

# 4th GENERAL REPORT ON GREVIO'S ACTIVITIES



**GREVIO**  
Group of Experts on  
Action against Violence  
against Women and  
Domestic Violence

covering the period from  
**January to December 2022**

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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## **Foreword by Iris Luarasi, President of GREVIO (June 2021- May 2023)**

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This 4th General Report of the activities of the Group of Experts on Action against Violence and Domestic Violence (GREVIO), which I have had the pleasure to chair since June 2021, provides a detailed overview of our work in 2022; a year of intense activity and many achievements. Strong and unconditional support for women's empowerment and rights is still needed to sustain progress in implementing the Istanbul Convention and countering backlash or misinformation about its goals, which is to protect all women and girls from gender-based violence.

On the very positive side, there was major progress in terms of ratifications, as three additional states parties, namely the Republic of Moldova, Ukraine and the United Kingdom, joined the convention in 2022, demonstrating their commitment to better protect women from gender-based violence by upholding their conventional obligations. We had the highest number of new ratifications, per year, since 2018, bringing the total number of states parties to 37. The Declaration on the Prevention of Domestic Violence, Sexual and Gender-based Violence (Dublin Declaration) signed by 38 Ministers in September 2022, in the framework of the Irish Presidency of the Committee of Ministers of the Council of Europe, also called on more states to ratify

the Istanbul Convention and outlined various measures to promote gender equality, with the aim of preventing violence against women, in line with the convention.

The added value of GREVIO's monitoring mechanism and expertise has continued to gain significant recognition over the years, as it contributes to supporting and guiding parties to improve the compliance of their legal and policy frameworks to combat violence against women with the provisions of the Istanbul Convention. GREVIO's baseline evaluation procedure and its process of constructive dialogue with national governments and civil society moved forward in 2022 with the publication of nine new reports covering Romania, Germany, Bosnia and Herzegovina, Iceland, Switzerland, Estonia, Georgia, Cyprus and Norway, which received extensive media coverage.

The focus section included in this report (Chapter VI) addresses legal and policy changes on the criminalisation and prosecution of sexual violence, including women's access to justice and specialised support services. Various states parties have moved, or are moving away, from a legal definition of sexual violence requiring the use of force or coercion by the perpetrators, in order to criminalise all non-consensual sexual acts, in accordance with Article 36 of the convention. Furthermore, the baseline evaluation procedure has brought to light promising practices in the investigation and prosecution of sexual violence to decrease attrition rates and promote a gender-sensitive and victim-centred criminal justice response. It also highlighted the essential role of rape crisis and sexual violence referral centres in supporting women victims, not only in their access to criminal justice but also their access to trauma-informed medical, psychological and legal support. The focus section also uncovers gaps in the legal framework regarding rape in several states parties, which is still based on force, as well as the need for states parties to pursue efforts to ensure effective access to justice for all women victims in practice.

As the baseline evaluation procedure neared completion, the year 2022 was also marked by key advances in the drawing up of GREVIO's approach to its next round of thematic evaluation. Guided by the provisions of the Istanbul Convention, we embarked on substantive exchanges, including at an ad hoc meeting dedicated to drafting a questionnaire for the first thematic round of evaluation. In October 2022, this discussion process culminated in GREVIO's adoption of its new questionnaire, "Building trust by delivering support, protection and justice". The new evaluation round has been launched for 2023 and I look forward to seeing its results and GREVIO's future work.

Beyond its monitoring work, GREVIO has also played a crucial role in enabling international synergies for advancing women's right to live free from violence. Internationally, GREVIO co-operates with the United Nations and other regional independent expert mechanisms on women's rights, through the Platform of Independent Expert Mechanisms on Discrimination and Violence against Women (EDVAW). In February 2022, I took over the presidency of the EDVAW Platform for a one-year mandate focused on the digital dimension of violence against women. My presidency was marked by the holding of high-level conferences, including a side event at the 66th session of the Commission on the Status of Women and the launch of the EDVAW Platform's first thematic paper on the digital dimension of violence against women.

On a separate note, there was also a continuation of the process of cross-fertilisation between GREVIO and the European Court of Human Rights in 2022. Several judgments of the European Court of Human Rights on violence against women referred to GREVIO's findings and the Court's jurisprudence remains an important source for GREVIO's work. In 2022, GREVIO also maintained strong dialogue with other international organisations and Council of Europe bodies, demonstrating the wide recognition of its expertise in the European and global arena.

As part of an advisory and/or representative role, GREVIO and its Secretariat have promoted the implementation of the Istanbul Convention. As part of the project "Ending violence against women: multi-country programme" (2022-2025), the first meeting of national co-ordinating bodies set up pursuant to Article 10 of the convention was held in Helsinki, in November 2022, allowing state officials from 21 states parties to learn about ways to ensure multi-agency policy co-operation in preventing and combating violence against women. The Secretariat to the Istanbul Convention also organised a first follow-up round table in Albania, in November 2022, aimed at promoting national dialogue on the progress and challenges in addressing GREVIO's findings.

Finally, as part of the project "Reinforcing the fight against violence against women and domestic violence – Phase III" (2021-2023), an assessment was carried out to evaluate the alignment of measures in Kosovo\* with the standards of Istanbul Convention, using GREVIO's methodology, which culminated in the publication of an assessment report. Furthermore, GREVIO's publications and participation in events have contributed to sustaining dialogue on tangible ways to implement the Istanbul Convention, including combating the digital dimension of violence against women, preventing violence against women and girls through formal and informal education, and ensuring that all women victims of violence, including those at risk of intersectional discrimination, are equally protected and supported.

Changes in GREVIO's composition also occurred during the period under review, as the mandate of five GREVIO members ended on 31 August 2022. Consequently, the Committee of the Parties elected four new members and re-elected one former member, in June 2022, for a four-year mandate.

This is my last foreword in a general report on GREVIO's activities, as my mandate as GREVIO member and president is due to expire at the end of May 2023. It has been an immense privilege to belong to this Group of Experts for eight years, and to chair it for the last two. I take away with me the numerous discussions, evaluations, events and exchanges in which I participated over the years, building with my fellow GREVIO members the body of evaluation work that GREVIO proudly represents now. I would like to warmly thank all GREVIO members for their outstanding contribution to our collective evaluation work.

In 2022, GREVIO's monitoring work, knowledge exchange and participation in international and national events paved the way for critical advancements in the right of

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\* All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.



women to be safe and empowered. Through the promotion of a gender-sensitive, human rights-based and intersectional approach to ending violence against women, GREVIO's findings have been crucial to inspiring tangible legal and policy changes, while gathering support from international organisations, national authorities and civil society across Europe and beyond. In a context of persistent obstacles – including the backlash against women's rights, the continuous aggression of the Russian Federation against Ukraine, political and environmental concerns forcing many to leave their countries and migrate, the lasting effects of the Covid-19 pandemic, and economic downturn – efficient measures to prevent and combat violence against women, in line with the Istanbul Convention and GREVIO's guidance, need to be a priority to make a reality the right of every woman and girl to live a life free from violence.



## Activities

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### Introduction

GREVIO, the Group of Experts on Action against Violence against Women and Domestic Violence, is the independent body set up under Article 66 of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention; CETS No. 210) that is responsible for the monitoring of that convention. GREVIO is composed of 15 independent and impartial experts of high moral character with expertise in the field of violence against women. Their term of office is four years, renewable once. At the European level, GREVIO is currently the only independent panel of experts monitoring the implementation of binding international legal provisions in the area of violence against women.

GREVIO launched its first (baseline) evaluation procedure in spring 2016, after adopting a questionnaire on legislative and other measures giving effect to the Istanbul Convention in its entirety. Working on a country-by-country basis, GREVIO carries out a first (baseline) evaluation of each country that has ratified the convention. GREVIO initiates this procedure by addressing a questionnaire to the state party concerned, inviting the authorities to respond by way of a comprehensive report in which all the relevant issues raised by the questionnaire should be addressed. GREVIO also collects additional information from various other sources, including non-governmental organisations (NGOs), other members of civil society, national human rights institutions, Council of Europe bodies (Parliamentary Assembly, Human Rights Commissioner and other pertinent bodies) and other international treaty bodies. After analysing the state report, GREVIO carries out an evaluation visit to the state party concerned and subsequently draws up its draft evaluation report. The draft report is discussed in a meeting and, following its approval by GREVIO, it is sent to the relevant national authorities for comments. Following the receipt and consideration

of these comments, GREVIO draws up and adopts a final report. GREVIO's baseline evaluation report is made public on the Istanbul Convention website, together with any final comments received from the state party concerned. The Committee of the Parties, which is the other tier of the monitoring process, composed of the representatives of the parties to the convention, subsequently receives GREVIO's reports and may adopt, on the basis of GREVIO's conclusions, recommendations addressed to each of the Parties (for a workflow of the monitoring mechanism of the convention, see Appendix 6).

## **GREVIO meetings**

In the course of the reporting period, GREVIO held a total of three meetings, lasting either four or five days. Due to the limitations linked to the Covid-19 pandemic, the first GREVIO meeting in 2022 (being the 26th consecutive meeting since the founding of GREVIO) was held in March and took place in a hybrid format, with most GREVIO members participating in person at the headquarters of the Council of Europe in Strasbourg, France (four members joined the meeting virtually). The two subsequent meetings, which took place in June and October of 2022 (the 27th and 28th meetings, respectively), were held in person at the seat of the Council of Europe in Strasbourg, France.

During these meetings, GREVIO considered and adopted its baseline evaluation reports in respect of Bosnia and Herzegovina, Cyprus, Estonia, Georgia, Germany, Iceland, Norway, Romania and Switzerland. Moreover, at its 26th meeting in March 2022, GREVIO adopted the 3rd General Report on its activities, covering the work undertaken between January and December of 2021.

In addition, GREVIO held several discussions in 2022 to define the scope of its second evaluation round, following on from the baseline evaluation procedure. Guided by the standards of the Istanbul Convention, GREVIO embarked on exchanges on the convention's provisions to select, proposing various approaches and emphasising the need to ensure that the four pillars of the convention be covered, while being selective in its approach. The need for careful reflection emerged clearly from the discussion at its 26th meeting, in March 2022. It was therefore decided to hold an ad hoc meeting on 12 April to allow GREVIO to reflect in more detail on the provisions to be included in the next questionnaire as well as on the possible theme uniting them all. After further rounds of discussion, at its 28th meeting in October, GREVIO adopted its new questionnaire – "Building trust by delivering support, protection and justice" – to be used for the first thematic round of evaluation and decided to launch this new evaluation round in the same order of states parties as had been done for the baseline evaluation round. The new questionnaire was adopted in accordance with Article 68, paragraph 3, of the Istanbul Convention and Article 30 of the Rules of Procedure of GREVIO, which mandate GREVIO, following the completion of its baseline evaluation procedure on the full spectrum of provisions of the convention by each state party, to carry out subsequent evaluation procedures divided into rounds.

During its meetings GREVIO held several thematic discussions. At the 26th meeting in March, GREVIO member Vladimer Mkervalishvili gave a presentation on the topic of violence against women in the media context, which was followed by a discussion

focusing on the importance of ensuring adequate media reporting of domestic violence, rape and other forms of violence against women in all states parties. The discussion centred on issues such as the role of the media in reporting violence against women, the importance of the manner in which the victim is portrayed in the media and media practices that could be used to better shape the discourse about violence against women.

At the same meeting, GREVIO members discussed the various approaches to the term “gender” and its meaning in the context of efforts to prevent and combat violence against women, as set out in the Istanbul Convention. The group took note of false narratives about the requirements of the Istanbul Convention on states parties. GREVIO reiterated the need to continue to join forces to better protect women and girls from gender-based violence, by ensuring that the standards of the Istanbul Convention apply to all women and girls, irrespective of their sexual orientation or gender identity.

## **Evaluation visits and procedures**

During the period under review, GREVIO carried out baseline evaluation visits to seven states parties, Croatia, Cyprus, Estonia, Iceland, Luxembourg, North Macedonia and Switzerland. The duration of each of the visits was five days, except for the visit to Luxembourg, which lasted four days. GREVIO also initiated the first baseline evaluation procedures in relation to Greece, Ireland, Liechtenstein, Ukraine and the United Kingdom. The visits in respect of the first three states parties are scheduled to take place in 2023, and the latter two in 2024. In addition, a state report and reports and information submitted by civil society organisations were received in respect of Greece, ahead of the visit initially scheduled for late 2022 but then postponed to early 2023. GREVIO’s baseline evaluation procedure is organised on the basis of a provisional timetable covering the period from 2016 to 2024 (see Appendix 2), which has been amended to adapt to specific circumstances, including the constraints resulting from the Covid-19 pandemic, and to include new states parties joining the Istanbul Convention.

Despite the relaxation of restrictions related to the Covid-19 pandemic during the period under review, some limitations remained in place, which continued to hinder direct exchanges with stakeholders on the ground. GREVIO nevertheless managed to carry out its on-site evaluation visits, which are vital for accurately comprehending the legal and policy framework on violence against women and domestic violence and its implementation in practice. GREVIO’s evaluation visits were essential for providing direct insight into the efforts, approaches and measures to prevent and combat violence against women in the states parties under review. Through its meetings with state and civil society actors, GREVIO could assess the situation on the ground, including visits to support services for women victims of violence, such as domestic violence shelters, counselling services and reception centres for asylum seekers.

## HUDOC-GREVIO database

### HUDOC GREVIO

Group of Experts on Action against Violence  
against Women and Domestic Violence

Following the success of the HUDOC database of the European Court of Human Rights, the HUDOC-GREVIO database was launched in March 2020 and was

regularly updated during the period under review in order to enable public users to search through the documents published by GREVIO. Users can apply various filters, including by articles, keywords (forms of violence, target groups, etc.) and types of GREVIO proposals to states parties, and retrieve the relevant information. The following types of documents are available in the HUDOC-GREVIO database, in English and French:

- ▶ GREVIO baseline evaluation reports, and related final government comments;
- ▶ Recommendations issued by the Committee of the Parties;
- ▶ GREVIO activity reports;
- ▶ GREVIO general recommendation.

The database continues to be widely used as a public source for all documents published by GREVIO.



## Membership and Bureau

**G**REVIO's mandate and composition requirements are set out in Article 66, paragraphs 1 and 2, of the Istanbul Convention and further expanded on in Resolution CM/Res(2014)43 of the Committee of Ministers on rules on the election procedure of the members of the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO). Article 66 provides that GREVIO shall have between 10 and 15 members, depending on the number of parties to the convention, and that it shall take into account a gender and geographical balance, as well as multidisciplinary expertise in the area of human rights, gender equality, violence against women and domestic violence, or in the assistance to and protection of victims. GREVIO members should therefore be nationals of states parties to the convention, be nominated by them and elected by the Committee of the Parties for a four-year term, renewable once.

The first 10 GREVIO members were elected on 4 May 2015, for a term of four years. The ratification of the Istanbul Convention by Germany on 12 October 2017 brought the total number of ratifications to 25, triggering the procedure to fill the remaining five seats on GREVIO. The Committee of the Parties subsequently elected, at its fifth meeting on 24 May 2018, five additional members, with a mandate of four years starting on 1 September 2018. Since the mandate of these five GREVIO members ended on 31 August 2022, the Committee of the Parties proceeded with an election at its 12th meeting, on 8 June 2022. Following this election, the committee elected the following 5 experts to serve as GREVIO members, as from 1 September 2022, for a four-year

term: Päivi Hirvela (Finland), Aleid van den Brink (Netherlands), Ellen O'Malley-Dunlop (Ireland), Laura Albu (Romania) and Grzegorz Wrona (Poland). While Aleid van den Brink was re-elected for a second mandate, four other GREVIO members – Rachel Eapen Paul (Norway), Sabine Kräuter-Stockton (Germany), Vladimer Mkervalishvili (Georgia) and Per Arne Håkansson (Sweden) – ended their mandate in August 2022.

The composition of the bureau of GREVIO did not undergo any changes during the period under review. Iris Luarasi continued to serve as President, Simona Lanzoni as First Vice-President and Maria-Andriani Kostopoulou as Second Vice-President, following their election for a two-year mandate at GREVIO's 24th meeting on 24 June 2021.





## Signatures and ratifications of the convention

### Signatures and developments regarding the application of the Istanbul Convention

As of 31 December 2022, there were a total of 37 ratifications of the Istanbul Convention (37 states parties) and seven signatures not followed by ratification. The year 2022 was particularly prolific, as it was marked by three new ratifications of the convention, by the Republic of Moldova (ratification on 31 January 2022, the convention entering into force on 1 May 2022), Ukraine (ratification on 18 July 2022, the convention entering into force on 1 November 2022) and the United Kingdom (ratification on 21 July 2022, the convention entering into force on 1 November 2022). In addition, the significance of the ratification of the convention by the Ukrainian Parliament is to be noted, in the context of the particular challenges linked to the aggression by the Russian Federation against Ukraine since February 2022. The baseline evaluation procedures concerning these three new states parties are under way.

In addition to welcoming three new states parties, there have also been a number of positive developments in 2022, both in Council of Europe member states and beyond.

Following the judgment of Latvia's Constitutional Court on 4 June 2021, reaffirming that the provisions of the Istanbul Convention are in line with the Latvian Constitution, in October 2022 the Latvian Prime Minister Krišjānis Kariņš issued a statement in support of Latvia's ratification of the Istanbul Convention. Characterising it as a widely accepted international convention, the prime minister's statement is another



encouraging sign of the willingness of Latvia to work on the consolidation of the necessary domestic support to secure ratification of the convention.

As regards non-members of the Council of Europe, in the period under review there has been progress in the process of accession to the Istanbul Convention by Kazakhstan. Being one of the three non-member states invited to accede to the Istanbul Convention by the Committee of Ministers of the Council of Europe (together with Israel and Tunisia), Kazakhstan expressed interest in ratifying the Istanbul Convention, exemplified by its participation in two of the meetings of the Committee of the Parties to the Istanbul Convention in the period under review (in June and December 2022).

## Challenges for the Istanbul Convention

During the period under review, GREVIO remained an exceptionally authoritative voice in the area of preventing and combating violence against women and domestic violence. This was reinforced by the fact that its findings have been mirrored by a number of other international bodies, including in an increasing number of judgments of the European Court of Human Rights (see Chapter VIII, section 4). GREVIO's baseline evaluation reports continue to receive wide national and international press coverage and have been the object of ever-increasing interest by academics. Despite GREVIO maintaining its strong reputation as a body providing expertise in a specialised field of human rights, challenges to its work and the principles that it stands for have continued in the period under examination.

As discussed extensively<sup>1</sup> in the 3rd General Report on GREVIO's activities, Türkiye's withdrawal from the Istanbul Convention, effective on 1 July 2021, represented an unprecedented setback to women's right to live free from gender-based violence, as guaranteed by the convention. Nevertheless, on a positive note, the convention has continued to gather broad international support. For instance, the crucial added value of the Istanbul Convention was recognised in the Declaration on the Prevention of Domestic Violence, Sexual and Gender-based Violence (the Dublin Declaration) adopted during the Irish Presidency of the Committee of Ministers of the Council of Europe, on the occasion of the Ministerial Conference "No safe haven: integrated prevention measures to end domestic, sexual and gender-based violence", held on 29 and 30 September 2022. Ministers of 38 Council of Europe member states invited states that have not yet done so to sign and ratify the Istanbul Convention, and to "reinforce efforts to implement existing international legal standards in the area of gender equality and violence against women".

Despite the increasing support for the Istanbul Convention, opposition to the principles and values protected by the Istanbul Convention remains, both among some Council of Europe member states and beyond. Much of this opposition is based on false or deliberate misinterpretations of the provisions of the Istanbul Convention, as well as the social implications of its provisions. During the reporting period, work continued to reinforce the message about the values of the convention and clear

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1. 3rd General Report on GREVIO's activities, covering the period from January to December 2021, pages 20-21.

up any misconceptions, especially those surrounding the notion of “gender” and the implications of the convention in this respect at the national level (for more details on the events that took place during the period under review, see Chapter V, section 3). As an illustration, on 14 September 2022, Johanna Nelles, Executive Secretary to the Istanbul Convention, took part in an online event to launch a new methodology and toolkit to support civil society organisations (CSOs) in raising awareness about the Istanbul Convention.<sup>2</sup> The methodology and toolkit provide a strategy for communication and advocacy campaigns based on a gender-sensitive and victim-centred approach, to be implemented by local CSOs, especially in countries that have faced a backlash against women’s rights and in particular against the Istanbul Convention. The main purpose of these advocacy tools is to promote the principles and added value of the Istanbul Convention, including by dispelling misinformation regarding its provisions.

Another set of challenges that continued from the previous period under review are the consequences and restrictions linked to the Covid-19 pandemic. As per the previous reporting period, in 2022 the pandemic shed light on pre-existing gaps already identified by GREVIO in the area of specialist services for women victims of violence, including women at risk of intersectional discrimination, such as migrant women or women in prostitution, magnifying them and giving rise to new shortcomings that may not have been sufficiently addressed previously.<sup>3</sup>

## Reservations

The possibility for states parties to enter reservations to the convention is strictly regulated in Article 78. To promote uniformity in states parties’ implementation of their obligations, the convention encourages them to withdraw and/or review their reservations. Besides foreseeing the possibility for states parties to withdraw their reservations at any time by a declaration addressed to the Secretary General of the Council of Europe (Article 78, paragraph 4), Article 79 subjects reservations to a limited period of validity (five years from the entry into force of the convention in respect of the party concerned) and to a system of compulsory renewal (Article 79, paragraphs 1 and 2). Moreover, the convention provides that any state party that makes a reservation is under the duty to provide GREVIO with an explanation on the grounds justifying its continuance, before its renewal or upon request (Article 79, paragraph 3). At its 19th meeting, GREVIO decided that it would review the information provided by parties on the reasons for upholding their reservation and assess the situation in the area covered by the reserved article/provision in the context of the country assessment. If after such a review, GREVIO identifies an inadequate response to violence against women in terms of a significant lack of protection,

2. The methodology and toolkit for civil society organisations to run communication/advocacy campaigns to promote the values, aims and main provisions of the Council of Europe Convention on preventing and combating violence against women and domestic violence are available at [www.coe.int/en/web/genderequality](http://www.coe.int/en/web/genderequality).
3. See GREVIO’s baseline evaluation reports on Bosnia and Herzegovina (paragraph 133), Cyprus (paragraph 122), Estonia (paragraph 36), Germany (paragraph 357), Norway (paragraphs 19 and 126) and Switzerland (paragraphs 135 and 155).

prevention or prosecution linked to the reservation, GREVIO may invite the party under evaluation to consider withdrawing the reservation.

