

Implementation of the Istanbul Convention in Poland and Germany - scientific seminar and publication

Partners:

Jagiellonian University Krakow, Poland

Universität Potsdam – MenschenRechtsZentrum

Institute of Legal Sciences of the Polish Academy of Sciences - Poznan Centre for Human Rights, Poland

Scientific objectives

Adopted in 2011 in Istanbul, the Council of Europe Convention on preventing and combating violence against women and domestic violence (hereinafter: Istanbul Convention) is one of the newest human rights treaties. Poland acceded to the Istanbul Convention in 2015 and Germany, a few years later in 2018. Consequently, the Istanbul Convention is relatively new to the legal systems of Poland and Germany.

The vast majority of experts in the field of human rights and the prevention of violence against women and the protection of its victims agree that such a comprehensive convention is undoubtedly groundbreaking for the strengthening of international human rights protection, establishing an innovative so-called gold standard for combating violence against women, including domestic violence. At the same time, however, it is a human rights treaty that is seen as controversial and even dangerous in many states and has therefore received unprecedented attention from the political arena, the media and the public in those states. Among these countries (including Turkey, Bulgaria and the Czech Republic) there is also Poland, where the current authorities have even taken formal steps that may lead to a decision similar to the one taken in Turkey in 2021, i.e. denunciation of the Istanbul Convention. It seems, however, that the controversies in these states are not so much due to the convention's provisions as a combination of global trends, manifested in the form of extreme conservatism, populism and anti-democratic changes¹. The Istanbul Convention itself (and more broadly: the problem of gender equality) serves primarily as a "scapegoat" and is being used instrumentally in the political game².

The three circumstances mentioned above, i.e. 1) the complexity and innovativeness of the Istanbul Convention in terms of combating and counteracting violence against women and domestic violence, 2) the relatively short period of the Convention's implementation in both states, 3) the controversies connected with it, combined with its instrumental use in many states, justify the need for a factual academic discussion on its implementation and the impact it has had on the legal systems of interest to us (Polish and German). A comparative approach will allow us to broaden the perspective, get away from strictly national optics, and thus - we hope - present an objective picture of the situation.

To realize the above intentions, we plan to organize a 2-day scientific seminar, during which several papers will be presented on many detailed issues. The seminar will result in a scientific monograph, which we plan to publish in the fall of 2023.

¹ E. Korolczuk, A. Graff, *Gender as "Ebola from Brussels": The Anticolonial Frame and the Rise of Illiberal Populism*, Signs: Journal of Women in Culture and Society 2018, vol. 43, no. 4, pp. 797–821.

² See more: E. Kováts, M. Põim (red.), *Gender as symbolic glue: the position and role of conservative and far right parties in the anti-gender mobilizations in Europe*, FEPS in cooperation with the Friedrich-Ebert-Stiftung 2015.

Programme of the Seminar

Działyński Palace (Stary Rynek 78, Turquoise room), Poznań

23 March 2023: Introductory issues

Light lunch: 12.00-13.00

Session 1: 13.00 – 14.15

- 1) *From CEDAW to the Istanbul Convention - historical perspective and current developments –* prof. Beate Rudolf (Deutschen Instituts für Menschenrechte, Berlin)
- 2) *The role of the Istanbul Convention in combating violence against women and domestic violence - the perspective of a practitioner and GREVIO member –* Dr. Grzegorz Wrona (GREVIO member)

Discussant: prof. Andreas Zimmermann (Universität Potsdam)

Coffee break: 14.15 – 14.30

Session 2: 14.30 – 15.45

- 3) *Comparative analysis of parliamentary debates preceding the ratification of the Istanbul Convention in Poland and Germany -* Wiktor Gajos (Jagiellonian University Cracow)
- 4) *Comparative analysis of selected Polish and German press titles and published texts on the Istanbul Convention –* Dr. Aleksandra Matykiewicz (Jagiellonian University Cracow)

Discussant: prof. Mathias Möschel (Central European University)

Coffee break: 15.45 – 16.00

Session 3: 16.00 – 17.15

- 5) *Instrumentalization of international law - the example of Poland as a party to the Istanbul Convention –* prof. Brygida Kuźniak and Dr. Piotr Obacz (Jagiellonian University Cracow)
- 6) *Possible Poland's denunciation of the Istanbul Convention – lessons from the Turkish case? –* prof. Başak Çalı (Hertie School Berlin)

Discussant: prof. Norman Weiß (Universität Potsdam)

Coffee break: 17.15 – 17.30

Session 4: 17.30 – 18.45

- 7) *GREVIO's first evaluation report on Germany - conclusions, challenges, next steps –* prof. Ulrike Lembke (Humboldt-Universität zu Berlin)
- 8) *GREVIO's first evaluation report on Poland - conclusions, challenges, next steps –* Dr. Katarzyna Sękowska-Kozłowska (Poznań Center for Human Rights, Institute of Legal Sciences of the Polish Academy of Sciences), prof. Aleksandra Szczerba (The Jacob of Paradies University)

Discussant: prof. Anna Śledzińska-Simon (University of Wrocław)

Dinner (Dmuchawce Restaurant, Wenecjańska 2 – next to the hotel): 19.30

24 March 2023: Selected specific issues

Session 5: 9.00 – 10.15

- 9) *The state obligations under the Istanbul Convention with regard to the prevention of femicides and the specific problems in practice in the case of Germany* – Kaja Deller (Freie Universität Berlin and JUMEN e.V.), Navin Mienert (Universität Potsdam and JUMEN e.V.)

- 10) *Femicide in Poland and the Istanbul Convention* – Dr. Magdalena Grzyb (Jagiellonian University Cracow)

Discussant: prof. Dagmara Woźniakowska-Fajst (Institute of Legal Sciences of the Polish Academy of Sciences)

Coffee break: 10.15 – 10.30

Session 6: 10.30 – 11.45

- 11) *Who implements the Convention's obligations on gender-based asylum claims more (not)? Lessons learned from the GREVIO reports concerning Poland and Germany*
– Dr. Magdalena Póltorak (University of Silesia Katowice)

Discussant: Dr. Wojciech Burek (Jagiellonian University Cracow and Universität Potsdam)

- 12) *Mediation in cases of domestic violence – Polish perspective* – prof. Olga Sitarz (University of Silesia Katowice)

Discussant: Dr. Grzegorz Wrona (GREVIO member)

Coffee break: 11.45 – 12.00

Session 7: 12.00 – 13.15

- 13) *Rape in Polish law: law and practice from the perspective of the Istanbul Convention* – prof. Monika Płatek (University of Warsaw)

- 14) *Rape in German law: law and practice from the perspective of the Istanbul Convention* – Dr. Julia Geneuss (Universität Konstanz)

Discussant: prof. Boris Burghardt (Humboldt-Universität zu Berlin)

Closing remarks: 13.15

Lunch: 13.20