects of the public response to IPV that may impose unnecessary burdens to certain women and to receiving protection from particular forms of GBV, further disenfranchising them.⁷⁸ Data should show how IPV also affects lesbians.

76 In relation to the personal scope of domestic violence, the Explanatory Report clarifies that Article 3(b) addresses 'violence between members of the family or domestic unit, irrespective of biological or legal family ties. [...] Domestic violence includes mainly two types of violence: intimate-partner violence between current or former spouses or partners and inter-generational violence which typically occurs between parents and children' (para. 41). IPV includes violence between current or former spouses or partners. Similarly, inter-generational domestic violence includes violence by a person against their child or parent (elder abuse) or between any other two or more family members of different generations regardless of whether they share a residence (ibid.). The Explanatory Report adds that 'domestic violence as intimate-partner violence,' which does not exclude that domestic violence can manifest in other forms, 'includes physical, sexual, psychological or economic violence between current or former spouses as well as current or former partners. It constitutes a form of violence which affects women disproportionately and which is therefore distinctly gendered' (para. 42).

77 De Vido S., Sosa L. (2021), Criminalisation of gender-based violence against women in European states, including ICT-facilitated violence, cit. Different jurisdictions approach the problem differently and whilst some countries use the term interchangeably, others do not. For instance, Spain distinguishes between IPV (which is referred to as gender-based violence) and the rest of violence (that is thus termed domestic); in the UK domestic violence is a term used for IPV regardless of the living- cohabitation status of the persons involved.

78 Mestre i Mestre R. (2020), Exploring intersectionality: FGM/C at the Istanbul Convention, in Niemi J., Peroni L., Stoyanova V. (eds), *International Law and Violence against Women. Europe and the Istanbul Convention*. Routledge. According to Kimberlé Crenshaw, in this structural aspect, intersectional subordination is not necessarily intentional, but results from 'the imposition of one burden that interacts with pre-existing vulnerabilities to create another dimension of disempowerment.' Crenshaw K. (1991), Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color, in *Stan L Rev* 43, p. 1241 ss.

Lack of legal gender recognition restricts the right of trans women to receive administrative guarantees of the elimination of violence against women and protection and assistance of the victims of domestic violence. Trans women cannot request a restraining order as in their identity documents sex marker indicates that they are male. In 2018, the court rejected a trans woman's request for a restraining order, considering her to be an unauthorized person to file for the order.⁷⁹ Violence against trans women is not considered as gender-based violence at all.

Keti Bakhtadze, Women's Initiative Supporting Group, Georgia.

In its Mid-Term Horizontal Review of Baseline Evaluation Reports, GREVIO noted that the authorities use the concept of genderbased violence rather than that of violence against women in an effort to be inclusive of men and boys, as well as LBT women, fearing that a different approach would be discriminatory.⁸⁰ However, GREVIO expressed concern for the gender neutrality of provisions that do not capture the disproportionate impact GBV has on women, including LBT women.⁸¹

In fact, women located at the intersection of different systems of power and discrimination would be the first to suffer from gender neutral policies.

By affirming that domestic violence can be gender-based and IPV is gender-based, the IC is highlighting the fact that such violence is rooted in power inequalities, social and cultural structures (including heteronormativity), norms and values that govern society, that lead to women's subordinate status in both the private and public spheres. It is a more precise approach, because it makes explicit the causes and impacts of the violence and strengthens its understanding as a social rather than an individual problem, requiring comprehensive responses, beyond those to specific events, individual perpetrators, and victims/survivors.⁸² Regarding IPV in lesbian couples, this analysis stands: lesbian couples are not immune to patriarchal structures present in our societies, nor to the patriarchal idea of love as ownership and possession over the body and soul of one's partner.

While it is important to understand that gender is not a substitute for 'women', gender-neutrality is counter-productive, because it conceals the power unbalance, that is, the gendered nature of violence, whilst creating a sense of 'competition' between women's rights and LGBTI people's rights that

79 Bakhtadze K. (2022), Legal Gender Recognition in Georgia. Policy Paper.

80 GREVIO (2022), Mid-Term Horizontal Review, para. 19.

81 For example, in the baseline evaluation report on the Netherlands, GREVIO expressed concerns that the newly used term 'violence in dependency relationships,' which was 'meant to capture the different manifestations of domestic violence which any one individual can experience [...]; can lead to gaps in the protection and support to women victims of violence because 'gender neutral policies bear the risk of interventions by professionals that lack gender sensitivity.' GREVIO (2020), Baseline evaluation report on the Netherlands, executive summary.

82 Schneider A. et al. (2019), Gender Matters, cit.

jeopardises lesbian's rights. GBV maintains a particular system of power that affects primarily women (and people perceived as such), especially including those that violate the gender norms imposed on them, whether it is by being lesbians, by being trans or by not sticking to the role women are expected to have in a heterosexual relationship. Therefore, referring to gender-based violence when addressing lesbian experiences with violence and mentioning women when referring to GBV are both useful and necessary to ensure that lesbian experiences are not further made invisible.

Making LBT women explicitly visible is better than keeping a 'gender-neutral' approach to GBV because it also enables attention to be paid to the social position and needs of the victim/survivor, instead of assuming that any victim of intimate partner violence is a heterosexual cisgender woman, and fosters the development of a lesbian narrative about responses and needs.

In that sense, responses that ignore the multi-layered dimensions of the subordination and violence lesbians encounter fail to properly allocate resources to respond to their needs and may result in discrimination.⁸³

GREVIO repeatedly calls on parties to ensure that "service provision pays particular attention to the needs of women victims who are or may be exposed to intersectional discrimination,⁸⁴ because women with disabilities, migrant women, and LBT women continue to encounter barriers to being included in shelters and other services."⁸⁵ While addressing the needs of LBT women can be difficult in services that are not tailored to their realities, more guidelines, funding and support for NGOs are definitely needed. The presumption of heterosexuality in most institutions and services leads to a failure to recognising a problem or providing adequate support.⁸⁶

There is need for concrete action. We need specialised services so that LBT women know where to go to receive specific counselling and protection. Funding in that respect is a key issue.

Juliane Rosin, Lesben*Ring, Germany

Civil society organisations working against GBV need to work together to ensure sufficient resources to meet the needs of all women, whilst leaving room for the NGOs to establish their priorities and the communities they serve. This suggests that a '**safer space**' strategy may be useful to ensure equal protection from gender-based violence against LBT women. This is the case for shelters or helplines that can be community-led, address lesbians' specific needs, avoid re-

83 See Sosa L., Mestre i Mestre R. (2022), Ensuring the non-discriminatory implementation of measures against women and domestic violence, cit., p.39.

84 See Baseline evaluation reports on Finland (para 98), the Netherlands (para 150); Serbia (para 114); and Sweden (para 126).

85 See, for example, Baseline Evaluation Report on Andorra Inf (2020)18, paras. 17 and 20; Georgia Inf (2022) 28, paras. 23 and 24.