A number of countries have entered reservations to the Istanbul Convention, some of which were subsequently extended beyond the initial five-year period of validity, while others were not. Some reservations refer to specific articles of the convention, while others refer to issues of jurisdiction and restrictions as regards the territorial application of the convention. For example, in Denmark, upon entry into force of the convention on 1 August 2014, this state party excluded the application of the convention in Greenland and the Faroe Islands. On 30 April 2019, the validity of this reservation was extended for a subsequent five-year period. On the other hand, upon ratification of the convention on 12 October 2017, Germany informed the Secretary General of the Council of Europe that they reserved the right not to apply Article 59, paragraphs 2 and 3, of the convention (as regards the obligation to suspend expulsions of victims and grant them a residence permit under certain conditions). Three months prior to the expiry of the five-year period of validity on 1 February 2023, Germany informed the Secretary General that it did not intend to extend the application of this reservation.



# Communication

## Publications

### GREVIO baseline evaluation reports



In accordance with Article 68, paragraph 11, of the Istanbul Convention, GREVIO reports and conclusions are made public as from their adoption, together with any comments made by the party concerned. Nine GREVIO baseline evaluation reports were published during the reporting period, in respect of Romania, Germany, Bosnia and Herzegovina, Iceland, Switzerland, Estonia, Georgia, Cyprus and Norway (in order of publication), and are available on the Istanbul Convention's website, together with the comments of the respective national authorities. A press release is also issued when a report is published. On this occasion, interviews may be given by GREVIO members

and the Secretariat, in order to provide information on the report and the evaluation procedure.

Following their publication, GREVIO baseline evaluation reports have received a high level of media attention, increasing the visibility of its findings. The report on Germany, especially, received both national and international news coverage (including in *Der Spiegel*, *Die Zeit*, *Süddeutsche Zeitung* and *RFI Europe*).<sup>4</sup> The media underlined progress in the area of criminal law, including GREVIO's praise for the introduction of a consent-based definition of sexual violence and the criminalisation of technology-facilitated abuse. However, media also reported GREVIO's concerns regarding the lack of support services and shelters in Germany, as well as the absence of a national action plan addressing all forms of violence against women. The German news website *Der Spiegel* published an interview with Johanna Nelles, Executive Secretary to the Istanbul Convention, highlighting the geographical disparities in the level of protection provided to women victims of gender-based violence across Germany, despite promising practices in individual federal states and municipalities.<sup>5</sup> Other

4. A compilation of the media coverage on GREVIO's baseline report on Germany is available at [www.coe.int/en/web/istanbul-convention/germany](http://www.coe.int/en/web/istanbul-convention/germany).

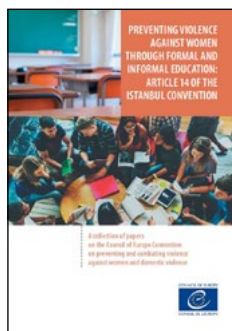
5. See *Der Spiegel*, "Für Frauen endet das im schlimmsten Fall mit dem Tod", 22 October 2022, available at [www.spiegel.de/politik/deutschland/bericht-des-europarats-zu-gewaltschutz-fuer-frauen-endet-das-im-schlimmsten-fall-mit-dem-tod-a-33b9b2e8-82e8-4ece-80c3-4ca171b25111](http://www.spiegel.de/politik/deutschland/bericht-des-europarats-zu-gewaltschutz-fuer-frauen-endet-das-im-schlimmsten-fall-mit-dem-tod-a-33b9b2e8-82e8-4ece-80c3-4ca171b25111).

GREVIO baseline evaluation reports were also widely covered by national media. For instance, the Norwegian Broadcasting Corporation (NRK), one of the main media outlets in Norway, underlined the deficiencies identified by GREVIO in the inadequate provision of specialist support services for victims of all forms of violence against women, particularly women at risk of intersectional discrimination, including Sami women, women with addiction problems and women with disabilities.<sup>6</sup> National and regional media outlets in Bosnia and Herzegovina (such as *Balkan Insight*, the Federal News Agency (FENA) and *N1 Info*), Iceland (mbl.is), Cyprus (Kathimerini, O Phileleftheros) and Switzerland (swissinfo.ch) also reported on the publication of GREVIO baseline evaluation reports and their content, which contributed to increasing the national awareness of GREVIO's findings.

### 3rd General Report on GREVIO's activities

GREVIO published its 3rd General Report on 14 June 2022, covering its monitoring work from January to December 2021, including the adoption and publication of three GREVIO baseline evaluation reports (Poland, San Marino and Slovenia). That report built upon GREVIO's 1st and 2nd General Reports, which addressed GREVIO's activities, composition and communications and its co-operation with other Council of Europe bodies and institutions and external stakeholders, the latter including organisations such as the United Nations and the European Union, as well as with NGOs and civil society. The 3rd General Report included a new theme in its focus section: the linkages between domestic violence and child custody and visitation arrangements (Articles 26, 31 and 45 of the Istanbul Convention), exposing the difficult reality of post-separation abuse and how decisions on child contact with the abusive parent can impact on the safety of children as well as of women who have left abusive relationships. After underlining gaps and promising practices in this regard, the focus section built on the added value of GREVIO's monitoring work, ending with a list of 12 intersecting actions identified throughout GREVIO's baseline evaluations, and that need to be applied to make progress on improving the situation for victims of domestic violence in relation to child custody and visitation rights.

### Collection of papers: studies on Articles 14 and Article 4, paragraph 3



In March 2022, two new publications were launched as part of the “collection of papers”, a series of studies aimed at providing in-depth analyses of individual articles of the Istanbul Convention and offering tailored guidance on how to implement those provisions.

The first publication focused on the role of formal and informal education in preventing violence against women and domestic violence, offering guidance on the implementation of Article 14 of the Istanbul Convention. This provision requires states parties to include – in education curriculums and for age groups they consider appropriate – teaching material on

6. See NRK, “Europarådet kritiserer norske krisesenter”, 23 January 2023, available at [www.alttinget.no/helse/satsradensvarer/8832](http://www.alttinget.no/helse/satsradensvarer/8832).

issues such as equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, gender-based violence against women and the right to personal integrity. On the basis of promising educational practices in place in several member states of the Council of Europe, the paper offers ideas to policy makers, education professionals, youth workers and other relevant professionals on how to encourage younger generations to champion gender equality and to help in countering violence against women. This publication reviews initiatives taken in informal education sectors (such as by sports, cultural, and leisure organisations) to promote such principles, and it discusses key topics such as the involvement of boys and men as partners in countering violence against women and girls, the relevance of digital literacy and NGO-led education initiatives.



The second publication is dedicated to Article 4, paragraph 3, of the Istanbul Convention. It provides guidance on how to ensure the non-discriminatory implementation of measures tackling violence against women and domestic violence. This provision requires all measures taken pursuant to the convention, in particular those to protect the rights of victims, to be secured without discrimination on any grounds. This provision of the convention is based on the understanding that women who are or might be at risk of intersectional discrimination, such as women with disabilities, older women, women belonging to national or

ethnic minorities or lesbians, bisexual, transgender and intersex (LBTI) women, can face additional barriers to accessing protection, support and justice. Drawing on promising legislation, policies and practices from the member states of the Council of Europe, this publication puts forward ideas for policy makers and professionals from the justice, law-enforcement, psycho-social, medical and other relevant sectors on how to respond to gender-based violence in a manner that is tailored to the specific needs of women victims of violence, in order to remove barriers to seeking help, support and justice. The paper places women's participation at the heart of the design and implementation of these measures in order to capture their experiences and to contribute to their empowerment.

### **Thematic paper on the digital dimension of violence against women – EDVAW Platform**

On 29 November 2022, the Platform of Independent Expert Mechanisms on Discrimination and Violence against Women (the EDVAW Platform) launched its first thematic paper, on the digital dimension of violence against women as addressed by its seven mechanisms.<sup>7</sup> This thematic paper was adopted by the EDVAW Platform

7. The EDVAW Platform is composed of international and regional women's rights mechanisms, including the UN Special Rapporteur on violence against women, its causes and consequences; representatives from the UN Committee on the Elimination of Discrimination against Women (CEDAW); the UN Working Group on discrimination against women and girls; GREVIO; the Inter-American Commission on Human Rights' Rapporteur on the Rights of Women; the Special Rapporteur on the Rights of Women in Africa; and the Committee of Experts of the Follow-up Mechanism to the Belém do Pará Convention (MESECVI).

at its 14th meeting, on 17 November 2022, under the presidency of GREVIO. This initiative is expected to increase the potential for synergies by offering an insight into common approaches to addressing the digital dimension of violence against women, and by fostering further dialogue and co-operation among the members of the EDVAW Platform.

This thematic paper is divided into six sections. First, it provides an overview of the nature, scale and impacts of online and technology-facilitated violence against women, as well as of the terminology used in this field. Second, it contains an outline of approaches taken by the mechanisms of the EDVAW Platform regarding the digital dimension of violence against women. Third, it addresses key themes identified throughout the work of platform members on the digital dimension of violence against women, including the online-offline continuum of violence, the prevention and the criminalisation of such violence, the role of internet platforms in tackling it and the situation of women at risk of intersectional discrimination. Next, it identifies promising practices and challenges reported by the EDVAW Platform mechanisms in combating the digital dimension of violence against women. Such promising practices cover measures aimed at ensuring access to support services and justice for women, education and awareness-raising initiatives, the involvement of the private sector, the collection of disaggregated data, multi-agency policy responses and the criminalisation of various forms of online or technology-facilitated violence against women. Existing challenges are also addressed, from the scarcity of statistical data to the lack of common terminology on such violence, gaps in the provision of training, the lack of specialist support services and the current patchwork of national legal frameworks, with uneven and limited scope to comprehensively capture the digital dimension of violence against women.

Last, the thematic paper proposes common actions to be taken by the EDVAW Platform in response to the growing phenomenon of online and technology-facilitated violence against women, worldwide. These common actions include: 1) recognising the interconnection between the digital dimension of violence against women and women's public and political participation; 2) addressing the growing online spread of anti-women's rights rhetoric; 3) better recognising the digital dimension of domestic violence and abuse; 4) mainstreaming the digital dimension of violence against women; 5) exploring synergies with other human rights sectors and mechanisms, particularly cybercrime and business-related human rights; 6) engaging with the private sector to prevent and mitigate online harm; 7) reaffirming the intersectional experience of the digital dimension of violence and the need for specialist support; and 8) anticipating the new frontiers of the digital dimension of violence against women.

## **Communication around the International Day for the Elimination of Violence against Women**

The United Nations designated 25 November as the International Day for the Elimination of Violence against Women, which is intended to serve as a symbol of global efforts to raise awareness of violence against women. This date also marks the start of the "16 days of activism against gender-based violence", which end on



10 December (Human Rights Day) and which are used for various types of actions intended to raise awareness about the need to end violence against women around the world. As in preceding years, GREVIO engaged in a number of activities to raise awareness about different aspects that need to be addressed in order to prevent and combat violence against women.

In preparation for the 16 days of activism, GREVIO's President Iris Luarasi was invited for an exchange of views with the Gender Equality Commission of the Council of Europe, which took place on 16 November 2022. On this occasion, and in line with the work plan of the Gender Equality Commission, she highlighted that the Council of Europe needs to redouble efforts to include men and boys in the process of decision and policy making on gender equality, highlighting the role that the education sector must play in this process.

On the occasion of the International Day for the Elimination of Violence against Women, Marija Pejčinović Burić, Secretary General of the Council of Europe, issued a statement condemning sexual violence against women and girls in the context of war and conflict. She reflected on the increasing number of reports of sexual violence in the context of the prolonged war in Ukraine, and the consequences suffered by the civilian population, primarily women and girls. She recalled that sexual violence in conflict zones remains a global challenge and reiterated that perpetrators must be punished as a matter of urgency.

To mark the occasion, on 25 November 2022, the EDVAW Platform issued a joint statement calling on states to bridge the gap of impunity which exists as regards violence against women and girls globally. The joint statement acknowledged with concern that prosecution and convictions for acts of violence against women, including in their digital dimension, remain low. The members of the EDVAW Platform urgently called on states to step up their efforts and to fulfil their commitments to exercise due diligence in investigating and prosecuting gender-based violence, and to provide remedies to women and girls suffering from violence, focusing in particular on its online dimension.

The 16 days of activism also saw increased activity on the social media profiles of the Council of Europe on women empowerment and equality, where news and events about the work of GREVIO were posted. The visibility and reach of this content increased significantly in the run-up to the 16 days of activism, peaking on 25 November under the hashtag #OrangeTheWorld.

## **Participation in events**

In the period under review, GREVIO members and the Secretariat participated in over 110 events, some of which took place online, as it remained the preferred manner of communication for many despite the overall reduction in travel restrictions imposed during the Covid-19 pandemic. These included conferences, webinars and summits organised by a variety of stakeholders, including Council of Europe bodies, the United Nations, the European Union, national ministries, national human rights institutions, civil society and academic institutions. These events addressed a wide array of topics, such as the interaction between the Istanbul Convention and





the Budapest Convention on Cybercrime; work with men and boys on their role to combat violence against women; the digital dimension of violence against women; the implications of the interaction between the Istanbul Convention and legislative instruments of the European Union on violence against women and domestic violence; and various conferences and events.

A particularly notable event during the reporting period was the conference of Ministers of Council of Europe member states on domestic, sexual and gender-based violence, held in Dublin on 29 and 30 September 2022. At this meeting, GREVIO President Iris Luarasi, in her keynote speech, addressed various shortcomings in the area of prevention, as identified by GREVIO, and pointed to the persistent need for more systematic and co-ordinated action to prevent violence against women. She highlighted the need for further awareness-raising efforts among the general population, training of professionals and more and better work with perpetrators of gender-based violence. The conference culminated in the adoption of the “Dublin Declaration” on the prevention of gender-based violence, which outlines a number of steps to promote gender inequality as a root cause of domestic, sexual and gender-based violence.

Towards the end of the period under review, at the initiative of the Icelandic Presidency of the Committee of Ministers of the Council of Europe, a conference under the title “Joining forces: Applying the cybercrime frame to digital violence against women” was organised by the Council of Europe in Strasbourg, France, with Guðni Thorlacius Jóhannesson, President of Iceland, Iris Luarasi, GREVIO President, Marie Fontanel, Chair of the Committee of the Parties to the Istanbul Convention and Maria Rún Bjarnadóttir, member of GREVIO and director for internet safety at the Icelandic National Commissioner for Police, as well as many NGO representatives and representatives of states parties. The many experts and stakeholders in attendance discussed how the Budapest Convention on cybercrime can be applied to protect and combat

violence against women and domestic violence, in line with the Istanbul Convention, and the possibility for cross-fertilisation of knowledge and experiences between the two legal instruments.

### **Online HELP courses on violence against women**

The Council of Europe Programme on Human Rights Education for Legal Professionals (HELP) aims to enhance and improve the capacity of all legal professionals – judges, lawyers and prosecutors – in all Council of Europe member states and beyond. Its key goal is to encourage legal professionals to apply European human rights standards in their daily work, through free and accessible online courses on human rights topics. The HELP course on violence against women, developed in 2017, has since been continuously adapted into a growing number of national versions and officially launched for different types of legal professionals, including law students. The course has been gradually implemented in the learning curriculums of national institutions providing training for the judiciary and other categories of legal professionals. Some of the launch events for this course that took place in 2022 included the participation of members of GREVIO or its Secretariat.

In addition, a new online course, “Violence against women and domestic violence for law enforcement”, was introduced into the HELP online catalogue in 2022. This course offers law-enforcement professionals the opportunity to learn theoretical and practical concepts related to violence against women, its many forms and impacts on victims and society at large. The course also provides guidelines on how to respond to cases of violence against women and domestic violence, quickly and effectively, including techniques for interviewing victims and perpetrators and practical steps that should be followed by first responders, investigators and other stakeholders working to combat violence against women and domestic violence and protect victims.



## Focus section: approaches taken in states parties to the Istanbul Convention on the criminalisation and prosecution of sexual violence, including rape

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### Introduction

Sexual violence, including rape, are not only pervasive crimes but are the most under-reported crimes and the least likely to end in conviction.<sup>8</sup> Research conducted by the EU Agency for Fundamental Rights in 2014 found that one in 10 women has experienced some form of sexual violence since the age of 15, and one in 20 women has been raped since the age of 15.<sup>9</sup> The research also found that about one in four victims of sexual assault, by either a partner or a non-partner, did not contact the police or any other organisation after the most serious incident because of feelings of shame and embarrassment.<sup>10</sup> GREVIO has consistently drawn attention to the

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8. Council of Europe (2022), “Mid-term Horizontal Review of GREVIO baseline evaluation reports”, paragraphs 442 and 446. For a comparative study, see also Burman M., Lovett J. and Kelly L. (2009), Lovett, J. & Kelly, L. (June 2009) “Different systems, similar outcomes? Tracking attrition in reported rape cases in eleven countries”, p. 3.

9. EU Agency for Fundamental Rights (2014), “Violence Against Women: An EU Wide Survey by the European Union Fundamental Rights Agency”, p. 14.

10. Ibid., p. 69.

issue of under-reporting<sup>11</sup> and to the phenomenon of attrition (the process by which cases fail to proceed through the criminal justice system) in cases of sexual violence, including rape.<sup>12</sup> In addition to being one of the most under-reported crimes, GREVIO has also noted in a number of baseline evaluation reports that these cases have high dropout rates at the investigation and prosecution stages,<sup>13</sup> low conviction rates<sup>14</sup> and attract low sentences.<sup>15</sup> This state of affairs results in women losing trust in the criminal system, low reporting rates and a culture of impunity, leading to the normalisation of sexual violence, including rape.<sup>16</sup>

### **The Istanbul Convention – a comprehensive framework to prevent and punish sexual violence, including rape, and to protect victims**

The Istanbul Convention provides a comprehensive framework to prevent, criminalise and prosecute sexual violence, including rape, and it requires the setting up of specialist support services for victims. The backbone of such a framework is provided by Article 36, on sexual violence, including rape, Articles 49, 50 and 56 in the areas of investigation, prosecution and protective measures, and Article 25 on support services for victims of sexual violence.

The central legal element of the convention's definition of sexual violence, as articulated under Article 36, is the lack of consent given voluntarily as a result of the person's free will. This provision recognises the risks of leaving certain types of rape and sexual violence unpunished if the relevant criminal offences are based on force, threat or coercion rather than lack of consent. Article 36 of the convention builds on the case law of the European Court of Human Rights, which stresses that such rigid approaches jeopardise the effective protection of the individual's sexual autonomy.<sup>17</sup> For this reason, Article 36 sets out the obligation to criminalise all forms of non-consensual sexual acts, including rape. This definition, therefore, does not

11. For example, in Finland and France it has been estimated that less than 10% of all rape cases are reported. See GREVIO's baseline evaluation reports on Finland, paragraph 198; and France, paragraph 219. Other GREVIO reports that raise concerns of under-reporting include Austria, paragraph 153; Montenegro, paragraph 221; Türkiye, paragraph 281; Italy, paragraph 221; the Netherlands, paragraph 254; Belgium, paragraph 184; Slovenia, paragraph 306; Romania, paragraph 340; Bosnia and Herzegovina, paragraph 259; Estonia, paragraph 204; Georgia, paragraph 306; and Norway, paragraph 221.
12. Council of Europe. 2022. "Mid-term Horizontal Review of GREVIO baseline evaluation reports", paragraph 450.
13. See GREVIO's baseline evaluation reports on Denmark, paragraph 198; Belgium, paragraph 187; Poland, paragraph 265; Iceland, paragraph 252; Estonia, paragraph 215; and Norway, paragraph 221.
14. See GREVIO's baseline evaluation reports on Portugal, paragraph 195; Finland, paragraph 206; France, paragraph 230; Italy, paragraph 221; Slovenia, paragraph 323; Germany, paragraph 303; Bosnia and Herzegovina, paragraph 267; Iceland, paragraph 261; Georgia, paragraph 311; Cyprus, paragraph 235; and Norway, paragraph 231.
15. See GREVIO's baseline evaluation reports on Italy, paragraph 222; Slovenia, paragraph 323; Bosnia and Herzegovina, paragraph 273; Switzerland, paragraph 225; and Cyprus, paragraph 235.
16. Council of Europe (2022), "Mid-term Horizontal Review of GREVIO baseline evaluation reports", paragraph 446. For more information on the impunity of perpetrators of sexual violence and recommendations to rectify it, see UN Special Rapporteur on violence against women (2020), "Report on rape as a grave and systematic human rights violation and gender-based violence against women".
17. *M.C. v Bulgaria* (Application No. 39272/98), judgment of 4 December 2003.

require the offender's use of force or threat, or proof of the victim's physical or verbal resistance. The Istanbul Convention's emphasis on "consent" is elaborated on in paragraph 2 of Article 36, which requires that the prosecution of sexual offences shall be based on a context-sensitive assessment of the evidence in order to establish, on a case-by-case basis, whether or not the victim has freely consented to the sexual act. In its mid-term horizontal review and subsequent baseline evaluation reports, GREVIO stresses the need to ensure that the legal definitions of sexual offences fully capture the realities of women experiencing sexual violence and their coping mechanisms to deal with such violence.<sup>18</sup> In order to ensure that certain types of sexual violence do not go unpunished, paragraph 1 of Article 36 further describes the types of non-consensual sexual acts that states parties must criminalise. This covers non-consensual vaginal, anal or oral penetrative sexual acts with any bodily part or object; non-consensual non-penetrative sexual acts; and causing another person to engage in non-consensual acts of a sexual nature with a third person.

Articles 49, 50 and 56, furthermore, are essential provisions aimed at decreasing attrition rates of cases involving sexual violence, including rape. While Articles 49 and 50 set out the obligation of immediate response, prevention and protection for women victims of the forms of violence covered by the convention, having regard to a gendered understanding of violence, Article 56 lists a range of measures to protect the rights and interests of victims at all stages of investigation and judicial proceedings. Recognising that victims who are protected and supported are more likely to report and continue their participation in the criminal justice chain, these articles reflect a victim-centred approach to investigations and prosecutions and aim to make criminal justice systems more tailored to the actual needs of victims, starting at police stations.

On the other hand, Article 25 of the convention requires states to ensure the provision of support to victims of sexual violence when they are the most vulnerable. Such support services must aim to empower victims and accompany them throughout their journey of recovery, while facilitating and enabling the gathering of forensic evidence, thereby increasing their chances of obtaining justice. More specifically, this article requires states parties to take the necessary legislative or other measures to provide for the setting up of appropriate, easily accessible rape crisis and/or sexual violence referral centres for victims in sufficient numbers, to cover medical and forensic examination, trauma support and counselling for victims.

GREVIO's mid-term horizontal review of its first baseline evaluation reports highlights a number of factors that contribute to low reporting and high attrition rates in sexual violence cases.<sup>19</sup> These include low levels of awareness and the professional capacity concerning sexual violence and lack of specialised training for law enforcement, prosecutors or judges, resulting in poor gendered understanding of this violence, entrenched stereotypes and patriarchal attitudes.<sup>20</sup> Other contributing factors include narrow definitions of sexual offences and the lack of guidance

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18. Council of Europe (2022), "Mid-term Horizontal Review of GREVIO baseline evaluation reports", paragraph 365.

19. Council of Europe (2022), "Mid-term Horizontal Review of GREVIO baseline evaluation reports", paragraphs 442 and 446.

20. *Ibid.*, paragraphs 435 and 447.

in terms of specialised protocols, which result in poor case building, over-reliance on victim testimony as primary evidence and the influence of bias and stereotyping that minimise the violence, blame the victim or assume that victims make false allegations about the violence.<sup>21</sup> GREVIO has also emphasised problems encountered in the process of obtaining and storing evidence in cases of rape, including cases in which forensic evidence is gathered from the victim only if she reports the crime to the police. This is compounded by the limited numbers of women police officers; a lack of adequate, victim-friendly police and courtroom premises; lengthy judicial procedures; and a lack of holistic support services to victims of sexual violence.<sup>22</sup> These factors illustrate how secondary victimisation can stem from the criminal justice system. Indeed, a number of studies describe victims of sexual violence as being the most re-traumatised by the criminal justice process itself, with some victims viewing the criminal justice system as a “second assault” and feeling that they themselves were on trial.<sup>23</sup>

In recent years there has been a succession of positive developments in many states parties to the convention in the area of sexual violence, resulting in improvements for victims. Many states are embracing definitions of rape based on the lack of consent, improving investigation, prosecution, procedural and protective measures and establishing rape crisis and/or sexual assault referral centres to offer specialist support services for victims of sexual violence. Many of these developments are recognised to have been driven by states’ efforts to comply with the Istanbul Convention standards. This is but one example of the convention’s and GREVIO’s ability to deliver so that women and girls are better protected and safe from violence. Most of the promising practices reflected in this section have been acknowledged in GREVIO baseline evaluation reports, whereas some have been documented through the Committee of the Parties conclusions.<sup>24</sup> Other states have made reforms that have not yet been analysed by GREVIO, either because the changes post-dated the GREVIO baseline evaluations or because GREVIO has not yet evaluated the state party in question. The following section provides an overview of the different approaches to criminalising rape and sexual violence.

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21. Ibid., paragraphs 364-365, 435, 437 and 447.

22. Ibid., paragraphs 445, 438, 443 and 277-287.

23. Craig E. (2015), “The Inhospitable Court”, *University of Toronto Law Journal* 10.3138; also see studies discussed in UNODC (2019), “Handbook for the Judiciary on Effective Criminal Justice Response to Gender-based Violence against Women and Girls”.

24. The Committee of the Parties to the Istanbul Convention plays a role in monitoring the Istanbul Convention. Since 2018, it has been adopting, on the basis of GREVIO’s findings, recommendations to states parties to further the implementation of the convention. States parties are given three years to implement such recommendations and report back to the committee. At its 10th meeting on 13 April 2021, the committee agreed on a framework to supervise the implementation of these recommendations, issuing a standardised reporting form. On the basis of the information provided by states parties and any additional information, the committee then adopts conclusions on the implementation of its recommendations in relation to each state party under review. So far, the committee has reviewed Austria, Albania, Denmark, Monaco, Montenegro, Portugal and Sweden.

## Different approaches in the criminalisation of sexual violence, including rape

The criminalisation of sexual violence, including rape, by states parties to the convention is characterised by different definitions and scopes of protection, and various behaviours, different sanctions and aggravating and mitigating circumstances.<sup>25</sup> From a review of GREVIO's monitoring activity to date, there appear to be four different approaches in the criminalisation of sexual violence, including rape. This includes one that requires the use of force, coercion or vulnerability. Another approach is based on a two-tiered approach, with a legal provision that requires the use of force, threat or coercion and adding another offence that is based entirely on lack of consent. A third approach, otherwise known as the "no means no" model, does not require the use of force, threat or coercion but, rather requires proof that the sexual act was committed against the will of a person. In the fourth approach, also informally called the "only yes is yes" model, or "affirmative consent", the voluntary participation of both or all parties is required for sexual acts not to be criminalised.

### Laws based on the use of force, coercion or threat

The traditional criminal law approach to sexual violence was based on purely force-based definitions, requiring the use of force, threats, coercion or intimidation. This approach was not designed to protect sexual autonomy, but rather was based on religious and/or moral rules for sexual conduct.<sup>26</sup> Moreover, such an approach reflects the archaic view that when it comes to rape, the most pervasive danger comes from strangers. However, studies refute the common myth that "real rape" involves strangers, physical force and physical injury and find that most rapes involve people known to the victim and do not result in visible injury.<sup>27</sup> This effectively consigned most rapes to a place beyond law's reach and out of step with modern concepts of women's sexual agency.<sup>28</sup> As GREVIO has observed, historically such models represent beliefs and practices based on the idea that women are the bearers of society's "moral standards", fostering an environment in which perpetrators of sexual violence are exonerated and the responsibility for the violence is transferred to the victims. Because laws based on the use of force or coercion reflect more concern for the accused than for the victim, and reflect the persistent belief that false rape accusations are easily made but are challenging to disprove, this had a negative impact on the development of the rules of evidence and criminal procedures around sexual offences.<sup>29</sup>

25. For an analysis of aggravating factors applied by different European Union member states, see European Network of legal experts in gender equality and non-discrimination (2021), "Criminalisation of gender-based violence against women in European States, including ICT-facilitated violence", pp. 172-178.

26. For a discussion on the evolution of sexual autonomy, see Tatjana Hörnle, "#MeToo – Implications for Criminal Law?" (2019), *Bergen J. Crim. L. & Crim. Just.* 6, 129-306.

27. Among other sources, studies listed in UNODC (2014), "Handbook on effective prosecution responses to violence against women and girls", page 31, confirm this.

28. Tuerkheimer D. (2015), "Rape on and off campus", *Emory Law Journal*, Vol 65:1, pp. 44-45.

29. The 17th Century statement by English jurist Sir Matthew Hales "rape is an accusation easily made and hard to be proved and harder to be defended by the party accused, tho never so innocent", discussed in Lonsway K. et al. (2009), "False Reports: Moving Beyond the Issue to Successfully Investigate and Prosecute Non-Stranger Sexual Assaults", 3:1 *The Voice* 1.



For example, GREVIO noted in its baseline evaluation reports on Finland and Norway that a consequence of a force-based model is the requirement of higher thresholds of evidentiary standards of physical resistance and a shifting of the focus onto the victim's behaviour rather than on the accused's actions.<sup>30</sup> In relation to Georgia<sup>31</sup> and Poland,<sup>32</sup> GREVIO noted with concern that the strict corroboration rules for evidence to establish sexual violence may result in high evidentiary requirements for rape.<sup>33</sup>

### **A limited understanding of lack of consent based on vulnerability**

Early reforms to move away from force-based definitions introduced limited situations in which the lack of consent became a defining element of sexual violence and rape. More specifically, some countries included in the definition of rape certain cases of invalidated consent, such as where the victim is in a helpless state due to unconsciousness (caused by alcohol or drugs) or the particular situation of the victim (illness or mental disability or detention of some form).<sup>34</sup>

### **States parties that have adopted a force-based approach**

A significant number of parties – Albania, Andorra, Bosnia and Herzegovina, Estonia, France, Georgia, Italy, the Netherlands, Norway, Poland, Romania, San Marino, Serbia and Switzerland – continue to require as constituent elements of sexual offences the use of violence, coercion, compulsion, threat, intimidation or a state or situation of the victim which makes them incapable of resisting.<sup>35</sup> GREVIO did, however, welcome the law reform efforts being discussed in the Netherlands, Norway, Serbia and Switzerland at the time of GREVIO's respective evaluations.

The majority of force-based definitions make reference to using violence or threat of violence (such as France, Italy and the Netherlands) or going against the person's will by using force (such as Estonia) or by constraint (Romania). That said, it should be noted that in all jurisdictions, including those where the legal definition is force-based, situations which invalidate consent are also recognised in the criminal law or introduced by case law.<sup>36</sup> Some forms of annulment of consent refer to the

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30. See GREVIO's baseline evaluation reports on Finland, paragraph 165; and Norway, paragraph 185.

31. See GREVIO's baseline evaluation report on Georgia, paragraph 310.

32. See GREVIO's baseline evaluation report on Poland, paragraph 215.

33. As regards in particular the baseline evaluation report on Georgia, GREVIO found that although according to Georgian legislation evidence has no predetermined value and should be evaluated in terms of its relevance, admissibility and credibility for each criminal case, prosecutors and the judiciary interpret the legislation in a sense that requires two pieces of direct evidence on which to base an indictment or a conviction for sexual violence. GREVIO expressed its concern that this may result in high evidentiary requirements for rape, as this rule is not only applied for a conviction but also for an indictment and may result in low levels of indictments and, subsequently, convictions.

34. As regards European Union member states, see the European Network of legal experts in gender equality and non-discrimination (2021) cited above.

35. See GREVIO's baseline evaluation reports on Albania, paragraphs 135-138; Andorra, paragraphs 158-161; Bosnia and Herzegovina, paragraphs 218-220; Estonia, paragraphs 171-172; Finland, paragraphs 165-168; France, paragraphs 190-195; Georgia, paragraphs 252-256; Italy, paragraphs 189-190; Monaco, paragraph 116; the Netherlands, paragraphs 223-225; Norway, paragraphs 184-189; Poland, paragraph 213-216; Romania, paragraphs 278-281; San Marino, paragraphs 157-160; Serbia, paragraphs 184-186; Spain, paragraphs 220-224; and Switzerland, paragraphs 183-184.

36. European network of legal experts in gender equality and non-discrimination (2021), cited above.



helpless state of the victim, with formulations such as “taking advantage” or “abusing the vulnerability”. This “helpless” state is connected in most cases to some kind of unconsciousness due to alcohol or drugs or the particular situation of the victim, for example illness or mental disability or detention of some form. Italy describes this act of taking advantage as “abusing the conditions of physical or mental inferiority of the injured person”. In France, besides the use of force, reference is also made to penetration achieved by “coercion and surprise”, and it is left to the judge to determine its meaning on a case-by-case basis. Hence, references to the inability of victims to consent are present in all definitions, regardless of whether they are force or consent based. These result in the alleviation of the need for the victim to demonstrate their resistance. However, national experts reported that courts do not interpret these “non-consensual” elements consistently and the threshold of proof remains high, often resulting in secondary victimisation.<sup>37</sup>

In its baseline evaluation reports on Andorra, Bosnia and Herzegovina, Norway, Poland, Romania and San Marino, GREVIO has clearly stated that the above-mentioned approach requiring elements of violence, coercion and threat do not fully capture the realities of women experiencing sexual violence and their coping mechanisms to deal with such violence, which include reactions such as flight, fight, freeze, flop or befriend. This conflicts with the requirement under the Istanbul Convention that prosecutions of sexual offences are to be based on a context-sensitive assessment of the evidence in order to establish, on a case-by-case basis, whether or not the victim has freely consented to the sexual act.<sup>38</sup> GREVIO has therefore strongly encouraged or urged the relevant parties to amend their legislation on sexual violence so that it is based on the notion of freely given consent as required by Article 36.

### The two-tiered approach

In the two-tiered approach, a provision requiring the use of force and a provision requiring the element of lack of consent coexist in parallel. However, the former often carries a harsher prison sentence compared to the latter. In the “one crime model”, threats or violence enhance the severity of the wrongdoing as additional elements, but are not constituent for the existence of wrongdoing, as it is for the two-tier approach. In its baseline evaluation reports, GREVIO has adopted the view that it is the fact that the act is carried out without the consent of the victim that should determine the punishment, whether this is committed by someone who employs violence or abuses his position of power over the victim, for example. Where the circumstances of the act are particularly violent, abusive and traumatising, however, aggravating circumstances should be applied to ensure a sanction commensurate with the gravity of the act.<sup>39</sup>

### States parties that have adopted this approach

A number of states do not follow the “one crime model” but rather have tiers of sexual offences with different constituent elements, such as force, threat of violence or

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37. Ibid.

38. Explanatory Report to the Istanbul Convention, paragraph 192.

39. See GREVIO’s baseline evaluation report on Serbia, paragraph 186.

incapacity of the victim, with different severity of the sanctions across the different sexual violence offences. GREVIO observed this approach in its baseline evaluation reports on Austria, Georgia, Norway and Serbia.<sup>40</sup> An example is found in Georgia, where the legislation incriminates two different types of acts of rape, one which is termed “rape” and attracts more serious penalties, and one that is termed “coercion to intercourse” and is defined as a less serious crime, mainly because it does not require the use of force or threats. Similarly, in Norway, most of the sexual offences continue to be categorised according to the degree of physical violence or threat employed, or to the degree of the victim’s helplessness, except for section 297 of the criminal code which covers sexual acts performed without consent, which is punishable by a fine or imprisonment for up to one year.

### The “no means no” approach

The “no means no” approach is based on the premise that sexual intercourse is considered consensual as long as neither party said “no”. This approach criminalises sexual acts that happen “against the will of a person”. The degree of resistance, whether verbal or non-verbal, is used as a measure of whether the victim consented to the sexual acts.<sup>41</sup> The “no means no” approach presumes consent, unless it is withdrawn – explicitly or implicitly – by the victim. The prosecutor is therefore required to prove beyond a reasonable doubt that the act took place against the will of the complainant. In other words, the prosecutor must demonstrate to the satisfaction of the fact-finders (the judge or jury) that the complainant made the accused aware that she/he did not wish to engage in sexual acts. This includes resistance that is verbally expressed or through unequivocal gestures or conduct such as pushing away, crying, attempting to leave, etc. In other words, where a prosecutor is unable to prove a victim’s communication of a “no”, whether verbal or non-verbal, proof of a constituent element of the crime will be considered to be lacking, and therefore the accused will not be found criminally liable. By way of example, in Austria, which in its two-tiered approach has adopted a “no means no” provision, for sexual acts to be punishable, the victims must express their opposing will verbally or otherwise.<sup>42</sup>

In practical terms, scholars have highlighted the risk that where this approach is taken, the burden is on the victim to verbally or non-verbally reject sexual advances or ward off sexual violence, rather than on the perpetrator to ascertain the agreement of another to engage in a sexual act.<sup>43</sup> More specifically, a risk has been identified that criminal proceedings may focus on the former as a central element, thereby placing undue attention on the behaviour of the victim. GREVIO in its baseline evaluation report on Germany observed that its “no means no” approach means that criminal proceedings will focus on the actions of the victim rather than those of the accused,

40. See GREVIO’s baseline evaluation reports on Austria, paragraphs 139-143; Georgia, paragraphs 256-257; Norway, paragraph 189; and Serbia, paragraph 186.

41. Little N. (2019), “From No Means No to Only Yes Means Yes: The Rational Results of an Affirmative Consent Standard in Rape Law”, *Vanderbilt Law Review*, 58, 1 321.

42. See GREVIO’s baseline evaluation report on Austria, paragraphs 140-142.

43. Little N. (2019), “From No Means No to Only Yes Means Yes: The Rational Results of an Affirmative Consent Standard in Rape Law”, *Vanderbilt Law Review*, 58, 1 349; and Leary M. G. (2016), “Affirmatively replacing rape culture with consent culture”, *Texas Tech Law Review*, Vol 49:1, pp. 49-51.

creating room for gender stereotypes and rape myths to resurface.<sup>44</sup> Moreover, myths continue to abound to suggest that “no” may not actually mean “no”, and that many still believe that a woman’s outright verbal rejection of sexual advances does not, in and of itself, create a case of sexual violence by the man who engages in sexual acts with the woman.<sup>45</sup> Another concern of requiring conduct “against the will of a person” is that this will not cover instances where the victims remains passive but does not consent.<sup>46</sup>

### States parties that have adopted this approach

The “no means no” approach has been adopted, among others, by Austria and Germany. More specifically, GREVIO noted in its baseline evaluation reports on Austria and Germany that framing sexual offences to cover instances of sexual intercourse against the will of a person meant that for non-consensual sexual acts to be punishable under Austrian and German legislation, the victim must express her opposing will verbally or otherwise, hence not covering instances where the victim remains passive but does not consent.<sup>47</sup> In other words, regarding consent-based definitions that take the “no means no” approach, GREVIO has noted that there is – however slight – a difference between sexual acts committed against the will of the victim and all non-consensual sexual acts, as required by the convention.<sup>48</sup>

Furthermore, GREVIO reviewed a preliminary draft law to amend sexual assault offences in its baseline evaluation report on Switzerland, which, at the time, proposed a “no means no” approach stating that the act of rape or sexual assault is defined as being committed “against the will of victims”.<sup>49</sup> Specifically, GREVIO pointed out that such a conceptualisation does not fully meet the requirement under Article 36 of criminalising all non-consensual sexual acts. GREVIO was concerned that the situation envisaged by the revised bill would require victims to have to express their lack of consent, either verbally or in some other way, for rape and sexual assault to be punishable and that this would mean the focus would be on the victims’ actions rather than on those of the accused. A promising development has been that after the adoption of GREVIO’s baseline evaluation report, Switzerland’s Parliament decided to amend the current law, which is based on force, threats or psychological pressure, and opted, in March 2023, in favour of a new definition of rape based on the “no means no” approach, expanded through a provision indicating that sexual acts committed on a person in a situation of “freezing” also constitutes rape. The parliament’s decision paves the way for the adoption of a law based on this definition.

44. See GREVIO’s baseline evaluation report on Germany, paragraph 252.

45. Little N. (2019), cited above, p. 1 322.

46. See GREVIO’s baseline evaluation reports on Austria, paragraphs 140-142; and Germany, paragraph 252.

47. See GREVIO’s baseline evaluation report on Germany, paragraph 252.

48. See GREVIO’s baseline evaluation reports on Austria, paragraphs 140-142; and Germany, paragraphs 250-252.

49. Swiss Council of States, Legal Affairs Committee, decision of 18 February 2022.

## The “only yes is yes” approach

The “only yes is yes” approach, also known as the “affirmative consent standard”, equates consent to sexual acts to mean “affirmative and freely given consent”.<sup>50</sup> This focuses on an affirmative expression, whether verbal or non-verbal. Consent is seen as an “agreement” communicated between the parties based on free will. Advocates have noted that the difference between sex and rape is simply whether someone wants to have sex or not, and the fact that the responsibility is not for a person to say no, but for the other person to listen for a yes.<sup>51</sup> Such an approach has been reflected in laws criminalising sexual acts with a person “who is not participating voluntarily”<sup>52</sup> or “who has not given consent”.<sup>53</sup> This approach specifically means that passivity, silence, lack of protest or lack of resistance cannot be deemed to mean consent. In such an approach, affirmative consent must be ongoing through the sexual activity and can be revoked at any time.

Ultimately, the shift from “no means no” to “only yes is yes” is a shift in the way society, and in particular the justice system, looks at the process of consenting to sexual acts. This shift views sex as an act that should be entered into willingly by both parties. Affirmative consent approaches provide clearer rules to parties at risk of perpetrating or being victims of sexual violence, as well as providing clarity to those charged with investigating and prosecuting such cases.<sup>54</sup>

### States parties that have adopted this approach

Out of the 29 GREVIO baseline evaluation reports published by the end of 2022, GREVIO acknowledged that five states have an offence of sexual violence based on the lack of freely given consent, namely Belgium, Iceland, Malta, Slovenia and Sweden.<sup>55</sup> GREVIO has positively noted that Iceland, Malta and Sweden have amended their legislation on sexual violence following their ratification of the Istanbul Convention to comply with Article 36. A good example of promising practice has been noted by GREVIO in Sweden, where intercourse or any other sexual act with a person “who is not participating voluntarily” is criminalised.<sup>56</sup> GREVIO has observed that under this offence, participation must be voluntary and perceived to be so, as passivity cannot be, per se, considered a sign of voluntary participation. GREVIO has further noted that Sweden has introduced two new offences of “negligent rape” and “negligent sexual

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50. Tatjana Hörnle, “#MeToo – Implications for Criminal Law?” (2019), *Bergen J. Crim. L. & Crim. Just.* 6, 130; Linnea Wegerstad (2021), “Sex must be voluntary: Sexual communication and the new definition of rape in Sweden”, *German Law Journal*, Vol 22, Special Issue 5: “Sexual Violence and Criminal Justice in the 21st Century”, p. 740.

51. Olivia Björklund Dahlgren, FATTA (NGO that means “Get it”), Presentation on the law reform in Sweden at the UN Special Rapporteur on violence against women and Equality Now at the 2020 Expert Group Meeting on Rape as a Grave and Systematic Human Rights Violation and Gender-Based Violence against Women. [www.ohchr.org/sites/default/files/Documents/Issues/Women/SR/Call\\_on\\_Rape/Olivia\\_Bjorklund\\_Dahlgren.pdf](http://www.ohchr.org/sites/default/files/Documents/Issues/Women/SR/Call_on_Rape/Olivia_Bjorklund_Dahlgren.pdf).

52. See GREVIO’s baseline evaluation report on Sweden, paragraphs 181-183.

53. See GREVIO’s baseline evaluation report on Belgium, paragraph 155.

54. Leary M. G. (2016), “Affirmatively replacing rape culture with consent culture”, *Texas Tech Law Review*, Vol 49:1 p. 32.

55. GREVIO’s baseline evaluation reports on Belgium, paragraphs 155-156; Iceland, paragraphs 202-204; Malta, paragraphs 169-171; and Sweden, paragraphs 181-183.

56. See GREVIO’s baseline evaluation report on Sweden, paragraphs 181-183.

abuse”, in order to ensure criminal liability for perpetrators of sexual acts who ought to have been aware of the victim’s lack of consent. More specifically, the aim of these offences is to ensure criminal liability in cases where sexual acts or intercourse are carried out without any reasonable measures taken by the perpetrator to establish the victim’s consent. In other words, the difference between rape and negligent rape is based on the different required “state of mind” (*mens rea*) of the accused.<sup>57</sup> For rape cases, the prosecutor must prove that the accused acted with criminal intent, either because he was certain that the complainant’s participation was non-voluntary or because he was indifferent to whether or not she was participating voluntarily. In cases of negligent rape, the prosecutor must prove gross negligence on behalf of the accused. This includes situations where the accused appreciated that there was a risk that the complainant was not participating voluntarily, but nevertheless went through with the sexual act and/or did not appreciate the risk that the complainant was participating in a non-voluntary manner, but should and could have done so.

GREVIO also commended Belgium for its definition of sexual violence, which rests on the victim’s lack of consent. The criminal code of Belgium defines rape as “any act of sexual penetration, of whatever nature and by whatever means, committed in respect of a person who has not given consent”.<sup>58</sup> Another practice worthy of note is the amendments to the criminal code of Malta, which GREVIO noted to have resulted in a standard that is more explicit than the convention in requiring not only that consent “be assessed in the context of the surrounding circumstances” but that attention should be given to the “state of that person at the time, taking into account that person’s emotional and psychological state, among other considerations”.<sup>59</sup> As regards Iceland, GREVIO commended the amendment of the General Penal Code to specifically include the notion of consent in the elements of sexual offences, in order to obtain consensus within society on the definition of rape, to prompt a change in culture for professionals dealing with such cases and to provide victims with sufficient protection.<sup>60</sup> GREVIO also commended Slovenia for its amendment of the criminal code aligning the relevant provisions with the notion of lack of freely given consent, noting, however, that since the amendment was adopted by the Slovenian Parliament after the submission of the government’s comments to GREVIO’s draft evaluation report, GREVIO was not in a position to assess its content.<sup>61</sup>

A further illustration of the Istanbul Convention and GREVIO’s positive impact on legislation, policies and, ultimately, victim’s safety in states parties are the positive responses to the findings issued in this area by GREVIO in its baseline evaluation reports. These findings have urged the relevant states parties to amend the criminal legislation on sexual violence and rape to ensure that provisions are firmly rooted

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57. Linnea Wegerstad (2021), “Sex must be voluntary: Sexual communication and the new definition of rape in Sweden”, *German Law Journal*, Vol 22, Special Issue 5: “Sexual Violence and Criminal Justice in the 21st Century”, p. 742.

58. See GREVIO’s baseline evaluation report on Belgium, paragraph 155.

59. See GREVIO’s baseline evaluation report on Malta, paragraphs 169-171.

60. See GREVIO’s baseline evaluation report on Iceland, paragraph 202.

61. See GREVIO’s baseline evaluation report on Slovenia, paragraphs 258-260.

in the lack of freely given consent and to fully incorporate the notion of consent.<sup>62</sup> While noting that GREVIO has not yet had the opportunity to assess these developments as they postdate the publication of the respective baseline evaluation reports, five additional states, namely Denmark, Finland, Monaco, Portugal and Spain, have transitioned to the “only yes is yes” approach. As regards Denmark, following GREVIO’s baseline evaluation urging the state party to amend its rape law in line with the standards of the convention, Denmark amended its law on 17 December 2020 and criminalised sexual intercourse without explicit consent. In order to bring a rape charge, the law previously required proof of violence, threat or evidence that the victim was unable to fend off the assault, whereas the new provision now clearly states that if both parties do not consent to sex, it is rape. This amendment was welcomed as a positive development in the 2021 Conclusions on the implementation of recommendations in respect of Denmark adopted by the Committee of the Parties to the Istanbul Convention.<sup>63</sup> In Finland, a bill to redefine rape as sexual acts with a person, regardless of age, who has not indicated their consent verbally or non-verbally was adopted on 1 January 2023.<sup>64</sup>

### Recent developments that remain to be assessed

In Portugal, law reforms in January 2019 expanded the definition of rape to include the lack of consent,<sup>65</sup> but it appears that consent remains linked to coercion and that the current definition would then not be entirely in line with Article 36 of the convention. Similarly, Monaco redefined, by Law 1 517 of December 2021, the offences of rape and sexual assault by making reference to the “lack of consent”. However, the new definition still includes an element of constraint. In Spain, the Organic Law on Comprehensive Guarantee of Sexual Freedom was adopted in September 2022, making sexual acts without consent liable as sexual assault.<sup>66</sup> The law was amended in April 2023 to introduce harsher penalties for sexual assault carried out with violence or intimidation, or against a person whose free will has been annulled. In August 2023, Luxembourg adopted a law amending the Criminal Code and the Code of Criminal Procedure and specifying that consent to a sexual act must be assessed “in the light of the circumstances of the case” and that “it cannot be inferred from a lack of resistance by the victim”<sup>67</sup>. As highlighted by GREVIO in its first baseline evaluation on Luxembourg, this law should “allow the judiciary to focus, in the context of

62. Such a specific finding was articulated in 19 GREVIO baseline evaluation reports: Albania, Denmark, Portugal, Finland, France, Italy, the Netherlands, Serbia, Spain, Andorra, Poland, San Marino, Romania, Bosnia and Herzegovina, Switzerland, Estonia, Georgia, Cyprus and Norway.

63. Committee of the Parties, “Conclusions on the implementation of recommendations in respect of Denmark adopted by the Committee of the Parties to the Istanbul Convention”, IC-CP/Inf(2021)6, adopted on 7 December 2021.

64. Aleksi Teivainen (January 2023), “Finnish Police to re-think rape interrogations after legislation overhaul”, *Helsinki Times*: [www.helsinkitimes.fi/finland/finland-news/domestic/22795-finnish-police-to-re-think-rape-interrogations-after-legislative-overhaul.html](http://www.helsinkitimes.fi/finland/finland-news/domestic/22795-finnish-police-to-re-think-rape-interrogations-after-legislative-overhaul.html).

65. Helen Battaglini (21 February 2019), “Portugal finally expands the legal definition of rape”, amicus info: <https://info.amicus-curiae.net/author/helenbattaglini/>

66. Guy Hedgcock (26 May 2022), “Spanish MPs back ‘only yes means yes’ sexual consent law”, BBC: [www.bbc.com/news/world-europe-61591615](http://www.bbc.com/news/world-europe-61591615). In particular, the provision clarifies that “It will only be understood that there is consent when ... the will of the person is clearly expressed”.

67. Law of 7 August 2023 law amending the Criminal Code and the Code of Criminal Procedure, strengthening the means of combating sexual abuse and sexual exploitation of minors.

the surrounding circumstances of the case, on the assessment of the woman's free will and the ability of the perpetrator to take notice of the woman's will, instead of evidence of other constituent elements of fact. The definition could also help to encourage more victims of sexual violence to lodge complaints".<sup>68</sup>

### **States parties where GREVIO has identified the need for additional steps to bring legislation in line with the Istanbul Convention**

In addition to the shortcomings discussed above concerning the elements of consent, GREVIO has identified some additional steps needed to bring legislation in line with the Istanbul Convention in a number of states parties, including in those states that have adopted an "only yes is yes" or a "two-tiered" approach.

In its baseline evaluation report on Cyprus, GREVIO observed that the criminal code does not qualify the concept of consent in order to clarify that it should be given voluntarily as the result of the person's free will assessed in the context of the surrounding circumstances, as required by the convention.

GREVIO has also identified gaps in a number of states parties as regards the type of sexual acts covered by the respective laws. For example, GREVIO has consistently drawn attention to those states parties that do not cover the specific conduct referred to in Article 36, paragraph 1, indent c, namely "causing another person to engage in non-consensual acts of a sexual nature with a third person", which aims to criminalise the conduct of abrogating a woman's sexual self-determination.<sup>69</sup>

### **Creating "hierarchies" of victims**

In a number of baseline evaluation reports, GREVIO specifically warned against the creation of a "hierarchy of victims" on the basis of their characteristics, such as age, helplessness, dependence, disability or others, calling for appropriate legislative measures to send the message that rape is rape.<sup>70</sup> By way of example, in GREVIO's baseline evaluation report on Serbia, when comparing the offence of rape to the offence of sexual intercourse with a helpless person, GREVIO was concerned that this sends the message that the violation of sexual decision making and autonomy does not amount to rape. Similarly, in Bosnia and Herzegovina, the offence of sexual intercourse with a helpless person carries markedly lower sentences than the offence of rape, which requires proof of the use of violence, coercion or threats by the perpetrator.

68. GREVIO baseline evaluation report on Luxembourg, published on 10 July 2023, paragraph 152.

69. GREVIO's baseline evaluation reports on Albania, paragraphs 135-138; Austria, paragraphs 140-142; Bosnia and Herzegovina, paragraphs 219-223; Georgia, paragraphs 259-262; Monaco, paragraph 116; Montenegro, paragraphs 179-180; Poland, paragraphs 219-221; Sweden, paragraphs 181-183; and Türkiye, paragraphs 222-225.

70. See GREVIO's baseline evaluation reports on Bosnia and Herzegovina, paragraph 221; Cyprus, paragraph 196; Denmark, paragraph 178; Estonia, paragraph 173; Finland, paragraph 167; Georgia, paragraphs 256-257; Norway, paragraph 189; Poland, paragraph 218; Romania, paragraph 287; and Serbia, paragraph 186.

## Trends identified and lessons learned

Since the Istanbul Convention entered into force in 2014, there has been a positive shift in European states to move away from force as a necessary element of sexual offences, towards the view that sexual intercourse without consent is, by itself, sexual violence/rape.<sup>71</sup> While the drafters left it “to the Parties to decide on the specific wording of the legislation and the factors that they consider to preclude freely given consent”,<sup>72</sup> it is vital that all non-consensual sexual acts are criminalised.<sup>73</sup> Only then will it be possible to make the necessary paradigm shift to recognise the central role of the victim’s willingness to consent and thereby improve the criminal justice response to the needs of victims of sexual violence.

GREVIO has pointed out in several baseline evaluation reports that conceptualising sexual offences as sexual acts committed “against the victim’s will” does not fully meet the requirement under Article 36, as it fails to ensure that all non-consensual sexual acts are criminalised.<sup>74</sup> It can be deduced that in GREVIO’s opinion the affirmative consent approach is more aligned with the spirit of the convention as a whole and with the overall objective to improve prevention, protection and prosecution. Indeed, an “only yes is yes” approach is more likely to have an impact in the field of prevention and to raise the awareness of society about the gender prejudices and stereotypes that are often expressed when dealing with rape and sexual offences. It is also a powerful way of changing the mindset of law-enforcement and judicial officers and of providing better protection to victims, by putting them at the centre of any intervention.

A recent assessment of the impact of the Swedish definition of rape from the Swedish National Council for Crime Prevention has also identified a number of specific practical advantages of the “only yes is yes” approach.<sup>75</sup> First, the assessment found that the number of reports, prosecutions and convictions increased after the law was changed and that, more specifically, the rate of convictions increased by 75%.<sup>76</sup> Moreover, the assessment found that new types of cases now reach the courts. These are the very types of situations that the changes to the law were intended to cover, namely instances of “surprise rape” and cases where the victim remained passive during the sexual act.<sup>77</sup>

Where the state has adopted an “only yes is yes” approach, the investigation and prosecution of rape and sexual offences no longer hinges on proving that the acts were a result of violence, threatening behaviour or a particularly vulnerable situation.<sup>78</sup>

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71. Council of Europe (2022), “Mid-term Horizontal Review of GREVIO baseline evaluation reports”, paragraphs 361-364.

72. Explanatory Report to the Istanbul Convention, paragraph 193.

73. For example, see GREVIO’s baseline evaluation report on Switzerland, paragraph 184.

74. See GREVIO’s baseline evaluation reports on Austria, paragraphs 140-142; Germany, paragraphs 250-252; and Switzerland, paragraph 184.

75. Stina Holmberg and Lars Lewenhagen (2020), “The new consent law in practice: An updated review of the changes in 2018 to the legal rules concerning rape”, the English summary of the Brå report 2020:6. (The Swedish National Council for Crime Prevention (Brå)).

76. Ibid. The report notes that the number of convictions increased from 190 in 2017 to 333 in 2019.

77. Ibid.

78. Aleksi Teivainen (January 2023), cited above.



The police questioning will shift from determining if the suspect used violence or the threat of violence, to determining whether the victim had consented to the act. Cases will not have to be discontinued if no physical evidence or corroborating evidence about her vulnerability or helplessness is secured. In this connection, a positive practice can be found in Denmark, which amended its law to criminalise sex without explicit consent in 2020, where guidelines have been developed as part of the preparatory works of the law on how to establish the existence or lack of consent.<sup>79</sup> The guidelines take steps to clarify that rape is not about coercion or the duty to say no, but about whether the parties voluntarily consent to a sexual activity during the entire intercourse. It clarifies that consent can be expressed through words or action and that there is no requirement that it is done directly or in any particular way. Furthermore, they establish that, in principle, there is a presumption that a person who consents to intercourse does not behave completely passively, but participates to some extent, providing some examples of actions that can be indicative of consent to sexual intercourse.

The assessment carried out by the Swedish National Council for Crime Prevention also observed a change in the types of evidence used in convictions under the new law. It found a reduction in the use of evidence of injury, used only in 13% of the new cases, whereas it was used in 37% of cases pending the year prior to the change in law. Moreover, the assessment indicated that reliance on different types of evidence, such as a recording of the event, calls to the emergency services, a confession or the testimony of an eyewitness, nearly doubled in cases that resulted in convictions under the new law as compared to those under the old law. There were also a greater proportion of convictions where the only evidence used was the testimony of a person in whom the injured party had confided – the proportion was 31% under the new law, as opposed to 16% in 2017, under the previous provisions. In nine of the 12 cases that have resulted in a conviction for negligent rape, there was no additional supporting evidence other than people who had not personally witnessed the event, but who had been told about it by the injured party.<sup>80</sup>

The Swedish assessment also noted other advantages to victims stemming from an “only yes is yes” approach. Notably, the assessment indicates that victims feel that they are now less likely to bear the blame for what happened, and that they now have the opportunity to seek legal redress by reporting the crime. More specifically, it highlights that an “only yes is yes” approach addresses the deeply embedded myths about rape and sexual violence which can be prevalent in the criminal justice system and which can affect how the defence lawyers, police, prosecutors and judges interpret what is meant by sexual acts committed against a victim’s will.<sup>81</sup> An analysis from a non-governmental organisation in Sweden indicates that since the adoption of amendments to the Swedish law, there has been greater public awareness of the importance of consent in sexual relations and that this approach and the relevant basic principle is now also being introduced in the school curriculum.<sup>82</sup> Other sources,

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79. European network of legal experts in gender equality and non-discrimination (2021), cited above. p. 80.

80. Stina Holmberg and Lars Lewenhagen (2020), cited above.

81. Ibid.

82. Olivia Björklund Dahlgren, cited above.

such as media reports, also attest to important societal changes and awareness stemming from the amendment of rape laws to a consent-based definition. Such law reform efforts are often accompanied by a strong civil society movement and awareness-raising campaigns.<sup>83</sup>

It further appears that the “only yes is yes” approach allows for incorporating and criminalising new trends on non-consensual sexual acts such as non-consensual condom removal during sexual intercourse, otherwise known as “stealthing”, and drug-facilitated sexual assault. With the “only yes is yes” approach, these practices can be understood to transform consensual sex into non-consensual sex and be viewed as violations of trust and a denial of sexual autonomy. For instance, criminal courts in Germany, Belgium and Switzerland have considered non-consensual removal of a condom as vitiating consent to the sexual act and therefore could be considered a form of sexual offence.<sup>84</sup> Furthermore, in Belgium, the “voluntary administration of inhibiting substances”, or drugging, for the purpose of abusing a person’s vulnerability, has become an aggravating factor in non-consensual sexual acts, and is to be taken into account when considering the “state of impaired free will” to determine whether the person was capable of giving consent.<sup>85</sup>

## **Analysis of positive practices identified by GREVIO in the fields of investigation, prosecution, procedural law and protective measures**

### **How to decrease attrition rates: immediate response, investigation, prosecution and protection**

While amending rape and sexual violence laws are a vital step towards changing attitudes and achieving justice, much more is needed to effect institutional change and to ensure a decrease in attrition rates of cases involving rape and sexual violence. The convention requires states parties to ensure that law enforcement can react promptly and appropriately by offering victims immediate protection and engaging in the prevention of violence, such as by making use of preventive operational measures and through the efficient collection of evidence (Articles 49 and 50). It also requires designing procedures to protect victims of violence at all stages of proceedings, during investigations and at trial, covering – but not limited to – victims who are witnesses (Article 56). GREVIO has welcomed various promising practices that states have introduced in order to achieve a more focused, driven and outcome-based approach to perpetrators’ accountability. This section reviews the practices highlighted in GREVIO’s baseline evaluation reports that contribute to making the

83. Guy Hedgecoe (26 May 2022), cited above.

84. HIV Justice Network (18 December 2018), “Germany: Country broadens use of criminal law to removal of condom without consent”: [www.hivjustice.net/cases/germany-germany-broadens-use-of-criminal-law-to-removal-of-condom-without-consent/](http://www.hivjustice.net/cases/germany-germany-broadens-use-of-criminal-law-to-removal-of-condom-without-consent/); Lauren Walker (21 November 2022), “Removing condom and drugging: Belgium rewrites ‘patriarchal’ criminal code”, *The Brussels Times*: [www.brusselstimes.com/325324/removing-condom-and-drugging-belgium-rewrites-patriarchal-criminal-code](http://www.brusselstimes.com/325324/removing-condom-and-drugging-belgium-rewrites-patriarchal-criminal-code); Reuters (9 May 2017), “Swiss court upholds sentence in ‘stealthing’ condom case”, ABC News: [www.abc.net.au/news/2017-05-10/swiss-court-upholds-sentence-in-stealthing-condom-case/8512326](http://www.abc.net.au/news/2017-05-10/swiss-court-upholds-sentence-in-stealthing-condom-case/8512326).

85. Lauren Walker (21 November 2022), cited above.

criminal justice system more victim-friendly, all along the criminal justice chain, from police and prosecution work to the courts; allowing for comprehensive and victim-sensitive evidence collection; and providing protective measures for victims at all stages of the investigation and judicial process.

GREVIO has frequently noted that while criminal justice is not the only response to be pursued in cases of violence against women, it is important to ensure accountability for criminal acts to build trust in the system and send the message that violence against women is not acceptable.<sup>86</sup> Without a process that holds perpetrators to account, the violence is unlikely to stop, whether it is continued violence towards the same victim or against a new victim. Prosecution and sanctions are therefore an essential part of the protection of women. Moreover, low conviction rates generally contribute to low reporting rates. Law-enforcement agencies and the judiciary should be seeking an increase in crime reporting as their response becomes more effective and trusted and judicial processes deliver sanctions that match the crime. Because of this, the importance of understanding attrition, as the process by which cases fail to proceed through the criminal justice system and reach trial and/or result in conviction,<sup>87</sup> is a common theme raised in a number of GREVIO baseline evaluation reports.<sup>88</sup>

### **Prioritisation of cases of sexual violence and rape in a gender-sensitive manner**

Traditional responses to sexual violence cases based on common gender stereotypes, prejudices and discriminatory attitudes minimise the victim's account of violence, hinder the recognition of the seriousness and specificity of the violence and feed into assumptions of false allegations. This contributes to assigning low priority to these cases, in comparison to other violent crimes, and leads to delays in initiating investigation and judicial processes, which in turn can lead to loss of vital evidence and secondary victimisation of the victim.<sup>89</sup> As noted by the convention drafters, being assigned low priority contributes to impunity for perpetrators and reinforces the misconception that such violence is acceptable in society.<sup>90</sup> A key principle of an adequate response is that of ensuring swift and effective investigations and judicial proceedings that are based on a gendered understanding of these offences and that duly take into consideration the victim during all stages.<sup>91</sup>

GREVIO has noted positively in its baseline evaluation report on Portugal the measures put in place to prioritise the handling of violence against women, including sexual violence.<sup>92</sup> More specifically, following the ratification of the Istanbul Convention by

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86. See GREVIO's baseline evaluation reports on Portugal, paragraph 195; France, paragraph 232; Italy, paragraph 222; Belgium, paragraph 189; and Norway, paragraph 158.

87. The definition of attrition is from Lovett and Kelly (2009), cited above, p. 1.

88. See GREVIO's baseline evaluation reports on Denmark, paragraph 198; Italy, paragraph 222; and Portugal, paragraph 195.

89. Council of Europe (2022), "Mid-term Horizontal Review of GREVIO baseline evaluation reports", paragraph 439. See also GREVIO's baseline evaluation reports on France, paragraph 221; Slovenia, paragraph 311; and Romania, paragraph 341.

90. Explanatory Report to the Istanbul Convention, paragraph 255.

91. See GREVIO's baseline evaluation report on San Marino, paragraph 178; and Slovenia, paragraph 311.

92. See GREVIO's baseline evaluation report on Portugal, paragraph 187.



Portugal, Law No. 72/2015 was introduced establishing as an objective of criminal policies the principle that sexual violence-related offences should be investigated as a matter of priority. Another promising practice is found in San Marino, where Law 97/2008 obliges the law-enforcement agency to take immediate action in cases of violence against women and, in any case, to intervene within an hour of receiving the report. Moreover, the GREVIO baseline evaluation report on San Marino refers to an intervention protocol that clearly recognises the structured nature of gender-based violence and warns police about the risk of secondary victimisation and victim blaming.<sup>93</sup> The GREVIO baseline evaluation report on Norway notes that the Director General of Public Prosecutions has instructed the police force to give priority to cases involving violence against women and that these cases are to be handled in a swift manner.<sup>94</sup> GREVIO also welcomed initiatives to establish monitoring departments to ensure timely responses and effective investigations in sexual violence cases, as with the Georgia Human Rights Protection and Quality Monitoring Department. The baseline evaluation report on Georgia positively noted the information provided by authorities indicating that investigations into such offences rose substantially in the following two years.<sup>95</sup>

### **Improving reporting and investigation: victim-friendly police stations, specialised police units and trained police officers**

Improving reporting and investigations requires various measures to make the criminal justice system more victim-friendly, reduce victims' secondary victimisation and ensure a quality law-enforcement response based on a trauma-informed approach free from stereotypes and biases. This can greatly contribute to higher levels of satisfaction among victims with their experience at the reporting stage, as GREVIO noted in its baseline evaluation report on Denmark. In this report, GREVIO

93. See GREVIO's baseline evaluation report on San Marino, paragraphs 178-181.

94. See GREVIO's baseline evaluation report on Norway, paragraph 219.

95. See GREVIO's baseline evaluation report on Georgia, paragraphs 303-304.

positively noted the statistics provided by the authorities indicating a significant drop in the rate of discouraged women attempting to report a rape after much work was done to improve the law-enforcement response.<sup>96</sup> The continued efforts made by Denmark in this area, following the adoption of the baseline evaluation report, were also noted in the 2021 Conclusions on the implementation of recommendations in respect of Denmark, adopted by the Committee of the Parties to the Istanbul Convention. More specifically, the latter conclusions welcomed the development of the 2021-2023 multiyear strategy of the police which includes the setting up of special teams for handling sexual offences cases and the opportunity afforded to victims of sexual violence to benefit from a recorded interview.<sup>97</sup> Indeed, GREVIO has observed that swift investigations based on a sensitive and professional approach to victims significantly reduces the risk of victims abandoning their cases.<sup>98</sup>

### **Comprehensive measures to improve reporting and investigations**

In addition to the positive practices adopted by Denmark, other promising examples noted by GREVIO are those that provide for targeted specialist training of police offices, specialised units or designated investigators, standardised protocols and the setting up of specialised victim-friendly rooms in police stations. A good example of this is described in GREVIO's baseline evaluation report on Iceland, which refers to the various measures articulated in the Icelandic Action Plan on Sexual Violence. This action plan was passed by parliament, upon the initiative of the Ministry of Interior and following a study pointing to high acquittal rates for sexual offences.<sup>99</sup> Measures included creating divisions in the Metropolitan Police specialising in sexual crimes and technology-facilitated violence; a protocol for handling and investigating sexual offences; additional full-time police officer positions; and additional funding to update procedures and for investigative equipment. It also included other initiatives such as establishing a comforting room in the main police station, where the victim can give her report with privacy, after having made an appointment online. GREVIO has also welcomed the measures taken in Italy, which include systematic initial and in-service training, specialised police units on violence against women, standardised procedures, involving psychologists during police interventions, and specialised rooms in police stations, designed to provide victims with the necessary privacy and a suitable environment for reporting in order to lower the risk of secondary victimisation.<sup>100</sup>

In its report on Poland, GREVIO noted that the authorities had introduced measures to improve the criminal justice response to rape cases and to avoid re-traumatisation and secondary victimisation. Such measures included a new legislative requirement that victims be interviewed only once by courts (single hearing procedure), as well as the adoption of guidelines requiring that interviews take place in a separate room and be conducted by a trained officer of the same sex, unless the victim wishes otherwise,

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96. See GREVIO's baseline evaluation report on Denmark, paragraph 191.

97. Conclusions on the implementation of recommendations in respect of Denmark adopted by the Committee of the Parties to the Istanbul Convention on 7 December 2021 (IC-CP/Inf(2021)6).

98. See GREVIO's baseline evaluation report on Montenegro, paragraph 219.

99. See GREVIO's baseline evaluation report on Iceland, paragraphs 246-250.

100. See GREVIO's baseline evaluation report on Italy, paragraphs 214-216.

and that the interviewing officer refrain from any statements that may be perceived as judging or questioning the victim's behaviour, her appearance or actions. These guidelines also include the requirement to inform victims of their rights and role in the process, as well as the legal and psychological assistance available to them, and to accompany them to a medical facility for medical support and a forensic examination.<sup>101</sup> While GREVIO welcomed these measures, it did raise various concerns related to major gaps in its implementation. This includes a lack of co-ordination between law-enforcement agencies and the justice system, which constitutes an obstacle to efficient and robust case building. In this context, when women victims, particularly those experiencing sexual violence committed by intimate partners or relatives, make use of their right not to testify, this usually leads to the dismissal of the case, as no further evidence may be available or even collected. In addition, the requirement to hear the victim only once, and only by the courts, means that victims can neither alter nor add to their statement and hence cannot react to any turn in the investigation. Moreover, GREVIO noted that some courts are slow to schedule the hearing of rape victims, which is central to the single-hearing procedure.

In San Marino, GREVIO welcomed the intervention protocol for law-enforcement officials in cases of gender-based violence, which clearly recognises the structural nature of gender-based violence and underlines the crucial role of the police as one of the first interlocutors for victims.<sup>102</sup> The protocol warns police officials against the risk of secondary victimisation and prescribes never questioning a victim's narrative or blaming her, but instead making clear that the only person responsible for the violence is the perpetrator. This is complemented with mandatory training on violence against women for all law-enforcement officers, the establishment of a special unit on gender-based violence, including rape, and the appointment of a police liaison person to ensure due co-ordination and exchange of information on cases.

### **Ensuring victims' privacy and confidentiality when reporting a case of sexual offence**

As regards victims' support and privacy when reporting sexual offences, in addition to the positive practices noted in Iceland and Italy, GREVIO has also welcomed measures taken by the Monégasque and French authorities in this respect.<sup>103</sup> More specifically, it welcomed the practice, albeit non-formalised in Monaco, to provide dedicated reception premises satisfying the requirements of confidentiality, to never leave the victim alone in reception areas and to make available police social workers specialising in victim reception, response and counselling. GREVIO also welcomed in its baseline evaluation report on France the online reporting platform in France, launched in November 2018 by the Ministry of the Interior, to help victims of sexual and gender-based violence to take the step of filing a complaint.

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101. See GREVIO's baseline evaluation report on Poland, paragraphs 251-253.

102. See GREVIO's baseline evaluation report on San Marino, paragraphs 180-182.

103. See GREVIO's baseline evaluation reports on Monaco, paragraph 75; and France, paragraph 224.

### **Setting up of specialised units/designated investigators for cases of sexual violence and rape, supported by dedicated instructions/guidelines and specialist training**

When it comes to the setting up of specialised units or designated investigators for cases of sexual violence and rape, supported by dedicated instructions/guidelines and specialist training, GREVIO has identified numerous states parties that have made progress, including Bosnia and Herzegovina, Cyprus, Denmark, Georgia, Iceland, Italy, Malta, the Netherlands, Sweden and Switzerland.<sup>104</sup> GREVIO has welcomed the establishment of specialised units on sexual violence in Cyprus, noting that their work has been recognised by different stakeholders to have led to an increase in the reporting of cases of violence against women.

In Malta, GREVIO noted that cases of sexual violence can be referred to a specialised unit and victims requiring further support are referred to the victim support unit, staffed by women police officers who serve as a single point of contact, providing crisis counselling, information about the criminal case and facilitating referrals to support services. In addition, in its baseline evaluation reports on Sweden and Georgia, GREVIO noted that each police district had investigators specially trained on sexual offences, and that in the Netherlands, Bosnia and Herzegovina and Switzerland, there were specialist police officers for sexual offences, at least in some parts of the country. GREVIO welcomed, in particular, the adoption and use in Sweden of an investigators' checklist developed for rape cases.

### **Initiatives to issue guidance and set up formalised co-operation between law-enforcement authorities and other first responders**

GREVIO has also welcomed initiatives to formalise guidance and co-operation between law-enforcement authorities and different stakeholders to ensure a swift response and the provision of support and protection to victims of rape and sexual violence. For example, it welcomed the adoption of the joint circular on sexual assault that set forth minimal measures for all police and judicial work in Belgium, which has formalised a multidisciplinary approach between the criminal justice system, the health system and victim services.<sup>105</sup> In Andorra, following ratification of the Istanbul Convention, the police force and the state-supported victim support services negotiated a co-operation protocol with the aim of harmonising police activities with the convention standards. The protocol sets out the main guidelines for police measures, starting with the victims' first contact with police until their referral to specialist support services. The protocol establishes an obligation to create optimum conditions for victims to be heard and for their complaints to be registered, while paying particular attention to the possible presence of child victims and/or witnesses. Furthermore, it explicitly prohibits "any attitude that makes victims feel guilty or minimises the violence" in order to prevent secondary victimisation and stresses the proactive role that law-enforcement agencies should play in finding evidence that can corroborate

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104. See GREVIO's baseline evaluation reports on Bosnia and Herzegovina, paragraph 258; Cyprus, paragraph 226; Denmark, paragraph 191; Georgia, paragraph 305; Iceland, paragraphs 246-250; Italy, paragraphs 214-216; Malta, paragraphs 191-193; the Netherlands, paragraph 250; Sweden, paragraph 198; and Switzerland, paragraph 215.

105. See GREVIO's baseline evaluation report on Belgium, paragraph 177.



victims' claims and/or support a judicial investigation; providing a standard model complaint that lists all the questions and information that must be covered by the police officer in charge of assisting victims.<sup>106</sup>

### Improvements in the collection of evidence in sexual offences

As regards improving evidence collection in sexual offences, GREVIO has noted that having the legal possibility for victims of rape and sexual assault to have their forensic evidence taken and stored free of charge, irrespective of their desire to report, is of essence and enables proceedings to be instituted at a later stage.<sup>107</sup>

### Improving prosecutorial and judicial practices

Reducing the risk of attrition at the prosecution and trial stages can involve various measures, including specialisation, guidance and training, along with effective case management. As GREVIO has noted, there are many factors that contribute to a solid investigation, prosecution and trial for sex offences, such as the collection of evidence, its assessment by prosecution services, the support given to victims and their role in the case and the role of the judiciary in handling these sensitive cases.<sup>108</sup>

### Improvement of prosecutorial practices

GREVIO noted in its baseline evaluation reports on Denmark, Georgia and Sweden some positive measures taken to improve the prosecution stage of sexual violence cases.<sup>109</sup> In Denmark, a fast-track procedure was established to ensure the swift handling of all violent crime, including a time frame for assessing the case by the prosecutor. Moreover, guidance has been issued to assign such cases to experienced prosecutors, thus ensuring a certain amount of *de facto* specialisation. Similarly, GREVIO noted that in Georgia only prosecutors who have completed a special training course on sexual violence are assigned these types of cases, and their work is directed by guidelines. In Sweden, the prosecution services have set up a prosecution development centre to develop methods for the investigation and prosecution of sexual offences and have introduced checklists.

GREVIO has highlighted other positive trends such as the adoption of protocols, guidelines or specialisation in the prosecution and adjudication of sexual violence cases, notably in the Netherlands, Poland and Iceland.<sup>110</sup> For instance, following the ratification of the Istanbul Convention, the Public Prosecution Service in the Netherlands adopted instructions on sexual offences that detail how such forms of violence should be identified and prosecuted, including explicit information about protecting the rights of victims and avoiding secondary victimisation. In Poland, standards for the investigation and prosecution of cases of sexual violence are set

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106. See GREVIO's baseline evaluation report on Andorra, paragraphs 179-180.

107. For example, see GREVIO's baseline evaluation report on Germany, paragraph 300.

108. See GREVIO's baseline evaluation report on Sweden, paragraph 210.

109. See GREVIO's baseline evaluation report on Denmark, paragraphs 195-196; Georgia, paragraph 305; and Sweden, paragraph 205.

110. See GREVIO's baseline evaluation reports on the Netherlands, paragraph 263; Poland, paragraph 262; and Iceland, paragraph 251.



out in specific Prosecutor General's Guidelines, issued in 2015. In Iceland, Instruction No. 2/2018 from the Director of Public Prosecution requires an investigation plan to be prepared for the investigation of rape offences, sexual offences against children and offences in close relationships, in order to standardise good practice. When a case of rape is entered into police records, a list of the measures to be undertaken is automatically provided. In addition, instructions issued by the Director of Public Prosecutions require such cases to be expedited and given priority. The District Prosecutor and the Chiefs of Police are also required to send a list of cases and their progress to the Attorney General, twice a year. Germany has equally set up specialist departments for the prosecution of crimes against sexual self-determination in some public prosecutors' offices across the country.<sup>111</sup>

### **A comprehensive approach to the prosecution of cases of rape and sexual violence**

A good example of an approach that involves a wide range of measures is noted in GREVIO's baseline evaluation report on Italy.<sup>112</sup> The High Judiciary Council adopted guidelines for judicial proceedings in cases of gender-based violence. Such cases are assigned to specialist prosecutorial units/magistrates. Monitoring and evaluation of the implementation of the guidelines found that a large number of prosecutorial offices have adopted protocols describing how to handle such cases that cover the investigative stage and set "stringent deadlines as to the maximum duration of enquiries". It also found that a high number of offices have formalised their co-operation with the victim support services that are engaged during judicial proceedings, as well as with others that deal with preventing violence against women. Moreover, GREVIO noted a promising practice adopted by the Prosecutorial Offices of the Court of Tivoli (Eastern Rome), which it suggested should be replicated around the country. More specifically, prosecutors in this court have enacted a series of measures to ensure a prompt and effective response to cases of gender-based violence against women. These measures range from increasing the number of prosecuting attorneys dealing with such crimes and prioritising these investigations, to ensuring the swift adoption of the necessary precautionary protective measures, placing their implementation under the tight supervision of prosecutors and creating a fast-track for the related trials. All these measures take place within a robust interinstitutional network, involving statutory agencies and women's organisations, and are complemented by a wide array of preventive measures (such as training, information for victims, awareness raising and outreach activities in the community).

### **Improvement of judicial practices**

As regards judicial practices, GREVIO has welcomed the ruling from the Supreme Court of Sweden finding that where a victim is considered credible, a conviction may be based solely on her testimony, while noting, however, that this ruling is not always followed by the lower courts. Moreover, the Italian Code of Criminal Procedure provides that evidence relating to the sexual history and conduct of the victim which

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111. See GREVIO's baseline evaluation report on Germany, paragraphs 298 and 301.

112. See GREVIO's baseline evaluation report on Italy, paragraphs 218-223.

has no probative value is not permitted, and the Code of Legal Ethics for lawyers requires legal counsels to avoid questions and methods of examination that inflict further humiliation and convey a moral judgment on the victim's experience.<sup>113</sup>

## **Protective measures during investigation and judicial proceedings**

As indicated earlier, Article 56 of the convention sets forth a non-exhaustive list of procedures designed to protect victims of violence at all stages of proceedings, during investigations and at trial, covering – but not limited to – victims who are witnesses. A number of good practices have been identified in this area by GREVIO.

### **Comprehensive measures for victim protection**

In its baseline evaluation report on Denmark, while noting that very little information was conveyed on their actual use, GREVIO welcomed the range of protective measures provided under the law to keep victims safe from intimidation and retaliation during court proceedings. These include the hiding of the victims' addresses, occupation and even names of victims and witnesses, as well as the holding of hearings *in camera*; ordering the defendant to leave the courtroom during the testimony of a victim or witness; video recording of children's testimony and, under specific and limited circumstances, those of adults. Law-enforcement agencies may also notify the court and request, for example, the use of separate waiting rooms at court. For all victims of crime asked to testify in court, a specific contact person within law enforcement is provided for any questions and concerns victims may have, and leaflets detailing the different steps of the investigation and criminal proceedings are available in several languages. Moreover, where perpetrators have been sentenced to a prison term for sex offences or other serious offences, victims must be notified of the perpetrator's release or escape and of major media coverage of the perpetrator and his acts.<sup>114</sup>

### **The video recording of witness statements or other means to avoid contact between the victim and the perpetrator within court and police premises**

GREVIO has consistently observed that ensuring the avoidance of contact between the victim and the perpetrator within court and police premises is a vital element in the protection of victims from secondary victimisation. In the baseline evaluation report on Sweden, GREVIO observed that judges can hear the victim without the presence of the accused, over the telephone or by video link. Similarly, Germany has adopted a range of measures to ensure victim protection, including the use of audiovisual recordings of testimonies for both underage and adult victims.<sup>115</sup>

### **Other types of protective measures to avoid secondary victimisation**

In Poland, under the Act on the Protection of and Assistance to Victims and Witnesses, hearings of rape victims must take place in a special room, be recorded and conducted

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113. See GREVIO's baseline evaluation report on Italy, paragraph 242.

114. See GREVIO's baseline evaluation report on Denmark, paragraphs 216-218.

115. See GREVIO's baseline evaluation report on Germany, paragraph 301.



by a judge in the presence of a psychologist.<sup>116</sup> In Romania, in addition to protection measures, such as the holding of *in camera* court trials and the exclusion of the media from courtrooms, in cases of violence, for victims of rape, the additional measure to anonymise victim data can also be taken, including in court summons or judgments when the information is replicated on the courts' web portals.<sup>117</sup>

### **The role and importance of rape crisis and sexual violence referral centres**

It is of paramount importance that the legislative and institutional reforms underway towards a consent-based definition of sexual violence and rape go hand in hand with the setting up and/or strengthening of specialised services for victims of sexual violence. Such support services are of essence to ensure victims' recovery and to address the consequences stemming from the violence, including self-blame and a sense of shame. They are also essential to facilitate access to justice as they empower victims and provide the needed forensic evidence to enable effective prosecutorial action and an eventual conviction.<sup>118</sup>

Indeed, victims of sexual violence can suffer multiple and enduring consequences, including possible physical consequences such as injury, sexually transmitted infections, unwanted pregnancies and unsafe abortions, as well as a wide range of psychological consequences, such as anxiety, depression and suicidal thoughts.<sup>119</sup> Studies have shown that that post-traumatic stress disorder (PTSD) is highly prevalent among victims of sexual violence, with one study finding 94% of rape victims met the PTSD criteria approximately two weeks post-rape, and 47% continued to meet the criteria after three months.<sup>120</sup> These psychological consequences also raise

116. See GREVIO's baseline evaluation report on Poland, paragraph 303.

117. See GREVIO's baseline evaluation reports on Poland, paragraphs 302-303; and Romania, paragraph 408.

118. See GREVIO's baseline evaluation report on Italy, paragraph 156. For a broader discussion on the methodology, see also Council of Europe (2018), "Mapping Support Services for Victims of Violence against Women in Line with the Istanbul Convention Standards – Methodology and Tools".

119. Peeters L. et al. (2019), "Current care for victims of sexual violence and future sexual assault care centres in Belgium: the perspective of victims", *BMC International Health and Human Rights*, 19:21, p. 2.

120. Several studies listed in Bramsen R. et al. (2009), "A Danish Model for Treating Victims of Rape and Sexual Assault: The Multidisciplinary public approach", *Journal of Aggression Maltreatment & Trauma*. 2009, discuss these findings.

the chances of future drug addiction as well as re-victimisation.<sup>121</sup> Social isolation can also ensue following sexual violence, due to strained relationships with family and friends. Moreover, victims can also experience financial hardship due to costs associated with needed care or linked to absenteeism from work, for example.<sup>122</sup> In addition, research has highlighted that a rape victim's first encounter with the support system can have very negative long-term consequences in terms of recovery, if the support is not adequate.<sup>123</sup> GREVIO has highlighted that sexual violence victims' experiences with the criminal justice system can cause further harm to them, unless certain protection measures are taken and psychological counselling and trauma support is provided in parallel.<sup>124</sup>

To address and minimise the above-mentioned negative consequences, victims of sexual violence need access to a set of holistic services, including immediate medical care and trauma support; forensic examinations; short and long-term psychological counselling and therapy; and legal advice. Under its Article 25, the convention provides states parties with the alternative to set up either a rape crisis centre or a sexual violence referral centre per every 200 000 inhabitants.<sup>125</sup> Rape crisis centres typically offer long-term help such as face-to-face counselling and therapy, support groups and referrals to other services.<sup>126</sup> They also support victims during court proceedings by providing woman-to-woman advocacy and other practical help. Sexual violence referral centres, on the other hand, may specialise in immediate medical care, high-quality forensic practice and crisis intervention.<sup>127</sup> They can, for instance, be set up in a hospital setting to respond rapidly to sexual assaults by carrying out medical checks and referring the victim to specialised community-based organisations for further services. They also may concentrate on the immediate and adequate referral of the victim to appropriate, specialised organisations to provide them with the necessary care. At their core, both types of centres aim to serve victims of rape and sexual violence and inform them of their options in a way that acknowledges that each victim is different, and that the best course of action is thus different for each person.

Whatever form they take, GREVIO has stressed that such measures should be taken within a multisectoral response, giving victims the control over the decisions taken. Victims must be granted services regardless of their willingness to report or testify against the perpetrator, and forensic evidence should be stored for a defined period of time, allowing a court case to be initiated at a later stage, should a victim so decide.

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121. Kline N. et al. (2021), "Self-Blame and PTSD Following Sexual Assault: A Longitudinal Analysis", 36 (5-6): NP3153-NP3168.

122. Peeters L. et al. (2019), cited above, p. 2.

123. A summary of the studies confirming the long-term consequences can be found in Bramsen. R et al. (2009), cited above, p. 887.

124. See GREVIO's baseline evaluation report on Montenegro, paragraph 135.

125. Explanatory Report to the Istanbul Convention, paragraph 142.

126. *Ibid.*, paragraph 140.

127. *Ibid.*, paragraph 141.

Moreover, victims should be able to seek these services even several years after the assault has taken place.<sup>128</sup>

### Trends and promising practices

In recent years, as a result of states' efforts to comply with Article 25 of the convention, and in response to GREVIO's findings and Committee of the Parties' recommendations, the number of rape crisis centres and/or sexual assault referral centres has risen in a number of states parties, a further illustration of the Istanbul Convention's positive impact in combating violence against women. Indeed, before the entry into force of the Istanbul Convention, a number of Council of Europe member states did not have specialist support service for women victims of sexual violence that could offer medical support, forensic examinations, the storage of DNA and counselling.<sup>129</sup> Less than a decade later, out of the 29 GREVIO baseline evaluation reports published so far, 19 states parties have either set up rape crisis centres or sexual assault referral centres, or have taken steps towards their setting up, namely in Andorra, Austria, Belgium, Denmark, Estonia, Finland, France, Germany, Iceland, Italy, Malta, the Netherlands, Norway, Portugal, Romania, San Marino, Spain, Sweden and Switzerland.<sup>130</sup> More specifically, further to specific GREVIO findings and Committee of the Parties recommendations issued in this area, Austria has expanded specialised counselling services for victims of sexual violence to cover all regions in the country.<sup>131</sup> Moreover, Albania has set up its first sexual assault referral centre.<sup>132</sup> Nevertheless, there is still much room for improvement as GREVIO's monitoring thus far reveals that only Denmark and Iceland comply with the standard of one rape crisis or sexual violence referral centre per 200 000 inhabitants – a standard which aims to ensure proper coverage and easy access for women victims of sexual violence.<sup>133</sup>

128. See GREVIO's baseline evaluation reports on Albania, paragraph 110; Belgium, paragraphs 130-132; Denmark, paragraphs 121-124; Germany, paragraphs 182-191; Iceland, paragraphs 147-153; Norway, paragraphs 134-138; San Marino, paragraphs 115-119; and Switzerland, paragraphs 146-149.

129. Council of Europe (2022), "Mid-term Horizontal Review of GREVIO baseline evaluation reports", paragraph 278.

130. However, please note that many of them are not yet in full compliance with Article 25 of the convention; see GREVIO's baseline evaluation reports on Andorra, paragraph 128; Austria, paragraphs 100-101; Belgium, paragraphs 130-132; Denmark, paragraphs 121-124; Estonia, paragraphs 129-133; Finland, paragraph 124; France, paragraph 161; Germany, paragraphs 182-191; Iceland, paragraphs 147-153; Italy, paragraph 155; Malta, paragraph 131; the Netherlands, paragraph 174; Norway, paragraphs 134-138; Portugal, paragraph 142; Romania, paragraphs 214-219; San Marino, paragraphs 115-119; Spain, paragraphs 172-175; Sweden, paragraphs 143-144; and Switzerland, paragraphs 146-149.

131. See Committee of the Parties, "Conclusions on the implementation of recommendations in respect of Austria adopted by the Committee of the Parties to the Istanbul Convention" (IC-CP/Inf(2021)5) adopted on 7 December 2021.

132. See Committee of the Parties, "Conclusions on the implementation of recommendations in respect of Albania adopted by the Committee of the Parties to the Istanbul Convention" (IC-CP/Inf(2021)4) adopted on 7 December 2021.

133. See GREVIO's baseline evaluation reports on Denmark, paragraphs 121-124; and Iceland, paragraphs 147-153.

## Centres that are based on multidisciplinary collaborative models and holistic approaches

GREVIO has positively noted that Belgium, Denmark, Estonia, Iceland, Norway and Switzerland have established centres that are based on multidisciplinary collaborative models and holistic approaches. For example, the Sexual Assault Centres set up in Belgium offer immediate medical care, psychological support related to trauma and a forensic examination to gather evidence for prosecution. After the care received, victims can, if they wish, file a complaint and be interviewed by a police officer on site. GREVIO considered this as an example of a “one-stop-shop” approach which can significantly reduce secondary victimisation. Reports indicate that the Belgian Sexual Assault Centres have vastly reduced reporting obstacles. Notably, 68% of victims who were supported by such centres reportedly went on to file a complaint, which was significantly higher than the national average of victims who filed complaints.<sup>134</sup> A non-governmental organisation’s report noted that this was largely because the support offered at the Sexual Assault Centres is focused on providing confidential care to victims and helping them to rebuild their lives. It also enables marginalised groups, such as transgender people and women in prostitution, to report rape in a safer environment.<sup>135</sup> As regards the reporting process, the Sexual Assault Centres support victims in a way that is sensitive and mindful of the extreme stress they experience and the impact this has on their ability to process information and form memories.<sup>136</sup>

Another noteworthy practice is found in Denmark, where a highly specialised network of 10 centres for victims of rape and sexual violence across the country has been developed. These centres provide residential and non-residential services to women and girls over 15 years of age who are victims of sexual violence, in the form of medical care and trauma support, combined with forensic examinations. GREVIO noted that victims could seek these services any time after the assault and up to several years later. It further observed that the standard procedure for medical and forensic examination is carried out irrespective of whether the victim wants to report and that evidence is collected and stored up to three months or longer if the victims so request it, so that it can be used for future judicial proceedings. Centres also offer psychological treatment for all acute patients, but they have limited availability for longer-term counselling. For victims below the age of 15, a number of additional centres provide child-friendly services.<sup>137</sup> Another promising practice is found in Iceland, where emergency reception centres for victims of sexual violence are open 24 hours, offering forensic collection of evidence and any necessary medical services, free of charge, irrespective of the victim’s desire to lodge a complaint with the police. The forensic evidence is stored for one year. In addition, the centres arrange for psychological support as well as free legal counselling, and if the victim

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134. International Planned Parenthood Federation European, “Belgium’s consent law is clear: absence of no doesn’t mean yes”: <https://europe.ippf.org/stories/belgiums-consent-law-clear-absence-no-doesnt-mean-yes>.

135. Ibid.

136. Ibid.

137. See GREVIO’s baseline evaluation report on Denmark, paragraphs 121-124, as cited in Council of Europe (2022), “Mid-term Horizontal Review of GREVIO baseline evaluation reports”, paragraph 279.

wants to report their case immediately, a police officer is called to the centre or the legal counsel accompanies the victim to the police station.<sup>138</sup>

In Norway, two types of specialist support services are available and have been rolled out across the country to provide holistic and sensitive support to victims of rape and sexual violence, namely Sexual Assault Centres and Centres for Victims of Incest and Sexual Abuse (SMISOs). Sexual Assault Centres are located in medical clinics or hospital facilities and function as sexual violence referral centres. They offer immediate medical support by treating injuries and detecting sexually transmitted diseases and provide forensic examinations to secure evidence and crisis intervention. Forensic examination to secure evidence can be carried out regardless of whether the victim intends to report to the police. Professionals working at the Sexual Assault Centres can also refer victims to lawyers, the police and follow-up services providing more long-term support, including SMISOs and crisis centres. The SMISOs offer low-threshold support to victims of sexual violence and their relatives in the form of free-of-charge, medium-term psycho-social counselling.<sup>139</sup> In Switzerland, while there are no centres offering a “one-stop-shop” approach, GREVIO has welcomed the integrated approach taken by some hospital-based sexual violence referral centres, which make it possible to provide victims with comprehensive, long-term support. Specifically, these centres provide medical treatment and forensic examination irrespective of whether the victim is lodging a police complaint, and they work in close co-operation with other institutions and organisations, including the police and prosecuting authorities and shelters that victims may be referred to.<sup>140</sup>

In response to GREVIO’s findings on the need to set up rape crisis and sexual violence referral centres, Albania set up its first crisis management centre for sexual violence cases in 2018, based in a hospital.<sup>141</sup> The centre provides one-stop emergency services, available 24/7, and short-term services (24-72 hours) for victims of sexual violence and their relatives. It is based on a social healthcare model, with an interdisciplinary team of forensic medical professionals, gynaecologists, paediatricians, psychiatrists, clinical psychologists, social workers, representatives from the police, prosecutor’s offices, lawyers and nurses. The centre provides primary services, such as healthcare, forensic medical services, psycho-social support, clothing, food, further referrals, statement taking, initiation of criminal justice procedures and psychological counselling, to help the victim cope with the situation. A case manager conducts an assessment of the victim’s immediate needs and if the victim requires services beyond 72 hours, they are referred to another specialised support services centre. It is also encouraging that other states parties, such as Romania, are also making progress by setting up pilot centres for victims of sexual violence, with the long-term aim of establishing 10 more centres. These centres are based on an integrated services model within a hospital setting and provide adult victims with emergency

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138. See GREVIO’s baseline evaluation report on Iceland, paragraphs 147-153.

139. See GREVIO’s baseline evaluation report on Norway, paragraphs 134-138.

140. See GREVIO’s baseline evaluation report on Switzerland, paragraphs 146-149.

141. Report on the implementation of the recommendations addressed to Albania by the Committee of Parties 2018-2020, submitted on 30 June 2021: recommendation about setting up rape crisis centres and/or sexual violence referral centres in the framework of a multi-sectoral response – Recommendation A.9, IC-CP/Inf(2018)3.

medical care, forensic examinations, support to access legal advice and/or report to the police, and information and counselling.<sup>142</sup>

## Conclusion

This focus section has shown the evolution in policies and practices in states parties to the Istanbul Convention, as well as the positive impact that GREVIO's monitoring activity has had so far on the legislation on rape and sexual violence. Indeed, many countries have already moved, or are in the process of moving, away from purely force-based definitions of sexual crimes, aligning their criminal laws with the core requirement of Article 36 of the convention: the criminalisation of non-consensual sexual acts. The baseline evaluation procedure has brought to light many promising practices in this area, which states are encouraged to share and adopt within their own jurisdiction. Last but not least, the role of rape crisis and sexual violence referral centres must not be underestimated, as only a holistic approach to supporting women victims of rape and sexual violence, which includes not only an effective criminal justice response but also medical attention, psychological support and legal counselling, can mitigate the trauma inflicted upon victims. As GREVIO starts its first thematic evaluation procedure in 2023, the Group of Experts will have the opportunity to follow up on the above-mentioned points and continue to monitor progress in states' efforts to build the trust of victims by delivering support, protection and justice for women victims of rape and sexual violence.

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142. See GREVIO's baseline evaluation report on Romania, paragraphs 214-219.





## Relations with the Committee of the Parties

**T**he Committee of the Parties and GREVIO represent the two pillars of the monitoring system set up by the Istanbul Convention. In accordance with Article 68, paragraph 12, the Committee of the Parties may, on the basis of GREVIO's baseline evaluation reports and conclusions, issue recommendations to states parties, thus ensuring the equal participation of all the states parties in the monitoring procedure of the convention, strengthening co-operation among parties and between them and GREVIO to ensure the proper and effective implementation of the convention.

Under Rule 26 of GREVIO's internal rules of procedure, the President of GREVIO may periodically meet with the Committee of the Parties to inform it about its work, as well as about any other issue relating to the good functioning of the monitoring mechanism of the convention. Under this same provision, GREVIO may decide to invite the Chair of the Committee of the Parties for exchanges of views.

During the period covered by this report, GREVIO's President, Iris Luarasi, held an exchange with the Committee of the Parties during its 13th meeting (5-6 December 2022). She informed the committee about the adoption of nine new baseline evaluation reports and about forthcoming country visits, which will bring the baseline assessment procedure close to completion. She introduced GREVIO's forthcoming thematic evaluation procedure, to be launched in 2023, devoted to the theme "Building trust by delivering support, protection and justice". She highlighted the field of prevention of violence against women and domestic violence, which is addressed in some detail in the questionnaire for the first thematic evaluation round.

The close relationship between the two pillars of the monitoring mechanism continued under the committee's newly elected president, Marie Fontanel, Ambassador Extraordinary and Plenipotentiary and Permanent Representative of France to the Council of Europe. Based on the practice established in previous meetings, three members of GREVIO offered their expertise to the Committee of the Parties during the adoption of its conclusions on the implementation of its recommendations in respect of Montenegro, Portugal and Sweden. The GREVIO rapporteurs for the three states parties concerned shared with the committee their impressions on the implementation of the committee's recommendations (Marceline Naudi for Montenegro, Simona Lanzoni for Portugal and Iris Luarasi for Sweden).

In addition, and in accordance with Article 68, paragraphs 11 and 12, of the Istanbul Convention, nine GREVIO baseline evaluation reports were transmitted to the Committee of the Parties, which it also considered at its 13th meeting (5-6 December 2022). These concerned Bosnia and Herzegovina, Cyprus, Estonia, Georgia, Germany, Iceland, Norway, Romania and Switzerland. As per the committee's standard approach, it recommended that the respective governments take immediate action in respect of certain findings made by GREVIO in its baseline evaluation report. It further requested them to report to the Committee of the Parties, within three years, on the measures taken to improve the implementation of the convention in those areas and to take measures to implement the further conclusions of GREVIO's baseline evaluation report.

During the adoption of its recommendations to states parties, several delegations took the floor to provide feedback on their experience of the monitoring process by GREVIO as a constructive and co-operative dialogue and a tool for the authorities to set priorities in their action to combat violence against women and domestic violence.



## Co-operation with other Council of Europe bodies and institutions

### Committee of Ministers

In 2022, GREVIO continued its fruitful co-operation with the Committee of Ministers with a view to furthering the common goal of strengthening the outreach and the impact of the Istanbul Convention. An illustration of such vibrant co-operation was the Conference of Ministers of Council of Europe member states “No safe haven: integrated prevention measures to end domestic, sexual and gender-based violence”, organised by the Irish Presidency of the Committee of Ministers of the Council of Europe on 29 and 30 September 2022 in Dublin, Ireland. This two-day ministerial conference focused on prevention measures aimed at a long-term and strategic change in societal attitudes and behaviours to end violence against women. GREVIO members Ellen O’Malley and Marie-Claude Hofner and GREVIO President Iris Luarasi delivered speeches, while the Ministers of 38 European states gave their support to and adopted the Dublin Declaration. This important outcome document is directly inspired by the prevention pillar of the Istanbul Convention and pledges action to implement the provisions of Chapter 3 of the convention, including awareness raising among the general population, the training of professionals and more work with perpetrators of gender-based violence. The Dublin Declaration is used and referred to in GREVIO’s work and beyond.

Another example of engagement with the Committee of Ministers is the exchange of views that took place between the GREVIO President and the Committee of Ministers on 5 October 2022. During this exchange Ms Luarasi informed the Committee of Ministers of recent developments involving GREVIO, including the publication of GREVIO's 3rd General Report of activities, covering 2021, and including a focus section on the linkages between domestic violence, child custody and visitation arrangements. Ms Luarasi also recalled the importance of GREVIO's General Recommendation No. 1 on the digital dimension of violence against women, highlighting how GREVIO is increasingly addressing this dimension in its baseline evaluation reports, including with regard to new specific criminal offences, the setting up of specialist prosecution services equipped with the necessary technical tools and the development of specialist support services in this area. In this connection, GREVIO's president recalled the need to ensure the recognition of the digital dimension of violence against women in national strategies and action plans on violence against women. She equally informed the Committee of Ministers about liaison efforts with other relevant bodies in the framework of the Platform of Independent Expert Mechanisms on Discrimination and Violence against Women, which she had the honour of presiding over in 2022. Finally, she informed the Committee of Ministers that the baseline evaluation monitoring procedure of states parties would come to an end in 2024 and that a thematic evaluation procedure was being prepared.

### **Parliamentary Assembly**

GREVIO continued its co-operation activities with the Parliamentary Assembly of the Council of Europe (PACE) throughout the period under review. On 11 October 2022, upon the initiative of PACE's Committee on Equality and Non-Discrimination, a hearing entitled "The Istanbul Convention: progress and challenges" was held, with the participation of GREVIO President Iris Luarasi and Ambassador Marie Fontanel, Permanent Representative of France to the Council of Europe and Chair of the Committee of the Parties to the Istanbul Convention. In her speech, Iris Luarasi emphasised the significant changes the Istanbul Convention has prompted in member states, for example the laws on rape and sexual violence, which increasingly centre around the lack of consent, as required under Article 36 of the convention. She explained that GREVIO increasingly addresses digital forms of violence against women in its evaluations, noting that there was a growing awareness thereof among states parties, prompting more specific criminal offences to counter this ever-growing phenomenon. Last, she pointed out that GREVIO encountered substantive shortcomings in the member states' implementation of Article 31 of the convention, which requires them to take into account instances of domestic violence in proceedings concerning the custody and visitation rights of children. Many of GREVIO's baseline evaluation reports have revealed that women and children continue to be under-protected in separation processes, which exposes them to significant risks for their safety – at times with fatal consequences. The GREVIO President encouraged the members of PACE to continue their action to protect the right of women and girls to live a life free from violence.

PACE further undertook several initiatives to highlight the important role of the Istanbul Convention in preventing and combating violence against women. These included the adoption of a report by Margreet De Boer (Netherlands, Socialists,

Democrats and Greens Group (SOC)) on marital captivity, a little-known phenomenon that is estimated to affect tens of thousands of people in Europe each year, mostly women. It “arises when a person having entered into a civil or religious marriage or who is living in a marital situation wishes to end it, but finds that they are unable to do so, either legally or in the eyes of their community”. The report pointed out that the Istanbul Convention provides tools to address this situation. Moreover, a resolution on the role and responsibility of men and boys in stopping gender-based violence against women and girls was adopted by PACE, based on a report prepared by Petra Stienen (Netherlands, Alliance of Liberals and Democrats for Europe (ALDE)). The parliamentarians called on member states to adopt strategies or national action plans to prevent and combat gender-based violence and “include action with dedicated budgets to address the responsibility and role of men and boys”, such as awareness-raising campaigns. Moreover, they called for the creation of preventive intervention and treatment programmes for perpetrators of gender-based violence against women and girls, where such programmes do not already exist.

In a statement on the occasion of the International Day for the Elimination of Violence against Women, PACE’s rapporteur on the Istanbul Convention, Zita Gurmai (Hungary, SOC), pointed out that “Parliamentarians must join efforts with international and civil society organisations to reject the backlash and backsliding that are stopping progress in ending gender-based violence, which affects women and girls around the world the most.” In a meeting on 1 December 2022, PACE’s Committee on Equality and Non-Discrimination assessed the positive impact of the Istanbul Convention on its states parties, but also the challenges that need to be addressed, such as the persistently high number of instances of violence and femicide, the spreading of deliberate misrepresentations of the convention’s objectives and the need for those Council of Europe member states who have not yet done so to continue the process of signature and/or ratification. The committee further called for measures countering violence against women and domestic violence to be given priority at the 4th Summit of Heads of State and Government of the Council of Europe member states in May 2023.

On 10 December 2022, the last day of the 16 days of activism against gender-based violence, PACE President Tiny Kox issued a statement, in light of several demonstrations that had been forbidden by authorities in Council of Europe member states, stressing that “No state should condone or countenance any form of gender-based violence, let alone contribute to it by attacking those who speak up peacefully for the protection of their fundamental rights.”

## **Commissioner for Human Rights**

Synergies between GREVIO and the Commissioner for Human Rights, Dunja Mijatović, were maintained in 2022 as the commissioner continued to place gender equality and women’s rights high on her agenda and to use GREVIO’s findings as a main reference in her work on violence against women.



In a Human Rights Comment on violence against women in the digital world,<sup>143</sup> published in March 2022, she stressed the crucial role that the Istanbul Convention can play in preventing and combating violence against women in the digital sphere, and highlighted GREVIO's General Recommendation No. 1 on the digital dimension of violence against women. In another Human Rights Comment on violence against women with disabilities,<sup>144</sup> she highlighted the importance of the standards set in the Istanbul Convention for the protection from violence of women with disabilities, and referred to GREVIO's mid-term horizontal review report, in which many of the difficulties facing women with disabilities identified in GREVIO's baseline evaluations are reported. In particular, the commissioner referred to GREVIO's findings about obstacles to reporting acts of violence and to seeking assistance and justice, harmful stereotypes and prejudices held by law-enforcement officials and the lack of information on support services in accessible formats. She also addressed the prohibition of forced sterilisation under the Istanbul Convention and renewed her call for states to ratify and implement the Istanbul Convention, thereby reiterating her commitment to the full implementation of the convention.

As in previous years, the commissioner continued to follow up on GREVIO's findings contained in its baseline evaluation reports. In the report following her visit to Austria,<sup>145</sup> the commissioner called on the Austrian authorities to build on GREVIO's findings of 2020, to increase efforts to prevent and combat all forms of violence against women.

## European Court of Human Rights

Since its entry into force, the Istanbul Convention has provided new international law standards that can serve as guidance to the European Court of Human Rights (the "Court") when issuing judgments related to member states' legal obligations to prevent and prosecute violence against women, including domestic violence, and to protect victims. In several judgments concerning violence against women and domestic violence delivered in 2022 (*Y and Others v. Bulgaria*, Application No. 9077/18, 22 March 2022; *Landi v. Italy*, Application No. 10929/19, 7 April 2022; *De Giorgi v. Italy*, Application No. 23735/19, 16 June 2022; *M.S. v. Italy*, Application No. 32715/19, 7 July 2022; *C. v. Romania*, Application No. 47358/20, 30 August 2022; *J.I. v. Croatia*, Application No. 35898/16, 8 September 2022; *I.M. and Others v. Italy*, Application No. 25426/20, 10 November 2022; *Malagic v. Croatia*, Application No. 29417/17, 17 November 2022; *G.M. and Others v. the Republic of Moldova*, Application No. 44394/15, 22 November 2022), the Court referred to the Istanbul Convention and/or GREVIO evaluation reports.

To give an example, in the case of *C. v. Romania*, which concerned sexual harassment, the Court reiterated that Article 8 of the European Convention on Human Rights (the

143. See Human Rights Comment: "No space for violence against women and girls in the digital world", March 2022.

144. See Human Rights Comment: "Addressing the invisibility of women and girls with disabilities", April 2022.

145. See Council of Europe Commissioner for Human Rights, Dunja Mijatović: Report following her visit to Austria from 13 to 17 December 2021, May 2022.

ECHR) requires that an adequate legal framework for the protection from this form of violence be put in place, in line with the Istanbul Convention and other international conventions. The Court found that despite Romanian law criminalising sexual harassment in the workplace, the authorities' decisions dismissing the applicant's allegations of sexual harassment lacked reasoning and law-enforcement agencies failed in their duty to protect her from secondary victimisation. The Court thus concluded that the investigation into the applicant's case had been significantly flawed, in violation of the state's positive obligations under Article 8 of the Convention.

The case of *M.S. v. Italy* concerned the judicial passivity in the proceedings against the applicant's husband for domestic violence, in violation of Article 3 of the ECHR. In its reasoning, the Court shared GREVIO's concern, as expressed in its baseline evaluation report on Italy, that long delays in criminal proceedings lead to many cases of domestic and sexual violence becoming time barred. In another case against Italy (*I.M. and Others v. Italy*), the Court referred to Article 31 of the Istanbul Convention, which concerns proceedings relating to custody and visitation rights in the context of domestic violence, and extensively quoted GREVIO's findings on Italy. The case concerned a lack of protection of the applicants, a mother and her children, from their abusive husband/father, who was accused of ill-treatment and threatening behaviour against the children during supervised visits. The Court concluded that the authorities had not acted in accordance with the best interests of the children when ordering them to attend the distressing meetings with their father and therefore found a violation of Article 8 of the Convention.

The case of *G.M. and Others v. Moldova* concerned the ineffective investigations into a doctor repeatedly raping the three applicants, women with disabilities, and the authorities' failure to protect them from the non-consensual abortions and the forced contraception imposed on one of them. The Court reiterated that the Istanbul Convention lists forced abortions and forced sterilisation as forms of gender-based violence, and makes it an obligation for parties to criminalise such intentional acts (Article 39), and that effective investigations must be carried out into all forms of violence against women. The Court found a violation of Article 3 of the ECHR in its procedural and substantive aspects.

In the same vein, the European Convention on Human Rights and the Court's jurisprudence remain an important source for GREVIO's work, and its baseline evaluation reports contain numerous references thereto. GREVIO's baseline evaluation reports on Germany and Iceland, for example, remind states of their obligations under the Convention and point to the Court's findings in the landmark judgment in the case of *Kurt v. Austria* [GC], Application No. 62903/15, 15 June 2021. In view of this cross-fertilisation between the two conventions, in 2022 GREVIO continued its close co-operation with the European Court of Human Rights, their synergy making a substantive contribution to the protection of women's human rights.

## Gender Equality Commission

In light of the central focus on gender equality in their respective mandates, synergies between GREVIO and the Gender Equality Commission (GEC), and its respective secretariats, were ensured and further consolidated throughout the course of 2022.

For example, at its 28th plenary meeting held 10-13 October 2022, GREVIO members were invited to exchange with Andreia Lourenço Marques, Chair of the GEC, on matters related to its ongoing work, including the role of men and boys in policies on gender equality and violence against women and on the implementation of the Council of Europe Gender Equality Strategy (2018-2023), in particular on the progress made on the strategic objective to prevent and combat violence against women. The discussion focused on ways to reinforce each other's action on violence against women and gender equality issues more widely, which was considered particularly vital in view of the continuing backlash against women rights. It was considered necessary to find suitable measures to mitigate the double impact of the backlash on women's rights and the regression on gender equality as a result of the Covid-19 pandemic.

