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MIGRANT WOMEN VICTIMS OF DOMESTIC VIOLENCE: THE “GENDER-SENSITIVE” INTERPRETATION OF NATIONAL JUDGES IN ACCORDANCE WITH THE ISTANBUL CONVENTION

In relation to migrant women victims of domestic violence, this article is focuses on the “gender-sensitive” interpretation of national judges in accordance with Convention on preventing and combating violence against women and domestic violence of 11 May 2011 (Istanbul Convention). At this regard its article 60 (2) provides that Parties shall ensure that a gender-sensitive interpretation is given to each of the Convention relating to the Status of Refugees grounds and that where it is established that the persecution feared is for one or more of these grounds, applicants shall be granted refugee status according to the applicable relevant instruments. In this way the Istanbul Convention, as a hard law instrument, has the advantage of providing a renewed interpretation of the notion of “refugee” and “acts of persecution” pursuant to art. 1 of the Convention relating to the Status of Refugees of 28 July 1951 (Geneva Convention), such as demonstrated by some national jurisprudential cases.