86 Gill V., Skelton T. (2003), Finding oneself, losing oneself: the lesbian and Gay 'scene' as a paradoxical space, in International Journal of Urban and regional research, 27:4, p. 849 ss.

victimisation and provide a safe space. This strategy is not a form of segregation, but rather opens up the possibility to create a space which is intersectionally inclusive.

The idea of Safe spaces means to include LBT women in ways that make people feel called in instead of being always called out. How do we guarantee access to a system which is not safe for LBT women? We need to challenge the way the institutions work and stop them to be discriminatory against lesbians, also by creating specialist services that are community-based and are inspired by positive practices.

Ilaria Todde, EL*C – Eurocentralasian Lesbian Community, Italy/
Belgium

This strategy has proven to be relevant specially for young LBT women fleeing their houses, escaping from gender-based psychological and domestic violence because of their gender identity, gender expression, and/or sexual orientation. They need a space that is safe, that does not expect them to be straight, or cis, but provides an environment that contributes to their protection and healing while empowering them.

Good practice

PORTUGAL

Portugal has focused on providing extra support to specific groups of women, by opening a new shelter for women victims of domestic violence that belong to the LBT community.⁸⁷

ITALY

A specific helpline is organised by the NGO *Lesbiche Bologna*. It focuses on violence motivated by lesbophobia, biphobia and transphobia (which most often include domestic violence especially in families of origin) as well as IPV in lesbian relationships. It receives some public funding. The helpline is operated by volunteers and is available two days a week. The objective is to support survivors in their path of escape and in the processing of their experience of violence, also through an empowerment of lesbian, bisexual and trans subjectivity. The team works in synergy with other realities of the city and regional networks.⁸⁸

FRANCE

Le Refuge foundation provides shelter to young LGBT+, from 14 to 25 years old, rejected by their parents or forced to leave their house, because they are homosexual, trans or queer.⁸⁹

87 Mid-Term Horizontal review of GREVIO baseline evaluation reports, para. 265.

88 <http://www.lesbichebologna.it/linea-antiviolenza/>

89 <https://le-refuge.org/>

FINAL REMARKS

This report has delved into the potential the Istanbul Convention has in advancing equal rights and effective protection from violence for lesbians. It has proposed different strategies to ensure that gender-based violence against LBT women is effectively prevented and prosecuted, lesbians are adequately protected, and community-led civil organisations fully participate in the implementation of the Istanbul Convention.

The desk research, the focus group and the discussion with experts confirmed that lesbian experiences with GBV are under-researched and unaddressed in public policy. To reverse the situation, this report identifies common forms of GBV against lesbians falling within the scope of the IC and provides insights as to how to lesbianise the holistic response to GBV. On the one hand, it reflects on ways to mainstreaming LBT rights, perspectives and needs in the public structure that works to counter GBV at state level, as well as in the monitoring process of the implementation of the IC led by GREVIO. On the other hand, the report advances the idea that lesbianising substantive law is also possible by offering a *fitting solution*, that is, by interpreting the IC in ways that include lesbian experiences and needs of protection. The report further contributes to opening a discussion on finding a specific lesbian narrative that challenges the hetero-centred approach to GBV that permeates the ways we engage in policy design.

While this report does not provide a detailed account of each form of GBV confronted by LBT women, i.e. little is said about Information and Communications Technology (ICT)-facilitated violence⁹⁰ or violence against lesbian families, it covers an important gap in GBV knowledge that encourages a better fitted public response that takes into consideration the specific situation and needs of LBT women that confront GBV.

90 The IC did not mention violence in the digital world or technology-facilitated violence (information and communications technology facilitated violence) and thus, the monitoring process that has been analysed for this report did not include ICT violence. This may change in the following monitoring processes as GREVIO General Recommendation No. 1 on the digital dimension of violence against women was adopted in October 2021. ICT-facilitated violence, cyber violence, violence in the digital world can all be used interchangeably, however 'ICT-facilitated violence' better reflects the different forms of violence committed through computer and communication systems, hardware and software. It includes both online and off-line activities involving any ICT devices, whether connected to networks or not. De Vido S., Sosa L. (2021), Criminalisation, cit., p. 53.

ANNEX I - RECOMMENDATIONS FOR POLICY AND INSTITUTIONAL ACTIONS

A - Support research, gather statistical data and conduct population-based surveys

1. GREVIO must continue to encourage states to support research on violence affecting women that are exposed to intersecting forms of discrimination, including LBT women.
 - Research on different types of violence (ICT-facilitated violence; corrective practices, etc.) is needed, as well as research on specific groups (LBT youth, older women), on GBV across policy dimensions (healthcare, sports, education) and on the impact of laws aiming at preventing and protecting from GBV on LBT women.
 - Further research is needed on lesbophobia, and on how to incorporate it into law, including criminal law.
 - Additional research is also needed on intimate partner violence in lesbian couples under the IC. Though a definition of IPV is absent in the IC, it is important to understand that IPV is a gendered phenomenon and as such must be adequately addressed within the framework of the IC.
2. States must collect disaggregated relevant statistical data at regular intervals. Systematise and streamline the collection of data relating to VAW at all levels, to publish this data using the terminology of the IC, and to include sex, age, relationship between victim and perpetrator, geographical location, and other aspects deemed relevant such as disability, gender identity, gender expression and sexual orientation.
3. States must conduct population-based surveys that include indicators that relate to women and girls confronting multiple and intersecting forms of discrimination and violence.
4. States must adequately fund NGOs to enable them to collect data and produce evidence-based knowledge on GBV against lesbians while changing

¹ General Recommendation No. 1 on the digital dimension of violence against women was adopted in October 2021. ICT-facilitated violence, cyber violence, violence in the digital world can all be used interchangeably, however 'ICT-facilitated violence' better reflects the different forms of violence committed through computer and communication systems, hardware and software. It includes both online and off-line activities involving any ICT devices, whether connected to networks or not. De Vido S., Sosa L. (2021), Criminalisation, cit., p.53.

the narrative about numbers and promoting the use of qualitative methods.

5. The monitoring body must design an overall strategy for data collection and explicitly discuss how the official body will approach data collected by NGOs.
6. GREVIO should receive or request information on different policies and data from different monitoring bodies, such as equality bodies, Ombudsperson offices, and institutions alike.
7. NGOs should report to equality bodies and institutions alike about discrimination, bias, and violence against LBT women by different institutions and/or service providers.

B - Integrated policies and the role of civil society

1. NGOs should be equal standing members of the official coordinating body established by the IC and their participation should not be oriented to address state needs but women's needs.
 - Criteria for selecting the participating NGOs must be transparent. Selected NGOs must work within the framework of the IC and keep the Convention as a reference point of action.
 - NGOs led by and focused on lesbians and other women who confront intersecting forms of discrimination must be included.
2. NGOs should be consulted at all stages of policy making, through a variety of means, from the beginning of the discussions.
3. The coordinating body should talk with and actively involve NGOs working within the aims of the IC and make sure that lesbian organisations are listened to and involved in policy design and in the provision of services.
4. NGOs must be actively involved/included in the monitoring process, both at state level and before the GREVIO.

C - Training of professionals

1. The staff of women's rights and lesbian rights civil society organisations should receive training to better understand the IC and how to apply

it to ensure a non-discriminatory enforcement. Professionals must be trained to know how the IC must be used to protect LBT women.

2. Training of professionals must include lawyers, the judiciary, social services and staff working in specialised and general services.
3. Initial and in-service training must be compulsory and provided by law. It should be oriented to lessen bias and discrimination against LBT women, to recognise the lesbian manifestations of the different forms of GBV as well as to address lesbophobia.
4. Training should be planned along with NGOs working in the field of protection of LBT women's rights. NGOs providing training must be contacted in due time and not last minute, receive adequate payment for their work, and be involved in the design of the training from the very beginning. NGOs should enjoy an adequate time period to provide appropriate training.
5. The monitoring body must conduct periodic monitoring processes of the training activities. GREVIO should be informed not only on the training activities but also on the assessment of what has worked and what has not.

D – Lesbianising protection

1. States must ensure that the multiple manifestations of GBV lesbians confront are recognised as such, and thus prevented and adequately prosecuted, whilst victims receive adequate protection and redress.
2. States must ensure that GBV against LBT women is adequately addressed and prosecuted, and that aggravating circumstances are taken into consideration and duly applied to capture the complexity of violence lesbians confront.
3. States must take all measures needed to stop institutional violence, threatening practices and disrespect towards LBT women, especially when they are seeking protection and support.
4. Local and national authorities should be aware that the lack of gender-sensitiveness that often characterises their activity, delayed investigations, the normalisation and trivialisation of violence against LBT women, the re-victimisation of lesbian victims of GBV and attacks against LBT women for being LBT are all forms of 'institutional violence,' contradict the scope of the Istanbul Convention.
5. States, and regional organisations within the limits of their competences,

must refrain from adopting gender-neutral provisions regarding domestic violence and intimate partner violence, and ensure LBT women receive adequate protection from GBV, including IPV.

6. Local and national authorities should guarantee a 'safer space' strategy for LBT women that are victims of GBV. This means to ensure and adequately fund differentiated specialised services that better correspond to their needs: shelters or helplines that can be community-led, address lesbians' specific needs, avoid re-victimisation and provide a safe space.
7. Women's rights' NGOs should ensure that appropriate awareness is raised among its members on what the IC is and the importance of its application for the protection of LBT women from GBV. By working together, women's NGOs and lesbian NGOs can ensure effective monitoring to GREVIO of the weaknesses in the implementation of the IC regarding all women, embracing intersectionality as the method of analysis.
8. GREVIO should continue its pivotal work in making LBT women's realities visible in its states' baseline evaluation reports, ensuring that the voices of these women are listened to and that specific sections in the reports address lesbophobia as a form of GBV against women under the IC, and encourage interpretations of the IC that better protects LBT women from GBV.

ANNEX II - ANALYSIS OF GREVIO COUNTRY REPORTS

COUNTRY AND DATE	EXPLICIT REFERENCE LBT-NB	EXPLICIT REFERENCE INTERSECTIONALITY	RECOMMENDATIONS IC-CP	EXECUTIVE SUMMARY	INTERESTING ISSUES	FURTHER INFO
Albania (2017)	yes	Yes, + sexual orientation and gender identity.	Add specific indicators relating to vulnerable groups of women and girls in data collection; integrate the perspective of such groups in the design, implementation, monitoring and evaluation of policies for preventing and combating violence against women; programmes tailored to the specific needs of such groups.	Lesbians, bisexuals and transgender women as marginal groups.	Honor crimes as a serious concern in the country but not associated with gender identity.	
Andorra (2020)	Yes	Yes, also LBT women.	Promoting research and data collection on gender-based violence affecting groups of women subject to multiple forms of discrimination.	LBT women who face barriers in access to support services and protection mechanisms, and are not well informed about their rights. LGBTI mentioned in the law as a vulnerable group Law No. 13/2019, but LBT women not mentioned in policy documents on violence against women.	Specialist association on LGBTI issues DiversAid as a promising framework for the development of policy and practice in this area.	

COUNTRY AND DATE	EXPLICIT REFERENCE LBT NB	EXPLICIT REFERENCE INTERSECTIONALITY	RECOMMENDATIONS (PARAGRAPHS REFER TO IC-CP)	EXECUTIVE SUMMARY	INTERESTING ISSUES	FURTHER INFO
Austria (2017)	Yes	No, only multiple forms of discrimination.	Adjustments in the process to process of asylum. Reference to asylum-seeking women in recommendation 1.	Focus on migration. Issues with regard to disclosure in asylum procedures. Family interviews and gender-insensitiveness. No reference in the case of forced marriage and FGM of the specific impact on LBT women.	Reference to the counselling centre queer base – welcome and support for LGBTIQ refugees. A basic care system that provides support for the specific needs of LGBTIQ. Reference also to honour crimes but without specifically addressing LBT women.	
Belgium (2020)	Yes	Yes, trans, lesbian, bisexual	Para.2 of the recommendations dedicated to multiple discrimination.	Para. 20 of the report. To tackle multiple discrimination. Importance of integrating measures to prevent VAW into broader strategies. Collection of data and promotion of research.	Institute of equality between men and women (strong binary way). No reference to LBT women in the difficulties faced in having access to services.	Reference to self-defense courses – Any reference to LBT women? Not written in the report.
Bosnia Herzegovina (2022)	Yes	Yes, also LBT women	Promote research and data collection on gender-based violence that affects groups of women who are exposed to intersectional discrimination. To assess the prevalence of various forms of violence.	Particular vulnerability of various groups of women including LBT women.		Domestic violence experienced by LGBTI persons: analysis and recommendations. 2018.
Croatia						ongoing
Cyprus	No.	Yes but not specifically to LBT women.	Recommendation No. 2 intersectional discrimination, such as.... But not LBT women.	Law on the prevention and combating violence against women and DV. Law protection from harassment and stalking. Law on combating sexism and sexist behavior.	Code of conduct against racism in primary and secondary school, includes homophobia, transphobia, bullying, gender stereotypes and sexism.	Schools and teachers are provided with detailed guidance.

COUNTRY AND DATE	EXPLICIT REFERENCE LBT NB	EXPLICIT REFERENCE INTERSECTIONALITY	RECOMMENDATIONS (PARAGRAPHS REFER TO IC-CP)	EXECUTIVE SUMMARY	INTERESTING ISSUES	FURTHER INFO
Denmark (2017)	Yes	Yes, but no specific reference to LBT	Nothing specific	Nothing specific.	Reference to a practice: specific support services to ensuring the specific needs of refugees.	
Estonia (2022)	Yes	Yes, LBT women	Nothing specific, not even in addressing specific needs (of women with disabilities, women with addiction issues, migrant women from national and / or ethnic minorities). In rec no 14, the list is non exhaustive (including but not limited to).	Nothing specific.	No campaign aimed at addressing the needs and concerns of LBT women but attention to language minorities.	
Finland (2019)	Yes, just once lesbian	Yes, though without mentioning specific grounds (just a reference to Article 4).	Just a reference to “different vulnerable groups” in the recommendation relating to training for professionals.	Nothing specific.		<p>Amnesty International report (2021): Especially women with disabilities, lesbians, transgender and intersex women, undocumented and nonregistered migrant women and women with a poor knowledge of Finnish are at risk of being excluded from appropriate services.</p> <p>In 2023, a new law was adopted: it removes the requirement for trans people to be sterilized and obtain a psychiatric diagnosis in order for them to obtain legal gender recognition.</p>

COUNTRY AND DATE	EXPLICIT REFERENCE LBT NB	EXPLICIT REFERENCE INTERSECTIONALITY	RECOMMENDATIONS (PARAGRAPHS REFER TO IC-CP)	EXECUTIVE SUMMARY	INTERESTING ISSUES	FURTHER INFO
France (2019)	Yes	Yes, also with regard to LBT women.	Encourages (para. 4 of the recommendations) long-term strategies covering each pillar of the Convention to deal with the increasing risk of exposure to violence for women from groups subject to multiple discrimination (including "LGBT" as written in the report).	Reference to the groups subject to multiple discrimination.	Study by the Departmental statistical service on homeland security: "A statistical approach to sexual harassment from the Virage Survey" (also LBT women affected in public spaces and in the workplace). The 5 th interministerial plan does not include LBT women (written LGBT women in the report).	Given the judicial practice of correctionalisation in rape, it would be interested to assess whether there is a disproportionate impact of this practice on LBT women.
Georgia (2022)	Yes	Yes, also lesbian, bisexual or transgender women	Develop policy orientation & measures to overcome the specific obstacles faced by certain groups of women (including LBT women); integrate their perspective into design, implementation, monitoring and evaluation of policies (para. 3). Any methods for multiagency cooperation must reflect the specific needs of women who are or might be exposed to intersecting forms of discrimination (also LBT women) para. 6. Address through research violence affecting vulnerable groups of women (LBT women also).	Specific obstacles faced by some groups of women, including LBT women. Access to protection and support must be reinforced in particular for some groups of women.		In the shadow report by Association HERA-XXI: social and economic oppression suffered by LBT women heightened the risks of losing homes and discrimination. https://rm.coe.int/contribution-association-hera-xxi-georgia/1680a3b9df
COUNTRY AND DATE	EXPLICIT REFERENCE LBT NB	EXPLICIT REFERENCE INTERSECTIONALITY	RECOMMENDATIONS (PARAGRAPHS REFER TO IC-CP)	EXECUTIVE SUMMARY	INTERESTING ISSUES	FURTHER INFO

Germany (2022)	Yes	Yes, also LBT women	<p>Strengthen measures to prevent and combat violence that affects LBT women; integrate their perspective in design, implementation & monitoring of policies; close cooperation with NGOs representing them; raise the awareness of victims belonging to these groups about their rights to protection and support services; develop and improve accessibility to protection and support services for these groups of women; support research into the violence experienced by these groups of women and girls.</p> <p>31. Ensure that specialist services also cater to LBT women; assess the provision of specialist services for other forms of violence and groups of victims.</p> <p>33. Increase the number of available shelter places, and ensure that all women victims of violence – including LBT women as specified category – have free-of-charge access to domestic violence shelters.</p> <p>52. Increase specialization of law-enforcement officers & ensure their sensitivity towards LBT women.</p>	Disparities between one state to other in terms of access to services (but no reference on whether this affects LBT women).	There is a reference to lack of documentation on legal and practical barriers and access to justice for LBT women and other groups (p. 16). NGOs working with LBT women in Germany report that trans women face difficulties receiving specialist services. There are a number of NGOs offering advice and support to LBT women, unclear how many of them may provide specialist support for their experiences of violence (para. 165).	There is a considerable need for research and data collection, especially on sexualised violence against women, forced prostitution and trafficking in human beings for the purpose of sexual exploitation, forced marriage, genital mutilation, violence against lesbian women and intersex children, and unwanted sterilisation, which is not currently collected by state or commissioned agencies. In a report by women's rights' lawyers association. https://rm.coe.int/report-on-german-women-lawyers-association/1680a14184
COUNTRY AND DATE	EXPLICIT REFERENCE LBT NB	EXPLICIT REFERENCE INTERSECTIONALITY	RECOMMENDATIONS (PARAGRAPHS REFER TO IC-CP)	EXECUTIVE SUMMARY	INTERESTING ISSUES	FURTHER INFO

Greece (not yet available)					Law to protect intersex people from hate speech. National strategic plan for the equality of LGBTQI+. 2022 report by Intersex Greece: Intersex women treated by medical personnel as “abnormal women”; lack of reporting of hate speech; need for specific training for professionals; need for action in education, training; organisations supporting women victims of violence should extend their support to all women.
Iceland (2022)	Yes	Yes, also LBT women	No reference to LBT women. Awareness raising campaigns should include women and girls subjected to or at risk of intersectional discrimination. 47. Among aggravating circumstances- person made vulnerable by particular circumstances. 49. Gender perspective + duly consider the different situations of women subjected to intersectional discrimination . 53. Women’s organisations (no reference to LBT women) are formally included within the risk assessment and risk management process.	Nothing specific. Delays in the processing of cases of violence against women. No state-wide, round the clock helpline exist.	The shadow reports are binary with data on “men” and “women” only.

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Ireland					Ongoing process Multiple shadow reports	<p><u>Report by Intersex Ireland:</u> Transgender healthcare in Ireland is non-existent. Intersex people often mistaken to be transgender and refused service without reasonable explanation.</p> <p><u>Report by the Dublin rape crisis center:</u> victim/survivors may have one or more barriers to accessing services, e.g. (...)their LGBTQI status. <u>Irish observatory on violence against women:</u> include specialist services, especially those working with (...) LGBTQIA+ populations in the design of disaggregated collection methods and scope as well as in the process of collection itself through adequate funding.</p> <p><u>Disabled Women Ireland:</u> Creation of a strategy to ensure age-appropriate, factual, LGBTQIA+ inclusive sex, consent and relationships education is accessible and available to children, young people and disabled adults using day services and living in congregated and institutional settings to address the historic denial of sexual education to disabled people.</p>

COUNTRY AND DATE	EXPLICIT REFERENCE LBT NB	EXPLICIT REFERENCE INTERSECTIONALITY	RECOMMENDATIONS (PARAGRAPHS REFER TO IC-CP)	EXECUTIVE SUMMARY	INTERESTING ISSUES	FURTHER INFO
Italy (2019)	Yes	Yes, LGBTI community	Para. 2 of the recommendations: Strengthen measures to prevent and combat violence which affects women who are or might be exposed to intersectional discrimination; integrate the perspective of such women in the designing and implementation and monitoring of policies; close cooperation with NGOs representing them; raise the awareness of victims belonging to these groups of women about their rights to protection and support services; develop and improve accessibility to protection and support services for these groups of women; support research into the violence experienced by these groups of women and girls; ensure the effective enforcement of the due diligence obligation to diligently prevent, investigate, punish and provide reparation for victims belonging to these groups of women.	Gap in the provision of specialist support services for victims of sexual violence in the form of rape crisis and / or sexual violence referral centres. Nothing specific on LBT women.		<p>Gay help line not mentioned in the GREVIO report. Recent data regarding the access to the help line. https://gaycenter.it/omobitransfobia-gay-help-line-21-000-i-contatti-il-416-riceveviolenza-in-famiglia/</p> <p>An ongoing research https://survey.istat.it/ist02740 discriminazioni lavorative nei confronti delle persone trans e non binarie e sugli episodi di discriminazione che possono aver vissuto in Italia in vari contesti della vita quotidiana (discrimination at work against trans and non binary people and discriminations suffered in daily life).</p>

COUNTRY AND DATE	EXPLICIT REFERENCE LBT NB	EXPLICIT REFERENCE INTERSECTIONALITY	RECOMMENDATIONS (PARAGRAPHS REFER TO IC-CP)	EXECUTIVE SUMMARY	INTERESTING ISSUES	FURTHER INFO
Malta (2020)	yes	yes	1. Enhance implementation on all forms of violence and 2. Intersectional discrimination		Welcomes that coordinating body includes a representative from LGBT community	
Monaco (2018)	no	yes	8. Systematise and streamline the collection of data relating to VAW at all levels and publish these data using terminology reflecting that of the IC: as a minimum requirement, such data should be disaggregated by sex, age, type of violence, the relationship of the perpetrator to the victim, and geographical location, as well as other factors deemed relevant, such as disability.			Two pages- very little done and said.
Montenegro (2019)	No	Yes- but no LBT	Adopt IC definition of DV Take practical steps to overcome actively persisting attitudes, believes and practices that stand in the way of a law enforcement response to domestic violence. Ensure that training of professionals ... includes systematic and compulsory comprehensive training on the different manifestations of VAW and their root causes.	Little understanding of the gendered nature of violence Taboos about rape and sexual violence		Shadow reports

COUNTRY AND DATE	EXPLICIT REFERENCE LBT NIB	EXPLICIT REFERENCE INTERSECTIONALITY	RECOMMENDATIONS (PARAGRAPHS REFER TO IC-CP)	EXECUTIVE SUMMARY	INTERESTING ISSUES	FURTHER INFO
Norway (2022)	Yes	yes	Implement 4.3 Data collection Hollistic approach 2. Implement measures to prevent and combat VAW who are or might be exposed to intersctional discrimination, including.... LBT women 16.Ensure that vulnerability, particularly related to sexual violence and other forms of gender-based violence against women is formally assessed...		Ammend RAPE irrespective of personal characteristics To include cyber-violence	Shadow report by Equality and antidiscrimination Ombud: LGBTI+ prison inmates rights.
The Netherlands (2020)	Not explicitly	Yes, but no LBT	Implement 4.3 Data Collection ¹ Review criminal offences of psychological violence, sexual violence, sexual harassment, forced marriage and FGM Ensure that the measures taken reflect more cleraly the notion that violence against women, within and outside of dependency relationships, is gender-based	Greivio sees Gender neutral provisions as problematic and MOST recommendations relate to that point- review, analyze the impact....	Greivio welcomes the strong focus on research and evaluation of measures and policies in the realm of VAW to ensure evidence-based policy-making including on intersectional issues faced by groups at risk of violence.	Shadow report AIDS FUND/ STI aids netherlands COL Netherlands, Advocacy for the rights of lesbian women, gay men,bisexuals, transgenders and intersex persons; Transgender network Netherlands- Section on gaps in policy and practice regarding LBT rights

¹ Data collection- sometimes requieres sex disaggregation; others requires gender. Most of the time does not give/ provide/ demand specifi data on GBV against LBT women specifically. May also connect to how is IPV conceived- as GBV or as DV.

COUNTRY AND DATE	EXPLICIT REFERENCE LBT NB	EXPLICIT REFERENCE INTERSECTIONALITY	RECOMMENDATIONS (PARAGRAPHS REFER TO IC-CP)	EXECUTIVE SUMMARY	INTERESTING ISSUES	FURTHER INFO
Poland (2021)	yes	yes	<p>Address the multiple forms of discrimination in accessing protection and support faced by some groups of women: (...) LBT women</p> <p>Recognise the role of NGOS</p> <p>Promote changes in mentalities and attitudes of individuals.</p> <p>14. Ensure that the provisions of the Criminal Code are applied to all forms of intimate partner violence, that intimate partner violence among non-cohabiting partners including former partners and spouses is adequately responded to.</p> <p>Ensure gender-sensitive asylum procedures and effective screening of experiences of violence... in particular at the border crossing points with Belarrus and Ukraine</p>		Interesting that GREVIO and CP call on state to ensure that the provisions of the Criminal Code are applied to all forms of intimate partner violence.	Shadow report by AI- nothing specific
Portugal (2019)	yes	yes	<p>Reinforce support to NGOs</p> <p>Further develop and increase support to specialist support services and shelters to cover the needs of victims of all forms of violence in close cooperation with NGOs</p>	<p>Welcomes efforts to extensive research projects and to build recognition of the prevalence of VAW among the general public and targeted audiences</p>	Long-term strategy combining measures to fight all forms of gender-based violence, gender equality and LGBTI rights	Shadow report

COUNTRY AND DATE	EXPLICIT REFERENCE LBT NB	EXPLICIT REFERENCE INTERSECTIONALITY	RECOMMENDATIONS (PARAGRAPHS REFER TO IC-CP)	EXECUTIVE SUMMARY	INTERESTING ISSUES	FURTHER INFO
Romania (2022)	yes	Yes	<p>To improve data collection</p> <p>To improve coordination and cooperation based on strong involvement of women's associations</p> <p>To ensure... setting up institutionalized structures for coordination and cooperation tailored to the specific needs of victims of rape and sexual violence, forced marriage., stalking and sexual harassment.</p> <p>Provide greater support to NGOs</p> <p>Address, through further research and population-based surveys, all forms of VAW as well as violence affecting vulnerable groups of women such as (...) LBT women</p>		Includes cyber violence in the definition of domestic violence	Shadow reports
San Marino (2022)	no	yes	<p>Pursue awareness raising efforts... including... conducting regular campaigns accessible to all and programmes for the empowerment of women and girls, including women at risk of multiple forms of discrimination</p>			

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Serbia (2020)	no	yes	<p>Welcomes the recognition in policy documents afforded to the importance of addressing the situation of women exposed to intersectional discrimination and their particular help-seeking barriers</p> <p>Enhance the application of a gendered perspective in the implementation of the IC</p> <p>Pursue the adoption of a new comprehensive national strategy on all forms of VAW... which would fully reflect the specific needs of women exposed to intersectional discrimination.</p> <p>Ensure heightened respect among legal guardians and medical professionals for women's informed and free decision making in relation to medical procedures such as abortion or sterilization</p>	<p>Implement IC without discrimination. Ensure the provision of specialist support services with a gender approach and expand the provision of shelters while ensuring de facto access to all women...</p> <p>Ensure heightened respect among legal guardians and medical professionals for women's informed and free decision making in relation to medical procedures such as abortion or sterilization, in particular where women with disabilities are concerned.</p>	<p>Problematic that GREVIO welcomes Serbian efforts to "preventing and combating the different forms of violence which women in Serbia experience at the hands of men".</p> <p>Welcomes strategy to end Forced Marriage</p>	Shadow reports, including the Protector of Citizens
Slovenia (2021)	no	no	<p>Ensure systematic and mandatory initial and in-service training, incorporating a gender approach, for all relevant professionals who deal with victims and or perpetrators of all forms of violence covered by the convention</p>			

COUNTRY AND DATE	EXPLICIT REFERENCE LBT NB	EXPLICIT REFERENCE INTERSECTIONALITY	RECOMMENDATIONS (PARAGRAPHS REFER TO IC-CP)	EXECUTIVE SUMMARY	INTERESTING ISSUES	FURTHER INFO
Spain (2020)	no	yes	Strengthen measures to combat violence that affects women exposed to intersectional discrimination Reinforce recognition of the expertise of independent women's organisations, including, inter alia, roma woman.... (no LBT) Ensuring gender-sensitive asylum procedures and the screening for vulnerabilities, such as experiences of risk of gender-based violence.		Unequal protection in different communities.	
Sweden	no	yes	Ensure the implementation of the IC without discrimination	Welcomes the efforts made to set up and support counselling services for anyone experiencing "honour-related violence".	Problematic that gender-based violence is understood in the narrow sense of "men's violence against women" Existence of counselling services for anyone experiencing "honour-related violence" (although no reference to LBT women is made).	

Switzerland	yes	yes	<p>Take measures to prevent and combat VAW exposed to intersectional discrim... LBT</p> <p>Ensure that legislation, policies and measures fully incorporate gender dimension & recognize link between VAW and structural inequality. Counteract negative gender stereotypes.</p>	<p>To adopt an approach to preventing and combating VAW addressing intersectional discrim, by taking account of viewpoint of women exposed to intersectional discrim when drawing up, implementing policies and improving access to support services</p>	<p>Unequal protection, access and support services in the different Cantons</p>	<p>Shadow report. Organisation Suisse des lesbiennes (IVP); Service pour les droits humains (forced marriage and heteronormativity); InterAction (tolerance zero for intersex GM and sterilization), Fédération Solidarité Femmes de Suisse et Liechtenstein (shelters not LGBTI accessible)</p>
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ANNEX III BIBLIOGRAPHY AND REPORTS CONSULTED

AGENCIES/ INSTITUTIONS

UN (2021) A/76/152, *Informe del Experto Independiente sobre la protección contra la violencia y la discriminación por motivos de orientación sexual o identidad de género*, Víctor Madrigal Borloz, at http://institucional.us.es/binasex/wp-content/uploads/2022/04/Madrigal-Borloz_2021_Proteccion-contra-la-violencia-y-la-discriminacion-por-orientacion-sexual-NU.pdf

COUNCIL OF EUROPE

COE (2022) *Ensuring the Non-Discriminatory Implementation of Measures Against Violence Against Women and Domestic Violence: Article 4, Paragraph 3, of The Istanbul Convention*, report by Lorena Sosa and Ruth Mestre i Mestre.

CoE & UNESCO (2018), *Safe at school: Education responses to violence based on sexual orientation, gender identity/expression or sex characteristics in Europe*, at <https://rm.coe.int/prems-125718-gbr-2575-safe-at-school-a4-web/16809024f5>

CoE (2016), *Equal opportunities for all children: Non- discrimination of lesbian, gay, bisexual, transgender and intersex (LGBTI) children and young people*, 2016. <https://rm.coe.int/16806a8d8f>

Parliamentary Assembly of the Council of Europe, Committee on equality and non-discrimination, (2021) *Combating rising hate against LGBTI people in Europe*.

Parliamentary Assembly of the Council of Europe (2021), Committee on equality and non-discrimination, *Strengthening the fight against so-called honour crimes*.

COUNCIL OF EUROPE GREVIO

GREVIO (2021), *First General Recommendation on the digital dimension of violence against women*, <https://rm.coe.int/grevio-rec-no-on-digital-violence-against-women/1680a49147>

States' reports (executive summary and recommendations): Albania, Andorra, Austria, Belgium, Bosnia Herzegovina, Croatia, Cyprus, Denmark, Estonia, Finland, France, Georgia, Germany, Greece (not yet available), Iceland, Ireland (not yet available), Italy. <https://www.coe.int/en/web/istanbul-convention/country-monitoring-work>

GREVIO (2022) Mid-term Horizontal Review of GREVIO baseline evaluation reports at <https://rm.coe.int/prems-010522-gbr-grevio-mid-term-horizontal-review-rev-february-2022/1680a58499>

EU (2020), *LGBTIQ Equality Strategy*, https://commission.europa.eu/document/5100c375-87e8-40e3-85b5-1adc5f556d6d_en

FRA (European Union Agency for Fundamental Rights)

FRA (2020), *A long way to go for LGBTI equality* – Technical Report, Luxembourg, Publications Office, at https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-lgbti-equality-technical-report_en.pdf

FRA (2020), LGBTI survey data explorer, at <https://fra.europa.eu/en/data-and-maps/2020/lgbti-survey-data-explorer>

FRA (2014), *Being Trans in the EU. Comparative analysis of EU LGBT survey data*, at https://fra.europa.eu/sites/default/files/fra-2014-being-trans-eu-comparative-0_en.pdf

FRA (2015), *Protection against discrimination on grounds of sexual orientation, gender identity and sex characteristics in the EU. Comparative legal analysis*, at https://fra.europa.eu/sites/default/files/fra_uploads/protection_against_discrimination_legal_update_2015.pdf

INED France (2020) *Violences intrafamiliales : les filles et les jeunes LGBT plus touchés*, https://juridique.defenseurdesdroits.fr/doc_num.php?explnum_id=19717

Institute for the equality of women and men Belgium (2017), *Being Transgender in Belgium*, https://igvm-iefh.belgium.be/sites/default/files/118_-_being_transgender_in_belgium.pdf

Ministerio de igualdad. Dirección general de diversidad sexual y derechos LGTBI. Gobierno de España (2022), *Estudio sobre las necesidades y demandas de las personas no binarias en España*, http://institucional.us.es/binasex/wp-content/uploads/2022/11/Estudio_no_binarios_accesibilidad.pdf

European Network of Legal experts in the field of gender equality and non-discrimination (2018), Directorate- General for Justice and Consumers, *Trans and intersex equality on Europe- a comparative analysis*, Report by Marjolein van den Brink and Peter Dunne.