In turn, GREVIO's president continued the practice of engaging in regular exchanges of views with the GEC, with a view to ensuring a continuum between standard setting and monitoring. Notably, on 22 November 2022, she informed the GEC about a number of developments, including the near completion of the baseline evaluation procedure for states parties. She announced GREVIO's adoption of the first thematic questionnaire, "Building trust by delivering support, protection and justice", and the launching of its 1st thematic evaluation round, in the same order of states parties as followed in the baseline evaluation procedure. She equally emphasised the fact that GREVIO's monitoring work has revealed the need to set strategies on how to achieve better engagement of men and boys in policy making and implementation to prevent and prosecute cases of violence against women, and to protect victims. She also expressed support for the initiative of organising the Dublin Ministerial Conference, highlighting that the Dublin Declaration rallies support for sustained action to prevent violence against women and domestic violence, including measures to incentivise men and boys to take part in preventive efforts.

At the GEC plenary meeting in November 2022, and ahead of the meeting, GREVIO and its Secretariat provided input to the draft Guidelines on the Role of Men and Boys in Gender Equality Policies and in Policies to Combat Violence against Women, to ensure the integration of a violence against women perspective into the guidelines, in accordance with the Istanbul Convention.

## **The Co-operation Unit of the Gender Equality Division**

### **Reinforcing the fight against violence against women and domestic violence in Kosovo\* (phase III)**

Under the Council of Europe co-operation project "Reinforcing the fight against violence against women and domestic violence – Phase III" (2021-2023), run by the Co-operation Unit of the Gender Equality Division, an activity was carried out jointly with the Secretariat of the Istanbul Convention monitoring mechanism, with the aim of providing an assessment of the alignment of measures in place in Kosovo\* with the standards of Istanbul Convention. The rationale behind this initiative emerged from the adoption of a constitutional amendment, on 25 September 2020, that gave direct effect to the Istanbul Convention, demonstrating the commitment of Kosovo\* to reinforce its action to end violence against women and domestic violence. This



co-operation activity followed GREVIO's methodology and culminated in the publication of an assessment report on 24 November 2022, offering a tailor-made road map for strengthening the response to violence against women and domestic violence.<sup>146</sup>

In preparing this report, GREVIO's working methods and tools (such as its questionnaire) were used, as were the steps taken in its baseline evaluation procedure. Accordingly, the report covers the compliance of measures in Kosovo\* with the Istanbul Convention in a comprehensive manner and is the result of a confidential and constructive dialogue with relevant stakeholders. This activity was carried out in close co-operation with the Deputy Minister of Justice and National Co-ordinator on Domestic Violence as well as with other relevant officials from the Ministry of Justice. It was based on information provided by the authorities and civil society at all stages of the assessment, including through the submission of a consolidated report by the authorities (presenting measures addressing violence against women and domestic violence) and a five-day visit to Pristina and Gjakova/ Đakovica, organised from 21 to 25 February 2022. The Council of Europe delegation to Pristina was composed of Aleid van den Brink, member of GREVIO, who acted as an adviser, two international experts specialised in the field of violence against women, Eileen Skinnider and Virginia Gil Portoles, and two members of the Secretariat of the Istanbul Convention monitoring mechanism and the Co-operation Unit of the Gender Equality Division, respectively, Valentine Josenhans and Ségolène Chesneau. The project team was supported in its tasks by the Council of Europe Office in Pristina. During the visit, meetings were organised with various public officials and members of civil society, including high-level public figures, such as Dr Nita Shala, Deputy Minister of Justice and National Co-ordinator on Domestic Violence; Edi Gusia, Director of the Agency for Gender Equality; Dafina Gexha, Deputy Minister of Health; and Edona Maloku-Bërdyna, Deputy Minister of Education, Science, Technology and Innovation.

GREVIO took note of this assessment report during its 27th meeting, held from 10 to 13 October 2022. However, the sole responsibility for the content of this report remains with its authors. This report offers a comprehensive overview of progress and promising practices and identifies areas where there is room for improvement in ensuring the compliance of laws, policies and measures in Kosovo\* with the convention. Ultimately, it aims to provide concrete guidance to strengthen the response to violence against women and domestic violence. To this end, its authors put forward a number of recommendations.

On a positive note, the report stresses that Kosovo\* has developed comprehensive laws and policies to tackle violence against women and domestic violence. In 2019, the criminal code introduced the offences of sexual harassment and female genital mutilation. Regarding sexual violence, the criminal code also defines the term "consent" as well as some non-exhaustive circumstances where consent cannot be said to have been obtained, which represent a significant step towards adopting a context-based approach to consent. In addition, the National Strategy on the

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146. The report "Assessment of the alignment of Kosovo's\* laws, policies and other measures with the standards of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)" is available on the [www.coe.int/en/web/istanbul-convention/country-monitoring-work](http://www.coe.int/en/web/istanbul-convention/country-monitoring-work).

Protection against Domestic Violence and Violence against Women (2022-2026), adopted in January 2022, frames its objectives in the context of implementing gender-sensitive measures aligned with the Istanbul Convention. In relation to domestic violence, specific legal and policy mechanisms, as well as central and local mechanisms, promote multi-agency co-operation in policy making and individual case management. The report also underlined that the appointment of specialist law-enforcement units, prosecutors and civil judges represents a first step towards improving access to justice for victims of domestic violence.

The report also highlights several areas where further action would lead to a higher level of compliance with the Istanbul Convention, particularly regarding women's access to justice, protection and recovery. First, while most existing laws, policies and training focus on domestic violence, no similar comprehensive approach covers other forms of violence against women. On the ground, despite an increase in reports of domestic violence, further efforts are needed to improve the prosecution of cases of violence against women and to ensure that domestic violence is considered in decisions on child custody or visitation rights. The system of protection orders would also need to be reviewed to effectively cover all victims and ensure that perpetrators cannot share housing with the victim. In addition, access to specialist support services and shelters is hampered since these services, often run by women's rights NGOs, struggle to operate continuously due to inadequate public funding, and fully established rape crisis or sexual violence referral centres do not exist. In many cases, women's economic dependence on their abusers, notably due to unequal access to property and inheritance rights, prevent them from escaping violence. The report also covers violence against women in the post-conflict context, stressing that while the work of the Government Commission for the Verification and the Recognition of the Status of Victims of Sexual Violence has been central to granting reparation to victims of conflict-related sexual violence in Kosovo\* since 2018, there are limitations caused by the eligibility period for applying for reparation and victims' lack of awareness about it.

## **Ending violence against women: multi-country programme (2022-2025)**

### **Follow-up round table on GREVIO's baseline evaluation procedure and the Committee of the Parties' conclusions**

As part of the project "Ending violence against women: multi-country programme" (2022-2025), run jointly with the Council of Europe Co-operation Unit of the Gender Equality Division, the Secretariat of the Istanbul Convention monitoring mechanism initiated its first follow-up round table on GREVIO's findings and on the conclusions by the Committee of the Parties, aimed at promoting dialogue and exchange of good practices in states parties that have fully completed the baseline evaluation cycle. By gathering relevant government and civil society representatives, this one-day round table provides the opportunity to reflect on practical ways to implement the Istanbul Convention and discuss progress and challenges in addressing GREVIO's findings, as well as the recommendations and conclusions of the Committee of the Parties. It aims to promote co-operative learning and knowledge sharing among peers and does not form part of the monitoring procedure of the convention. Indeed,



the round table seeks to fill the need for more opportunities for peer learning and exchanges on practical ways to improve national responses to violence against women and domestic violence, in line with the outcomes of the baseline evaluation procedure.

On 22 November 2022, the Council of Europe organised in Tirana the first round table on the baseline evaluation procedure, in partnership with the Albanian Ministry of Health and Social Protection.

Albania is one of the seven states parties that have completed the initial monitoring by GREVIO and the Committee of the Parties. The event attracted more than 40 Albanian officials and civil society representatives, including speakers from all sectors active in combating violence against women. High-level Albanian officials took part in the event, including Ogerta Manastirliu, Minister of Health and Social Protection; Denada Seferi, Deputy Minister of Ministry of Health and Social Protection; Silvana Alimadhi, Head of the Children and Domestic Violence Sector at the General Directorate of the State Police; and Patris Pogace, Head of Free Legal Aid at the Ministry of Justice.

The round table was tailored to the national needs and included thematic panels covering relevant national developments and persisting gaps identified by GREVIO. During these exchanges, the Albanian authorities and civil society took stock of the good level of progress made to address GREVIO's findings, including the adoption of a "Social Fund" to finance the setting up of local support services; the creation of multidisciplinary services for victims of violence against women, including sexual violence; the legal obligation for the police to carry out systematic risk assessments; the launch of a free legal aid system, since 2018; and the deployment of National Referral Mechanisms dealing with case management in all municipalities. The discussion also identified further action to be taken to ensure access to support, protection and justice for all women victims of violence. This encompasses the need to expand the geographical coverage and accessibility of support services, to improve the sustainability and the visibility of the legal aid system, to reinforce co-ordination across the judicial chain and to ensure the involvement of the health sector in the detection and prevention of violence against women.

The thematic panels were moderated by the Executive Secretary of the Istanbul Convention, Johanna Nelles, and Rachel Eapen Paul, former member of GREVIO acting as an external expert. During the closing session, Rachel Eapen Paul presented a summary of measures identified during the day. All in all, the event gave participants a unique opportunity to exchange on positive developments, the remaining challenges and the possible ways to move forward in implementing GREVIO's findings and the Committee of the Parties' conclusions, encouraging greater national compliance with the Istanbul Convention. Moreover, the round table, particularly the contribution of the Minister of Health, was also widely covered by the Albanian media (*Gazeta Express*, *Vizion Plus*, *Gazeta Tema*), highlighting the standards of the Istanbul Convention and the added value of GREVIO's monitoring

across the country. In order to reach a wider audience, some parts of the opening speeches were recorded and shared on the social media of the Albanian Ministry of Health and Social Protection.

### Meeting of national co-ordinating bodies established under Article 10 of the Istanbul Convention

On 15 November 2022, in partnership with the Finnish Government and as part of the project “Ending violence against women: multi-country programme” (2022-2025), the Council of Europe organised the first meeting of the national co-ordinating bodies set up in accordance with Article 10 of the Istanbul Convention. The aim of the meeting was to bring together representatives from national structures that design, co-ordinate, implement and/or monitor policies on violence against women at national level.

This one-day seminar was organised to allow state officials responsible for policy making on violence against women to learn from and exchange with their counterparts via the presentation of good practices driving policy change in this area. In total, 21 states parties were represented by officials from national structures and ministries who co-ordinate policies on violence against women, resulting in in-depth expert discussions around inspiring presentations.



The meeting was opened by high-level representatives, including Pekka Haavisto, Minister for Foreign Affairs of Finland, Marja Ruotanen, Director of Democracy and Human Dignity, Council of Europe, and Marie Fontanel, Chair of the Committee of the Parties to the Istanbul Convention, Ambassador and Permanent Representative of France to the Council of Europe. It was followed by a keynote speech by Iris Luarasi, President of GREVIO, who presented GREVIO’s findings on the national co-ordinating bodies, as defined under Article 10 of the Istanbul Convention.

In order to promote the implementation of the Istanbul Convention’s standards in line with GREVIO’s findings, this seminar contributed to promoting synergies and knowledge exchange among those state officials who are most involved in the design, implementation and co-ordination of policies on violence against women, allowing them to tap into the expertise and experience of their counterparts and capitalising on the added value of the Istanbul Convention and its monitoring mechanism. It offered a forum for exchange and networking and laid the foundation for bilateral and direct exchanges among the participants.

Participants also took an active role in the meeting presenting promising example of multi-agency co-operation in their countries. The themes addressed focused on practical examples of promising practices and experience in ensuring policy co-ordination in four areas related to violence against women: 1) multi-agency co-operation in service provision in Finland and France (detailing the examples of the Finnish sexual violence support services and the co-operation between the health sector

and law enforcement around reporting in France); 2) multi-agency co-ordination in evaluation and data collection in Ireland and Portugal; 3) the functioning of national co-ordinating bodies, set up in line with Article 10 of the convention in Spain and Finland; and 4) examples of how to develop national action plans based on the Istanbul Convention, in Sweden and Switzerland. The four panels were moderated by Johanna Nelles, Executive Secretary of the Istanbul Convention. All presentations provided participants with tools and guidance on how to foster policy co-ordination in preventing and combating violence against women.

### **Group of Experts on Action against Trafficking in Human Beings (GRETA)**

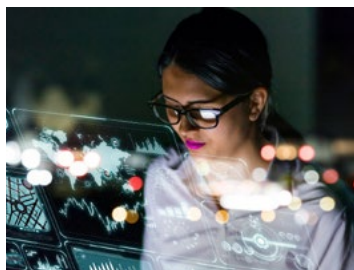
The two independent monitoring bodies of the Council of Europe, GREVIO and GRETA (Group of Experts on Action against Trafficking in Human Beings), organise regular exchanges of views. Their co-operation has been based on regular, annual and ad hoc meetings and exchanges since the Istanbul Convention entered into force. Following the fruitful meeting and exchange in June 2021, the presidents of the two bodies agreed to hold another exchange of views in the reporting period under review.

GREVIO invited the President of GRETA to its meeting from 10 to 13 October for an exchange of views and experiences, in view of the upcoming second round of evaluation in line for GREVIO and particularly in view of the fact that GRETA has already undergone three rounds of evaluation and has accrued valuable experience in the process. However, due to time constraints, it was ultimately decided to postpone the exchange to a future GREVIO meeting in 2023.

### **Steering Committee for the Rights of the Child**

During the reporting period, GREVIO continued its close co-operation with the Steering Committee for the Rights of the Child (CDENF), in particular its sub-ordinate body, the Committee of Experts on the rights and best interests of the child in the context of parental separation and in care proceedings (CJ/ENF-ISE). In this respect, GREVIO provided input to the draft Committee of Ministers recommendation on the protection of the best interests of the child in situations of parental separation, in particular on issues including the use of alternative dispute resolution procedures in domestic violence cases.

### **Cybercrime Division**



In light of the synergies between the Istanbul Convention and GREVIO's General Recommendation No. 1 on the digital dimension of violence against women and the Cybercrime Convention and its Second Additional Protocol on co-operation and disclosure of electronic evidence, GREVIO increased co-operation with the Cybercrime Division during the reporting period. In this respect, Iris Luarasi, the President

of GREVIO, gave opening remarks and moderated a workshop on women victims of cybercrime and ensuring their access to effective remedies, at the international conference on promoting the role of women in preventing, investigating and prosecuting cybercrime, which took place on 10 and 11 November 2022 in Costa Rica.

In close co-operation with the Cybercrime Division, the Violence against Women Division of the Council of Europe organised an international conference, “Applying the cybercrime frame to digital violence against women”, on 6 December 2022, within the framework of the Icelandic Presidency of the Committee of Ministers. The conference addressed the digital dimension of violence against women by presenting legal instruments in the fields of cybercrime and violence against women, such as the Istanbul Convention and GREVIO’s General Recommendation No. 1 on the digital dimension of violence against women, and the Cybercrime Convention and its Second Additional Protocol on enhanced co-operation and disclosure of electronic evidence. GREVIO’s President, Iris Luarasi, and various national experts participated in this conference and discussed the impact of these instruments on the development of policies and promising practices related to the prevention and prosecution of such violence and the protection of victims.

### **Special Representative of the Secretary General on Migration and Refugees**

In the period under review, the Secretariat of the Istanbul Convention monitoring mechanisms continued to co-operate with the Special Representative of the Secretary General on Migration and Refugees (SRSG) in the context of the Council of Europe Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum (2021-2025). In particular, the Secretariat regularly participated in the meetings of the internal Co-ordination Group on Migration and shared with the SRSG information relating to the action plan and migration issues which primarily pertain to its monitoring work.

Between 12 and 14 December 2022, GREVIO member Ellen O’Malley-Dunlop joined the delegation of the SRSG in her fact-finding visit to Romania. The report<sup>147</sup> of this visit, published in February 2023, addresses the situation of women and girls who have fled Ukraine and the risks for them of being subjected to gender-based violence.

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147. [Report of the fact-finding mission to Romania by Ms Leyla Kayacik, Special Representative of the Secretary General on Migration and Refugees, 12-14 December 2022, SG/Inf\(2023\)10, of 17 February 2023.](#)





## Co-operation with civil society and national institutions for the protection of human rights

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### Role of NGOs and civil society, including national human rights institutions

Civil society has long played a very important role in preventing and combating violence against women and domestic violence, by contributing to making progress in this area, shaping political and public awareness and providing much needed services in the field, complementing those provided by states. These services are vital for women who have suffered violence and many organisations have built up valuable expertise and knowledge in the course of decades of work in the field. The Istanbul Convention, particularly its Article 9, recognises the importance of involving NGOs in all efforts to end violence against women and domestic violence on a national and international level. It also provides a framework for civil society and national human rights institutions to participate in and contribute to the monitoring work of GREVIO.

The number of civil society organisations taking up this task has grown significantly over the years, which is evidenced by the number of consolidated reports submitted to GREVIO concerning the Istanbul Convention. In the course of national evaluations that took place in the period under review, a significant number of relevant reports from NGOs were received. For example, during the evaluation of Croatia, a total of four shadow reports were received from local NGOs and umbrella organisations. Two of these were joint, comprehensive reports addressing the entire set of provisions of the Istanbul Convention, reflecting on legislative measures and their implementation in practice. Apart from local, specialised NGOs and umbrella organisations, international coalitions and networks have also taken an increasing interest in co-operating with GREVIO's evaluation work and often initiate co-operation with local organisations to better address the relevant issues. For example, ahead of the country visit of Greece planned for 2023, GREVIO received a joint shadow report focusing on female genital mutilation co-authored by DIOTIMA, a Greek NGO, and the End FGM European Network. Similar trends of local and international organisations co-operating to address specific issues together in one or more states parties were noted in several of the monitoring procedures that took place during the reporting period.

GREVIO continues to recognise the need to exchange in depth with a wide range of civil society representatives active in the field of violence against women (NGOs, lawyers, academics, journalists) and other relevant interlocutors, such as national human rights institutions, including ombudspersons and other national human rights bodies. Such key stakeholders, including organisations providing specialist services for women victims, are regularly consulted during GREVIO's on-site visits.

In the period under review, GREVIO held many consultations and exchanges of views with civil society actors. For example, on 10 March 2022 an online event was organised under the title "Ending Violence against Women in the Western Balkans and Türkiye – Implementing Norms, Changing Minds" by Women against Violence Europe (the WAVE Network). This event, which was attended by important writers such as Elif Shafak and Rumena Bužarovska, included a presentation by Biljana Branković, GREVIO member, on prevention and response to sexual violence in the Western Balkans and Türkiye, which was followed by an exchange and discussion with civil society.

Another particularly fruitful exchange took place on 16 December, when GREVIO's President Iris Luarasi participated in an exchange with the European Network for the Work with Perpetrators of Domestic Violence, one of the key stakeholders in this field. The exchange was held online and focused on issues and concerns linked to the use of stalkerware and other digital forms of gender-based violence.

### **Findings of GREVIO on state recognition of and support for NGOs and civil society**

The importance of involving civil society, and specifically NGOs, in establishing and implementing policies and measures to combat violence against women is explicitly recognised in Article 9 of the Istanbul Convention. In view of the above, GREVIO regularly and systematically, as part of its evaluation procedures, assesses whether states parties to the convention honour this obligation. GREVIO has emphasised the need for states parties to adopt an inclusive approach towards NGOs and to conduct



a systematic consultation process with them about preventing and combating violence against women and domestic violence.

In the nine final reports on states parties' evaluations adopted in the period under review, GREVIO noted numerous good and commendable practices when it comes to recognition of the work and participation in policy making of NGOs. This adds to an overall increase in the level of societal acknowledgement of the role played by NGOs observed in all states parties evaluated in the period under review. A good practice identified in Norway, for example, was the establishment of a forum for co-operation with NGOs initiated by the Ministry of Justice and Public Security. This forum served as a formal and permanent structure for co-operation between civil society and the authorities in the field of domestic violence. Another encouraging example observed was the regular involvement of NGOs in policy development at both national and Cantonal/*Länder* level in Switzerland and Germany, respectively. Having consultation processes at all relevant levels of policy making is an encouraging sign that the role of civil society in policy making in the field of violence against women and domestic violence is given serious consideration by authorities.



## Co-operation with international organisations

Since its inception, GREVIO has engaged in co-operation with international organisations, intergovernmental structures and international and regional monitoring bodies that operate in the area of violence against women. GREVIO considers it essential to further explore synergies and co-operation with these entities in the context of its monitoring work and beyond, and to strengthen respect for international and regional standards in the area of women's rights – jointly and through the respective mandates – within the framework of the Platform of Independent Expert Mechanisms on Discrimination and Violence against Women (EDVAW Platform).

### United Nations



GREVIO has continued to engage with UN entities and mandates, in particular in the context of the Platform of Independent Expert Mechanisms on Discrimination and Violence against Women (EDVAW Platform, see Chapter X, section 2).

On 17 March 2022, GREVIO's President, Iris Luarasi, acted as a panellist in a side event to the 66th session of the Commission on the Status of Women (CSW). The side event was convened by the UN Special Rapporteur on Violence against Women, its Causes and Consequences, Reem Abdeslam, and was held under the banner "Gender-sensitive and child-centred judicial proceedings in custody cases: The use of the pseudo and regressive theory of parental alienation". Iris Luarasi shared with the audience GREVIO's many findings in respect of several states parties to the Istanbul Convention regarding the negative impact of using what is known as "parental alienation syndrome" in court proceedings, particularly child custody and visitation decisions, which allows intimate partner violence and the resulting safety risks for women and children to remain unaddressed.

GREVIO's involvement in the EU/UN Women Regional Programme "Ending Violence against Women in the Western Balkans and Türkiye: Implementing Norms, Changing Minds" continued in 2022. In this context, GREVIO members actively took part in two webinars. In an online conference organised on 10 March 2022 ("Partnering to prevent and respond to sexual violence"), Biljana Branković – GREVIO member – made a presentation on sexual violence. On 29 and 30 November 2022, GREVIO members Marie-Claude Hofner and Marceline Naudi took part in the Fourth Regional Forum on Ending Violence against Women in the Western Balkans and Türkiye, sub-titled "Integrated policies, inclusive partnerships", organised as part of an EU/UN Women project. Marie-Claude Hofner presented GREVIO's findings on co-operation between women's NGOs and healthcare providers, while Marceline Naudi was a member of a panel on femicide watches and evidence-based policy making.

### **Platform of Independent Expert Mechanisms on Discrimination and Violence against Women (EDVAW Platform)**

The Platform of Independent Expert Mechanisms on Discrimination and Violence against Women (EDVAW Platform) gathers seven United Nations and regional independent expert mechanisms on violence against women and women's rights operating at the international and regional levels (see also Chapter V, section 1.d). It aims to strengthen institutional co-operation between the mechanisms with a view to undertaking joint action to harmonise and improve the implementation of the existing international legal and policy frameworks on violence against women. The President of GREVIO took over the presidency of the EDVAW Platform for a one-year mandate, from 1 February 2022 to 31 January 2023. GREVIO was the first regional mechanism to chair the platform, following its establishment in 2018, with a mandate that focused on the digital dimension of violence against women at the global level, as agreed by the platform.

