



ΕΦΗΜΕΡΙΔΑ ΤΗΣ ΚΥΒΕΡΝΗΣΕΩΣ ΤΗΣ ΕΛΛΗΝΙΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ

5 Απριλίου 2018

ΤΕΥΧΟΣ ΠΡΩΤΟ

Αρ. Φύλλου 62

ΝΟΜΟΣ ΥΠ' ΑΡΙΘΜ. 4531

I) Κύρωση της Σύμβασης του Συμβουλίου της Ευρώπης για την Πρόληψη και την Καταπολέμηση της Βίας κατά των γυναικών και της Ενδοοικογενειακής Βίας και προσαρμογή της ελληνικής νομοθεσίας, II) Ενσωμάτωση της 2005/214/ΔΕΥ απόφασης-πλαίσιο, όπως τροποποιήθηκε με την απόφαση-πλαίσιο 2009/299/ΔΕΥ, σχετικά με την εφαρμογή της αρχής της αμοιβαίας αναγνώρισης επί χρηματικών ποινών και III) Άλλες διατάξεις αρμοδιότητας Υπουργείου Δικαιοσύνης, Διαφάνειας και Ανθρωπίνων Δικαιωμάτων και λοιπές διατάξεις.

Ο ΠΡΟΕΔΡΟΣ ΤΗΣ ΕΛΛΗΝΙΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ

Εκδίδομε τον ακόλουθο νόμο που ψήφισε η Βουλή:

Ι. ΜΕΡΟΣ ΠΡΩΤΟ ΚΥΡΩΣΗ ΤΗΣ ΣΥΜΒΑΣΗΣ ΤΟΥ ΣΥΜΒΟΥΛΙΟΥ ΤΗΣ ΕΥΡΩΠΗΣ ΓΙΑ ΤΗΝ ΠΡΟΛΗΨΗ ΚΑΙ ΤΗΝ ΚΑΤΑΠΟΛΕΜΗΣΗ ΤΗΣ ΒΙΑΣ ΚΑΤΑ ΤΩΝ ΓΥΝΑΙΚΩΝ ΚΑΙ ΤΗΣ ΕΝΔΟΟΙΚΟΓΕΝΕΙΑΚΗΣ ΒΙΑΣ ΚΑΙ ΠΡΟΣΑΡΜΟΓΗ ΤΗΣ ΕΛΛΗΝΙΚΗΣ ΝΟΜΟΘΕΣΙΑΣ

Άρθρο 1

Κυρώνεται και έχει την ισχύ, που ορίζει το άρθρο 28 παρ. 1 του Συντάγματος, η Σύμβαση του Συμβουλίου της Ευρώπης για την Πρόληψη και την Καταπολέμηση της Βίας κατά των γυναικών και της Ενδοοικογενειακής Βίας, που υιοθετήθηκε από το Συμβούλιο Υπουργών του Συμβουλίου της Ευρώπης, στις 7 Απριλίου 2011, και υπογράφηκε στις 11 Μαΐου 2011 κατά την 121η συνεδρίαση του Συμβουλίου, στην Κωνσταντινούπολη, το κείμενο της οποίας σε πρωτότυπο στην αγγλική γλώσσα, στη γαλλική γλώσσα και σε μετάφραση στην ελληνική έχει ως εξής:

Council of Europe Convention on preventing and combating violence against women and domestic violence

Istanbul, 11.V.2011

Preamble

The member States of the Council of Europe and the other signatories hereto,
Recalling the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, 1950) and its Protocols, the European Social Charter (ETS No. 35, 1961, revised in 1996, ETS No. 163), the Council of Europe Convention on Action against Trafficking in Human

Beings (CETS No. 197, 2005) and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201, 2007);

Recalling the following recommendations of the Committee of Ministers to member States of the Council of Europe: Recommendation Rec(2002)5 on the protection of women against violence, Recommendation CM/Rec(2007)17 on gender equality standards and mechanisms, Recommendation CM/Rec(2010)10 on the role of women and men in conflict prevention and resolution and in peace building, and other relevant recommendations;