Mahon,P., Graf,AL., Zimmermann,N. (2022) *Interdiction de discriminer et champ d'application de la Convention d'Istanbul. Avis de droit établi à la demande du Bureau fédéral de l'égalité entre femmes et hommes, Département fédéral de l'intérieur, Suisse.*

CIVIL SOCIETY ORGANISATIONS

Amnesty International Italy (2020), *Barometro dell'Odio. Sessismo da tastiera*, at <https://d21zrvtkxtd6ae.cloudfront.net/public/uploads/2020/03/15212126/Amnesty-Barometro-odio-aprile-2020.pdf> .

Deutschejuristennbund (2021), *Report of the German Women Lawyers Association (djb) on the Implementation of the Istanbul Convention in Germany*, report to GREVIO <https://rm.coe.int/report-on-german-women-lawyers-association/1680a14184>

Dublin Rape Crisis (2022), *Shadow report to GREVIO*, <https://rm.coe.int/dublin-rape-crisis-centre-grevio-shadow-report/1680a81394>

EL*C

EL*C (2023), *Making the Invisible Visible: an analysis of older lesbians lived experiences*, https://europeanlesbianconference.org/wp-content/uploads/2023/03/Making-the-Invisible-Visible-an-analysis-of-older-lesbians-lived-experiences_ELC-research.pdf

EL*C (2022), *A bitter pill to swallow. Gaps and discriminations in healthcare for lesbians*, at <https://europeanlesbianconference.org/a-bitter-pill-to-swallow-gaps-and-discriminations-in-healthcare-for-lesbians/>

EL*C and ILGA (2022), *Intersections. Diving into the FRA LGBTI II Survey Data*, at <https://www.ilga-europe.org/files/uploads/2022/09/FRA-Intersections-Report-2022-Lesbians.pdf>

EL*C (2021), *Resistance as a Way of Living*, at <https://europeanlesbianconference.org/wp-content/uploads/2021/06/Covid-Report-final-1.pdf>

EL*C (2021), *Lesbophobia, An intersectional form of violence*, at <https://europeanlesbianconference.org/wp-content/uploads/2021/10/Lesbophobia-3.pdf>

EL*C (2021), *The Hidden Factor: a Gender analysis of Lesbians' struggles*. EL*C submission to the call for input to the report of the UN Independent Expert on Sexual Orientation and Gender Identity on gender, sexual orientation and gender identity, at <https://europeanlesbianconference.org/wp-content/uploads/2021/03/ELC-submission-UN-IE-SOGI.pdf>

EL*C, ILGA-Europe, TGEU, Organisation Intersex International Europe (OII Europe), and European Gay & Lesbian Sport Federation (EGLSF) (2021), *Violence and discrimination against LBT women in sport*, at <https://europeanlesbianconference.org/wp-content/uploads/2021/08/20210810-violence-and-discrimination-against-LBT-women-in-sport-2.pdf>

EL*C (2018), *Monitoring of The Implementation of the Recommendation Cm/Rec (2010)5 of The Committee of Ministers To Member States on Measures to Combat Discrimination on Grounds of Sexual Orientation or Gender Identity*, at <https://europeanlesbianconference.org/wp-content/uploads/2019/01/European-Lesbian-Conference-IMPLEMENTATION-MONITORING-RECOMMENDATION-CMREC-20105-CoE-SOGI-UNIT.pdf>

Gay Help Line (2023), Publication of data on homotransphobia, https://www.ansa.it/sito/notizie/politica/2023/05/17/omofobia-gay-help-line-21mila-contatti_2d8d2089-5017-4398-ad1d-99d8686aba43.html

GIZ (Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH) (2022), *Brief, The influence of gender-based online violence on political and societal participation of women and girls*, at https://gender-works.giz.de/wp-content/uploads/2022/05/GIZ_2022_EN_Briefing-Paper_The-influence-of-GBOV-on-political-and-societal-participation-of-women-and-girls.pdf

HERA XX (undated), *Shadow report submitted to GREVIO for the report on Georgia*, <https://rm.coe.int/contribution-association-hera-xxi-georgia/1680a3b9df>

HUMAN RIGHTS WATCH

HRW (2023), *This is why we became activists. Violence Against Lesbian, Bisexual and Queer Women and Non-Binary People*, report by Erin Kilbride. https://www.hrw.org/sites/default/files/media_2023/02/global_lbq0223_web.pdf

HRW (2011) *Controlling bodies, denying identities- HR violations against trans people in The Netherlands*, <https://www.hrw.org/sites/default/files/reports/netherlands0911webwcover.pdf>

HRW and ILGA (1998) *PUBLIC SCANDALS: Sexual Orientation and Criminal Law in Romania*, A report by Human Rights Watch and the International Gay and Lesbian Human Rights Commission <https://www.hrw.org/legacy/reports97/romania/Romsex2.htm#1.%20SUMMARY%20AND>

ILGA

ILGA (2020) *State-sponsored Homophobia. A world survey of laws criminalising same-sex sexual acts between consenting adults*, at <https://ilga.org/state-sponsored-homophobia-report>

ILGA Europe (2022) *Non-binary gender registration models in Europe*, at <https://ilga-europe.org/files/uploads/2022/04/non-binary-gender-registration-models-europe.pdf>

ILGA Europe (2023) Annual review of the human rights situation of lesbian, gay, bisexual, trans and intersex people in Europe and central Asia, at <https://www.ilga-europe.org/report/annual-review-2022/>

National observatory on VAW (2022), *Shadow report to GREVIO*, <https://rm.coe.int/shadow-report-submitted-by-national-observatory-on-violence-against-wo/1680a9f524>

Intersex Greece (2022), *Shadow Report on "Violence against Intersex Women in Greece"*, submitted to GREVIO, <https://rm.coe.int/greece-2022-shadow-report-grevio-cbr/1680a675f7>

Intersex Ireland (2022), *Shadow Report on "Violence against Intersex Women in Ireland"*, submitted to GREVIO, <https://rm.coe.int/grevio-2022-shadow-report-intersex-ireland/1680a87427>

Ahlenback, V. (2022) *Ending Violence Against LGBTQI+ People: Global evidence and emerging insights into what works*, Policy Brief, Ending Violence Helpdesk, London UK, at

The Queer Women of the North Caucasus Project (2018), *Violence against Lesbians, Bisexuals and Transsexuals in the North Caucasus region of the Russian Federation*, at <https://www.nhc.no/content/uploads/2019/02/Violence-against-LBT-women-in-North-Caucasus.pdf>

Sarajevo Open Centre (2018), *Domestic Violence Experienced By Lgbt Persons: Analysis and Recommendations*, https://soc.ba/site/wp-content/uploads/2018/11/HRP-ENG-nasilje-nad-LGBTI-osobama_FINAL-web.pdf

FURTHER ACADEMIC RESEARCH

Arruzza C.; Bhattacharya T., Fraser N. (2019), *Manifiesto de un feminismo para el 99%* Barcelona: Herder.

Bakhtadze K. (2022), *Legal Gender Recognition in Georgia*. Policy Paper.

Barrère M. (2018), *Philosophies of anti-discrimination law. What law and what discrimination? A counter-hegemonic view of Anti-discrimination law*, in AFD, XXXIV, p. 11 ss.

Bayrakdar, S., Andrew K., (2023), 'LGBT discrimination, harassment and violence in Germany, Portugal and the UK: A quantitative comparative approach', in *Current Sociology* 2023, Vol. 71(1) 152–172. DOI: 10.1177/00113921211039271

Belavusau U. (2023), *Conversion Practices on LGBT+ People*. European Parliament.

Boulilla S. (2020), *Advancing liveable lives for lesbians in Europe. Intersectional challenges and future policymaking*, German Federal ministry for Family affairs, Senior citizens, Women and Youth (BMFSFJ).

Confortini C. (2006), Galtung, Violence, and Gender: The Case for a Peace Studies/Feminism Alliance, in *Peace and Change* 31 (3).

Crenshaw K. (1991), Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color, *Stan L Rev* 43, p. 1241 ss.

Davis, K. (2008) *Intersectionality as a buzzword: a sociology of science perspective on what makes a feminist theory successful*, in *Feminist Theory* 9.

De Vido S. and Frulli M. (eds), Preventing and Combating Violence against Women and Domestic Violence. A Commentary on the Istanbul Convention. Elgar.https://fra.europa.eu/sites/default/files/fra_uploads/protection_against_discrimination_legal_update_2015.pdf

De Vido S., Sosa L. (2021), Criminalisation of gender-based violence against women in European states, including ICT-facilitated violence. EELN, European Commission.

Fernandes, B. (2018), 'Queer Border Crossers: Pragmatic Complicities, Indiscretions and Subversions', in D. Otto, *Queering international law*, London: Routledge.

Gill V., Skelton T. (2003), Finding oneself, losing oneself: the lesbian and Gay 'scene' as a paradoxical space, in *International Journal of Urban and regional research*, 27:4, p. 849 ss.

Harding, S. (1991), *Whose Science? Whose Knowledge? Thinking from Women's Lives*, Ithaca, NY: Cornell University Press.

Harding, S. (1998), *Is Science Multicultural? Postcolonialisms, Feminisms, and Epistemologies*, Bloomington, IN: Indiana University Press.

Lopez Saez, M.A, RL Platero (2022), *Spanish youth at the crossroads of gender and sexuality during the Covid-19 pandemic*, in *European Journal of Women's Studies*, 29(1S).

Mestre i Mestre R. (2020), Exploring intersectionality: FGM/C at the Istanbul Convention, in Niemi J., Peroni L., Stoyanova V. (eds), *International Law and Violence against Women. Europe and the Istanbul Convention*. Routledge.

Mestre i Mestre R. (2022), Trans Justice Fights Trans Moral Panics, in *The age of Human Rights Journal* 18, p. 59 ss.

Mijatović D. (2023), Nothing to cure: putting an end to so-called “conversion therapies” for LGBTI people. Council of Europe.

Otto D. (2018), ‘Introduction: Embracing queer curiosity’, in D. Otto (ed.), *Queering international law*. Routledge.

Peroni L. (2016), Violence Against Migrant Women: The Istanbul Convention Through a Postcolonial Feminist Lens. *Feminist Legal Studies* 24 (1), pp. 49-67.

Peroni L. (2023). ‘Article 4’, in De Vido S., Frulli M. (eds), *Preventing and Combating Violence against Women and Domestic Violence, A Commentary on the Istanbul Convention*. Elgar.

Poirier Fanny, et al. (2018) ‘Non-binarité et transidentités à l’adolescence: une revue de la littérature’, *Neuropsychiatr Enfance Adolesc*, <https://doi.org/10.1016/j.neurenf.2018.08.004>https://fra.europa.eu/sites/default/files/fra_uploads/protection_against_discrimination_legal_update_2015.pdf

Rabe H., Ünsal N. (2016), Implementing Article 10 of the Council of Europe Convention on preventing and combating violence against women and domestic violence- establishing national co-ordinating bodies, Analytical report of common challenges and lessons learned from bodies set up under different international human rights treaties. Council of Europe, p. 30.

Rodriguez Ruiz B. (2022), What is at stake in the recognition of non-normative identities, in *The age of Human rights journal*, 18, pp. 39-58.

Rollè L., Giardina G., Caldarera A. M., Gerino E. and Brustia P. (2018) ‘When Intimate Partner Violence Meets Same Sex Couples: A Review of Same Sex Intimate Partner Violence’, *Front. Psychol.* 9:1506. doi: 10.3389/fpsyg.2018.01506

Schneider A. et al. (2019), *Gender Matters. Manual on addressing gender-based violence affecting young people*, second edition, CoE.

Scott J. (1986), Gender a useful category of historical analysis, in *The American Historical Review* 91 (5), p. 1053 ss.

Sosa L., Mestre i Mestre R. (2022), ‘Ensuring the non-discriminatory implementation of measures against women and domestic violence: article 4, paragraph 3, of the Istanbul Convention’, *Collection of papers on the Council of Europe Convention on preventing and combating violence against women and domestic violence*, Council of Europe.

Sosa L., Mestre i Mestre R. (2023), *The Istanbul Convention From An Intersectional Perspective*, in De Vido S., Frulli M. (eds), *Preventing and Combating Violence against Women and Domestic Violence*, cit.

Stojanovski, Kristefer, King E.J., Bondikjova V. and Antonio M. (2022), *Stigma shapes lesbian, gay, bisexual, transgender, and queer person's mental health and experiences with mental health services in North Macedonia*, *Global Public Health*, 17:6, 857-869, DOI: [10.1080/17441692.2021.1896767](https://doi.org/10.1080/17441692.2021.1896767)

Vázquez García R. (2022), Making sense of it. Why democracy and (feminism) needs to go beyond the binary, in *The Age of Human Rights Journal* 18, p. 5 ss.

Viaggiani, G. (ed) (2015) *Domestic and Dating violence Against LBT Women in the Eu*, ISBN: 978-88-909905-1-9 <http://sro.sussex.ac.uk/id/eprint/92082/1/Domestic%20and%20Dating%20Violence%20ENG%20copy.pdf>

Walby S. (2016), Ensuring data collection and research on violence against women and domestic violence: article 11 of the Istanbul Convention, A collection of papers on the Council of Europe Convention on preventing and combating violence against women and domestic violence, Council of Europe.