In the margins of the 66th session of the Commission of the Status of Women (CSW), the EDVAW Platform held its 12th virtual meeting, where members had the opportunity to engage with the Chair of the Committee of Parties to the Istanbul Convention. This exchange allowed the garnering of political support for preventing and combating violence against women and domestic violence on the basis of existing international and regional legal instruments, notably the Istanbul Convention. The president of



the platform launched a flyer<sup>148</sup> on the platform in three languages (English, French and Spanish), providing a better understanding of the role, functions and vision of the platform. On 15 March, the platform also organised a side event on building a common front against the digital dimension of violence against women, featuring high-level stakeholders, notably the UN Assistant Secretary General for Human Rights, independent expert mechanisms part of the EDVAW Platform (such as GREVIO) and a parliamentarian from PACE (Zita Gurmai, General Rapporteur on Violence against Women). This event highlighted the importance of continued dialogue between international and regional mechanisms working on digital violence against women and girls and between civil society and tech companies.

At its 13th meeting, held on the margins of the 50th session of the UN Human Rights Council in June in Geneva, the EDVAW Platform held a thematic discussion on online and technology-facilitated violence against women. Following it, the EDVAW Platform issued a statement<sup>149</sup> proposing further joint action in this regard, including a commitment to prepare its first thematic paper outlining the ways in which international and regional women's rights mechanisms have addressed the digital dimension of violence against women. Prior to the meeting, bilateral discussions were held with Michelle Bachelet, UN High Commissioner for Human Rights (UNHCHR), and Gillian Triggs, Assistant High Commissioner for Protection with the United Nations High Commissioner for Refugees (UNHCR), where the EDVAW Platform presented its work and exchanged views on international and regional standards to eliminate violence against women and discrimination across the world, including in its digital dimension.

On 17 November, the EDVAW Platform held its 14th virtual meeting and adopted its first thematic report, "The digital dimension of violence against women as addressed

148. Available at [www.coe.int/en/web/istanbul-convention/-/president-iris-luarasi-launches-new-flyer-on-the-edvaw-platform](http://www.coe.int/en/web/istanbul-convention/-/president-iris-luarasi-launches-new-flyer-on-the-edvaw-platform).

149. Available at <https://rm.coe.int/statement-edvaw-platform-17-june-2022/1680a6ef8b>.

by the seven mechanisms of the EDVAW Platform”.<sup>150</sup> This report aims to address the digital dimension of violence against women within the scope of the mandates of platform members and to foster further dialogue and co-operation among the members of the EDVAW Platform. It also identifies some promising practices and challenges, and it proposes common action to be taken by the EDVAW Platform in response to the growing worldwide phenomenon of online and technology-facilitated violence against women. The report was made available during the 16 days of activism. On 25 November, under the presidency of GREVIO, the platform released a joint statement<sup>151</sup> calling on states to end impunity for violence against women and girls across the world. The statement acknowledges with concern that prosecution and convictions for acts of violence against women, including their digital dimension, remain low while women and girls around the world still face difficulties in accessing criminal and administrative justice and support services.

### **Organization for Security and Co-operation in Europe (OSCE)**

The Ministerial Council of the OSCE has demonstrated its strong support for the Istanbul Convention since 2014, when it adopted a decision on preventing and combating violence against women that explicitly calls on OSCE member states to sign and ratify the convention. Since then, co-operation between GREVIO and the OSCE has primarily taken the form of exchanges of views in the framework of high-level political meetings organised by the OSCE Gender Section and the Office for Democratic Institutions and Human Rights (ODIHR), such as the OSCE Gender Equality Review Conferences and the Human Dimension Implementation Meetings.

The OSCE and ODIHR continue to support projects in many European countries on topics relevant for the application and implementation of the Istanbul Convention. In 2021 a number of projects highlighted the importance of the work of GREVIO, including a new project scheduled to run until 2024 (WIN for Women and Men), which focuses on promoting gender equality principles through various training programmes in member states.

A notable example of how the OSCE helps to further the aims and principles of the Istanbul Convention is through the WIN project, mentioned above. In the period under review, a workshop dedicated to updating the curriculum for law enforcement on gender-based violence took place in Podgorica, Montenegro, on 29 November 2022. The workshop was attended by 17 participants, including representatives from the Police Academy, Police Directorate, various police units, representatives from ministries, prosecutors and NGOs. At the workshop, participants discussed a set of recommendations proposed by the OSCE to improve the national curriculum and elaborated on effective ways to institutionalise changes by aligning the current materials with the Istanbul Convention.

150. Available at <https://rm.coe.int/thematic-report-on-the-digital-dimension-of-violence-against-women-as-/1680a933ae>.

151. Available at <https://rm.coe.int/final-edvaw-statement-november-2022-international-day-for-the-eliminat/1680a92280>.

## European Union

During the reporting period GREVIO and its Secretariat maintained regular contact with the European Commission, the Council of the European Union and the EU Parliament, as well as with various EU agencies, including the Fundamental Rights Agency (FRA) and the European Institute for Gender Equality (EIGE).

In particular, GREVIO, its Secretariat and the Head of Department of Human Dignity and Gender Equality of the Council of Europe, Roberto Olla, exchanged views on different occasions with the European Commission (DG JUST), the European Parliament Committee on Women's Rights and Gender Equality (FEMM) and the European Parliament Committee on Civil Liberties, Justice and Home Affairs (LIBE) on the proposed directive on combating violence against women and domestic violence, adopted on 8 March 2022. GREVIO President, Iris Luarasi, spoke before the FEMM Committee on the possible synergies and complementarity between the Istanbul Convention and the draft directive, sharing lessons learned from GREVIO's monitoring work. GREVIO closely follows all developments on the draft directive, including on the amendments proposed by the European Parliament and the developments related to the European Union's prospective ratification of the Istanbul Convention. GREVIO and its Secretariat have also provided input to the draft EU Council conclusions on preventing and combating violence against women, targeting psychological violence and coercive control.

Fruitful synergies have also been fostered between GREVIO, the FRA and its respective secretariats. For example, ahead of the Dublin Ministerial Conference, the President of GREVIO and the Director of the FRA held an exchange on the importance of data collection on women's experiences of violence against women, and about prevalence surveys and the FRA's work in this area. They also discussed possible synergies between the two bodies with regard to GREVIO's General Recommendation No. 1 on the digital dimension of violence against women.





## Concluding remarks

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**G**REVIO's 4th General Report on its activities has shed light on several promising steps taken in 2022 to promote the transformative power of the Istanbul Convention, including the increasing number of parties and GREVIO's sustained monitoring efforts and knowledge exchange on tangible changes made by states parties to align their laws, policies and practices on violence against women with the standards of the convention.

This general report on GREVIO's activities provides a clear insight into the impact on the ground of the convention as well as the challenges in its implementation. Key landmarks of 2022, beyond the adoption and publication of nine baseline evaluation reports, include the new GREVIO questionnaire for the next evaluation round, "Building trust by delivering support, protection and justice"; the Dublin Declaration on the Prevention of Domestic Violence, Sexual and Gender-based Violence, signed by 38 Ministers in September 2022; and GREVIO's presidency of the Platform of Independent Expert Mechanisms on Discrimination and Violence against Women, which placed particular attention on the digital dimension of violence against women and led to the publication of a thematic report on this issue.

Furthermore, two new initiatives were started in 2022: the first meeting of national co-ordinating bodies set up under Article 10 of the Istanbul Convention, which took place in Helsinki, Finland, in November 2022; and the first round table, held in Albania, to promote national dialogue on the progress and challenges of implementing the recommendations from GREVIO and the Committee of the Parties.



The focus section entitled “Approaches taken in states parties to the Istanbul Convention on the criminalisation and prosecution of sexual violence, including rape” addresses what remains one of the most under-reported forms of violence against women, with high dropout rates in related investigations and prosecutions which lead to a culture of impunity that the Istanbul Convention aims to reverse. This section shows the evolution of policies and practices and the positive impact that GREVIO’s monitoring activity is having on the legislation on sexual violence, including rape, in states parties.

GREVIO’s monitoring work remains of the utmost importance as violence against women and domestic violence continue to be prevalent in our societies, families and intimate relationships. More resources, political will and the effective co-ordination of all involved are therefore necessary to move closer to achieving gender equality and women’s right to a life free from violence. The full range of activities described in this report testifies to the continuous need to implement the standards of the Istanbul Convention, in line with GREVIO’s assessments and in co-operation with all relevant actors, to prevent and combat violence against women and domestic violence, by legal practitioners, civil society organisations, service providers, national and local authorities, health professionals, international and local women’s rights NGOs and human rights institutions. Furthermore, efforts need to be stepped up to increase the number of parties to the convention and to therefore expand its impact and geographical coverage, in Europe and beyond.

# Appendix 1 - List of GREVIO's activities between January and Decembre 2022

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## GREVIO meetings

- ▶ 26<sup>th</sup> GREVIO meeting - Strasbourg, 1-2 March 2022
- ▶ 27<sup>th</sup> GREVIO meeting - Strasbourg, 20-24 June 2022
- ▶ 28<sup>th</sup> GREVIO meeting - Strasbourg, 10-13 October 2022

## GREVIO's first baseline evaluation reports (in order of publication)

- ▶ Romania, adopted during the 26<sup>th</sup> GREVIO meeting on 2 March 2022 and published on 16 June 2022
- ▶ Germany, adopted during the 27<sup>th</sup> GREVIO meeting on 24 June and published on 7 October 2022
- ▶ Bosnia and Herzegovina, adopted during the 28<sup>th</sup> GREVIO meeting on 13 October 2022 and published on 8 November 2022
- ▶ Iceland, adopted during the 28<sup>th</sup> GREVIO meeting on 13 October 2022 and published on 14 November 2022
- ▶ Switzerland, adopted during the 28<sup>th</sup> GREVIO meeting on 13 October 2022 and published on 15 November 2022
- ▶ Estonia, adopted during the 28<sup>th</sup> GREVIO meeting on 13 October 2022 and published on 17 November 2022
- ▶ Georgia, adopted during the 28<sup>th</sup> GREVIO meeting on 13 October 2022 and published on 22 November 2022
- ▶ Cyprus, adopted during the 28<sup>th</sup> GREVIO meeting on 13 October 2022 and published on 23 November 2022
- ▶ Norway, adopted during the 28<sup>th</sup> GREVIO meeting on 13 October 2022 and published on 25 November 2022

## Evaluation visits

- ▶ Switzerland, from 7 to 11 February 2022
- ▶ Estonia, from 14 to 18 February 2022
- ▶ Cyprus, from 14 to 18 March 2022
- ▶ Iceland, from 28 March to 1<sup>st</sup> April 2022
- ▶ North Macedonia, from 26 to 30 September 2022
- ▶ Croatia, from 17 to 21 October 2022
- ▶ Luxembourg, from 24 to 27 October 2022

## Appendix 2 – Timeline of GREVIO’s baseline evaluation procedure (2016 - 2024)

<b>PARTIES TO THE CONVENTION</b>	<b>Questionnaire to be sent</b>	<b>Deadline for state reports</b>	<b>Evaluation visits</b>	<b>Publication of GREVIO baseline evaluation reports</b>
<b>Austria Monaco</b>	March 2016	September 2016	November 2016 December 2016	September 2017
<b>Albania Denmark</b>	September 2016	January 2017	April 2017 May 2017	November 2017
<b>Montenegro Türkiye***</b>	January 2017	May 2017	November 2017	September 2018
<b>Portugal Sweden</b>	May 2017	September 2017	February 2018 March 2018	January 2019
<b>Finland France</b>	November 2017	March 2018	October 2018	September 2019 December 2019
<b>Italy Netherlands Serbia</b>	February 2018	June 2018	March 2019	January 2020
<b>Spain Belgium</b>	September 2018	February 2019	October 2019	November 2020** September 2020
<b>Andorra Malta</b>	September 2018	February	February 2020	November 2020
<b>Poland San Marino Slovenia</b>	February 2019 September 2019 February 2019	September 2019 Feb. 2020 Oct. 2019	September 2020	September 2021
<b>Romania**</b>	September 2019	February 2020	July 2021	June 2022
<b>Bosnia and Herzegovina** Germany**</b>	September 2019 February 2020	February 2020 June 2020	Fall 2021	October 2022

<b>PARTIES TO THE CONVENTION</b>	<b>Questionnaire to be sent</b>	<b>Deadline for state reports</b>	<b>Evaluation visits</b>	<b>Publication of GREVIO baseline evaluation reports</b>
Estonia** Cyprus Switzerland Iceland, Norway** Georgia**	October 2020 February 2021	March 2021 June 2021	February/March 2022	November 2022
Croatia Luxembourg North Macedonia	September 2021	February 2022	Fall 2022	September 2023
Greece Ireland Liechtenstein Moldova	February 2022	September 2022	March 2023	November 2023
Ukraine	January 2023	June 2023	To be determined	To be determined
United Kingdom			January/February 2024	November 2024

\* Changes to the timeline due to the adoption of the reporting form

\*\* Changes to the timeline due to the COVID-19 pandemic.

\*\*\* With effect of 1 July 2021, Türkiye withdrew from the Istanbul Convention and is no longer a state party to this convention.

## Appendix 3 – Signatures and ratifications of the Council of Europe Convention on preventing and combating violence against women and domestic violence

State or International Organisation	Signature	Ratification	Entry into Force
Albania	19/12/2011	04/02/2013	01/08/2014
Andorra	22/02/2013	22/04/2014	01/08/2014
Armenia	18/01/2018		
Austria	11/05/2011	14/11/2013	01/08/2014
Azerbaijan			
Belgium	11/09/2012	14/03/2016	01/07/2016
Bosnia and Herzegovina	08/03/2013	07/11/2013	01/08/2014
Bulgaria	21/04/2016		
Croatia	22/01/2013	12/06/2018	01/10/2018
Cyprus	16/06/2015	10/11/2017	01/03/2018
Czech Republic	02/05/2016		
Denmark	11/10/2013	23/04/2014	01/08/2014
Estonia	02/12/2014	26/10/2017	01/02/2018
Finland	11/05/2011	17/04/2015	01/08/2015
France	11/05/2011	04/07/2014	01/11/2014
Georgia	19/06/2014	19/05/2017	01/09/2017
Germany	11/05/2011	12/10/2017	01/02/2018
Greece	11/05/2011	18/06/2018	01/10/2018
Hungary	14/03/2014		

Iceland	11/05/2011	26/04/2018	01/08/2018
Ireland	05/11/2015	08/03/2019	01/07/2019
Italy	27/09/2012	10/09/2013	01/08/2014
Latvia	18/05/2016		
Liechtenstein	10/11/2016	17/06/2021	01/10/2021
Lithuania	07/06/2013		
Luxembourg	11/05/2011	07/08/2018	01/12/2018
Malta	21/05/2012	29/07/2014	01/11/2014
Monaco	20/09/2012	07/10/2014	01/02/2015
Montenegro	11/05/2011	22/04/2013	01/08/2014
Netherlands	14/11/2012	18/11/2015	01/03/2016
North Macedonia	08/07/2011	23/03/2018	01/07/2018
Norway	07/07/2011	05/07/2017	01/11/2017
Poland	18/12/2012	27/04/2015	01/08/2015
Portugal	11/05/2011	05/02/2013	01/08/2014
Republic of Moldova	06/02/2017	31/01/2022	01/05/2022
Romania	27/06/2014	23/05/2016	01/09/2016
San Marino	30/04/2014	28/01/2016	01/05/2016
Serbia	04/04/2012	21/11/2013	01/08/2014
Slovak Republic	11/05/2011		
Slovenia	08/09/2011	05/02/2015	01/06/2015
Spain	11/05/2011	10/04/2014	01/08/2014
Sweden	11/05/2011	01/07/2014	01/11/2014
Switzerland	11/09/2013	14/12/2017	01/04/2018
Türkiye*	11/05/2011	14/03/2012	01/08/2014
Ukraine	07/11/2011	18/07/2022	01/11/2022
United Kingdom	08/06/2012	21/07/2022	01/11/2022

\* Withdrawn with effect of 01/07/2021

## Appendix 4 – List of GREVIO members

### From January to 31 August 2022

Name	Nominated by	Title	From	To
Iris Luarasi	Albania	President	01/06/2019	31/05/2023
Simona Lanzoni	Italy	First Vice-President	01/06/2019	31/05/2023
Maria-Andriani Kostopoulou	Greece	Second Vice-President	01/06/2019	31/05/2023
Maria Rún Bjarnadóttir	Iceland	Member	08/12/2021	31/05/2023
Biljana Branković	Serbia	Member	01/06/2019	31/05/2023
Françoise Brié	France	Member	01/06/2019	31/05/2023
Rachel Eapen Paul	Norway	Member	01/09/2018	31/08/2022
Per Arne Håkansson	Sweden	Member	01/09/2018	31/08/2022
Marie Claude Hofner	Switzerland	Member	01/06/2019	31/08/2022
Ivo Holc	Slovenia	Member	01/06/2019	31/05/2023
Sabine Kräuter-Stockton	Germany	Member	01/09/2018	31/08/2022
Helena Leitão	Portugal	Member	01/06/2019	31/05/2023
Vladimer Mkervalishvili	Georgia	Member	01/09/2018	31/08/2022
Marceline Naudi	Malta	Member	01/06/2019	31/05/2023
Aleid Van den Brink	Netherlands	Member	01/09/2018	31/08/2022

### From 1 September to 31 December 2022

Name	Nominated by	Title	From	To
Iris Luarasi	Albania	President	01/06/2019	31/05/2023
Simona Lanzoni	Italy	First Vice-President	01/06/2019	31/05/2023
Maria-Andriani Kostopoulou	Greece	Second Vice-President	01/06/2019	31/05/2023
Laura Albu	Romania	Member	01/09/2022	31/08/2026
Maria Rún Bjarnadóttir	Iceland	Member	08/12/2021	31/05/2023
Biljana Branković	Serbia	Member	01/06/2019	31/05/2023
Françoise Brié	France	Member	01/06/2019	31/05/2023
Päivi Hirvela	Finland	Member	01/09/2022	31/08/2026
Marie Claude Hofner	Switzerland	Member	01/06/2019	31/08/2022
Ivo Holc	Slovenia	Member	01/06/2019	31/05/2023
Helena Leitão	Portugal	Member	01/06/2019	31/05/2023
Marceline Naudi	Malta	Member	01/06/2019	31/05/2023
Ellen O'Malley-Dunlop	Irish	Member	01/09/2022	31/08/2026
Aleid Van den Brink	Netherlands	Member (re-elected)	01/09/2022	31/08/2026
Grzegorz Wrona	Poland	Member	01/09/2022	31/08/2026

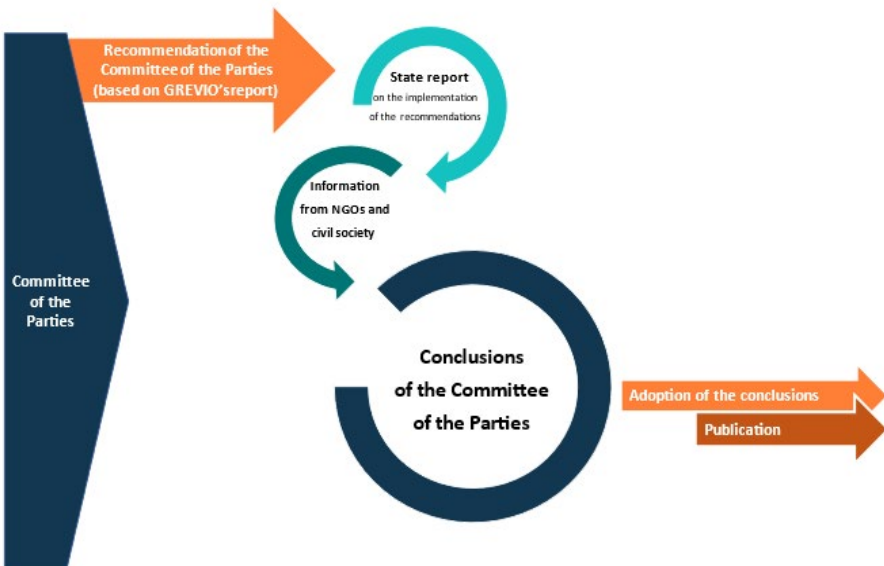
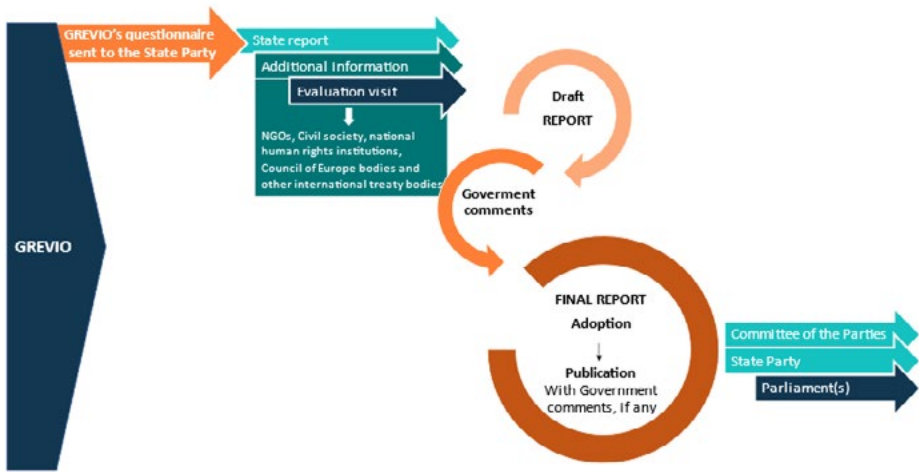


## Appendix 5 - GREVIO'S Secretariat (from January to December 2022)

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- ▶ Johanna Nelles, Executive Secretary
- ▶ Carmela Apostol, Administrator (until 30 June 2022)
- ▶ Françoise Kempf, Administrator
- ▶ Francesca Montagna, Administrator
- ▶ Elif Sariaydin, Administrator
- ▶ Mihail Stojanoski, Administrator (since 1 December 2022)
- ▶ Sabrina Wittmann, Administrator
- ▶ Valentine Josenhans, Project Officer
- ▶ Christine Ebel, Principal Administrative Assistant
- ▶ Irida Varfi-Boehrer, Administrative Assistant (until 6 December 2022)
- ▶ Zsuzsanna Molnar, Administrative Assistant (since 1 March 2022)
- ▶ Louise Morlon, Administrative Assistant
- ▶ Antonio Garcia Cazorla, Trainee (since 1 September 2022)

# Appendix 6 – Workflow of the monitoring mechanism



[www.coe.int](http://www.coe.int)

The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

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