Taking account of the growing body of case law of the European Court of Human Rights which sets important standards in the field of violence against women;

Having regard to the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the United Nations Convention on the Elimination of All Forms of Discrimination Against Women ("CEDAW", 1979) and its Optional Protocol (1999) as well as General Recommendation No. 19 of the CEDAW Committee on violence against women, the United Nations Convention on the Rights of the Child (1989) and its Optional Protocols (2000) and the United Nations Convention on the Rights of Persons with Disabilities (2006);

Having regard to the Rome Statute of the International Criminal Court (2002);

Recalling the basic principles of international humanitarian law, and especially the Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War (1949) and the Additional Protocols I and II (1977) thereto;

Condemning all forms of violence against women and domestic violence;

Recognising that the realisation of *de jure* and *de facto* equality between women and men is a key element in the prevention of violence against women;

Recognising that violence against women is a manifestation of historically unequal power relations between women and men, which have led to domination over, and discrimination against, women by men and to the prevention of the full advancement of women;

Recognising the structural nature of violence against women as gender-based violence, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men;

Recognising, with grave concern, that women and girls are often exposed to serious forms of violence such as domestic violence, sexual harassment, rape, forced marriage, crimes committed in the name of so-called "honour" and genital mutilation, which constitute a serious violation of the human rights of women and girls and a major obstacle to the achievement of equality between women and men;

Recognising the ongoing human rights violations during armed conflicts that affect the civilian population, especially women in the form of widespread or systematic rape and sexual violence and the potential for increased gender-based violence both during and after conflicts;

Recognising that women and girls are exposed to a higher risk of gender-based violence than men;

Recognising that domestic violence affects women disproportionately, and that men may also be victims of domestic violence;

Recognising that children are victims of domestic violence, including as witnesses of violence in the family;

Aspiring to create a Europe free from violence against women and domestic violence,

Have agreed as follows:

Chapter I – Purposes, definitions, equality and non-discrimination, general obligations

Article 1 – Purposes of the Convention

1 The purposes of this Convention are to:

- a protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence;
- b contribute to the elimination of all forms of discrimination against women and promote substantive equality between women and men, including by empowering women;
- c design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence;
- d promote international co-operation with a view to eliminating violence against women and domestic violence;
- e provide support and assistance to organisations and law enforcement agencies to effectively co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence.

2 In order to ensure effective implementation of its provisions by the Parties, this Convention establishes a specific monitoring mechanism.

Article 2 – Scope of the Convention

1 This Convention shall apply to all forms of violence against women, including domestic violence, which affects women disproportionately.

2 Parties are encouraged to apply this Convention to all victims of domestic violence. Parties shall pay particular attention to women victims of gender-based violence in implementing the provisions of this Convention.

3 This Convention shall apply in times of peace and in situations of armed conflict.

Article 3 – Definitions

For the purpose of this Convention:

a “violence against women” is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life;

b “domestic violence” shall mean 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;

c “gender” shall mean the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men;

d “gender-based violence against women” shall mean violence that is directed against a woman because she is a woman or that affects women disproportionately;

e “victim” shall mean any natural person who is subject to the conduct specified in points a and b;

f “women” includes girls under the age of 18.

Article 4 – Fundamental rights, equality and non-discrimination

1 Parties shall take the necessary legislative and other measures to promote and protect the right for everyone, particularly women, to live free from violence in both the public and the private sphere.

2 Parties condemn all forms of discrimination against women and take, without delay, the necessary legislative and other measures to prevent it, in particular by:

–embodying in their national constitutions or other appropriate legislation the principle of equality between women and men and ensuring the practical realisation of this principle;

–prohibiting discrimination against women, including through the use of sanctions, where appropriate;

–abolishing laws and practices which discriminate against women.

3 The implementation of the provisions of this Convention by the Parties, in particular measures to protect the rights of victims, shall be secured without discrimination on any ground such as sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual