GUIDANCE NOTE ON THE USE OF RETALIATORY LEGAL ACTIONS AGAINST WOMEN AND GIRLS REPORTING VIOLENCE

Issued by the Platform of the Expert Mechanisms on Discrimination and Violence against Women (EDVAW Platform)

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Follow-up Mechanism to the Belém do Pará Convention (MESECVI, by its acronym in Spanish)
Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO)
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I. Introduction

Women's access to justice is a fundamental human right and a central concern of international and regional human rights frameworks. As an enabling right, access to justice is essential for the protection, promotion and realisation of all other human rights, ensuring avenues to effective remedies and accountability for rights violations. Legal systems are an essential anchor of every society, and play a crucial role in translating, operationalising and protecting rights and upholding justice at international, regional, and national levels. Yet in many parts of the world, legal systems are increasingly misused as instruments to silence, intimidate, coerce or punish women who report incidents of violence and seek protection from abuse or challenge discrimination and unequal laws.

Attempts at turning formal and informal justice mechanisms into an arena of abuse against individual women or girls, or against their supporters, advocates or support groups such as women's rights organisations, are growing in number across the world. They must be seen in the context of rising repression against those who advocate for their rights, nationally or transnationally, whether this is for individual or collective human rights. In addition to the repressive nature of such legal action, for women and girls who turn to law enforcement agencies and the justice system for experiences of violence, the misuse of legal instruments and proceedings to intimidate, silence or punish them is characterised by an individual retaliatory dimension, because it is frequently pursued by the perpetrator, who may be a current or former abuser. It is a form of legal retaliation against women and girls who seek to secure their rights by reporting or otherwise exposing such violence perpetrated by men and boys. Its effect is detrimental to the practical realisation of the rights of women and girls in connection with experiences of violence, and it manifests across various types of legal arena. Its gender-based nature and the harm it may cause to women and girls mean that legal retaliation can itself constitute a specific manifestation of violence against women and girls.

This guidance note seeks to contribute to a deeper understanding of legal retaliation against women and girls who report violence, by examining its different expressions, underlying its dynamics and consequences. In doing so, it aims to advance the conceptualisation of legal retaliation as a manifestation of violence against women and girls, experienced as part of the continuum of violence, while contributing to a broader international dialogue on the ways in which legal systems and procedures may be misused to perpetuate violence and undermine access to justice.

For the purposes of this guidance note, legal retaliation should be understood broadly enough to encompass retaliation occurring through formal, customary, religious, community and administrative processes, particularly where these processes are used to intimidate, stigmatise, punish, maintain power and control or otherwise disadvantage women and girls for reporting violence or seeking protection and redress in connection with such violence.

By conceptualising the notion of legal retaliation against women and girls who report violence and those who support them, the EDVAW Platform shines a light on its multi-faceted characteristics, its structural, economic and societal enablers, as well as its multi-level consequences. The examples provided from the different regions of the world illustrate how legal systems, formal or informal, may turn into retaliatory tools, rather than arenas that safeguard those who advocate for equality and justice. The guidance note ends on a set of

recommendations for state actors [and non-state actors] to take to avoid the undermining of human rights and the rule of law through legal retaliation against women and girls.

Ensuring women's access to justice and addressing the use of retaliatory legal actions against women and girls reporting violence requires action at multiple levels. Laws must be clear, fair and gender-responsive, and courts safeguarded against interference so that they can remain independent. As concerns about the state of human rights intensify worldwide, protecting women and girls from legal retaliation is essential for the implementation of international human rights norms and standards in the area of violence against women, for achieving women's equality with men and for advancing democracy. When women and girls are free to report, speak out, organise, and advocate around the issue of violence against women without fear of punishment, societies are better equipped to address individual wrongdoing as well as institutional injustice and build a fairer future for everyone.

About the EDVAW Platform

The EDVAW Platform gathers seven United Nations and regional independent expert mechanisms dedicated to addressing discrimination and violence against women and girls, promoting accountability, and advancing women's and girls' rights at the international and regional levels. The Platform was formally launched under the auspices of the sixty-second session of the Commission on the Status of Women, in March 2018, and aims to strengthen institutional links and thematic co-operation among the mechanisms in view of developing harmonised strategies and undertaking joint action. By enhancing collaboration, its goal is to improve the implementation of the existing international and regional legal and policy frameworks developed to end discrimination and violence against women and to make these mechanisms more visible and accessible to all.[1]

While their mandates differ in scope, each mechanism has addressed access to justice for women and girls, offering insights into their experiences of advocating for their rights and protection from sexism, misogyny and violence around the globe. What is emerging is a picture of both progress and setbacks, where women and girls see legal systems being misused against them.

II. Recognising Legal Retaliation: A global and cross-regional phenomenon

- *International human rights law as the framework on women and girls' access to justice*

States and institutions play a fundamental role in preventing violence against women and girls and facilitating access to justice through an accountability-oriented approach that promotes effective investigation and prosecution and holds perpetrators accountable.

[1] See Platform's official website for more information, available at https://www.ohchr.org/en/edvaw.

International and regional women's rights treaties (CEDAW[2], Convention of Belém do Pará[3], Istanbul Convention[4], Maputo Protocol[5], African Charter on the Rights and Welfare of the Child[6]) stipulate that States are not merely required to avoid violating women's rights, but have the duty to prevent abuse, ensure accountability, provide multi-layered reparation, and remove legal and institutional barriers for all women—including those most marginalised.

However, reporting shows that even when a legal framework exists on paper, the gap between formal and substantive justice is vast. In many parts of the world, women and girl's access to justice is seriously hampered by their economic situation, their access to resources and information, the persistence of sexism and gender stereotypes and bias as well as a host of additional factors. This is particularly pronounced in women's attempts to seek justice in connection with domestic violence, including in family law proceedings after the relationship with the abuser has ended. Stereotypes on women's credibility and lack of coordinated protection for women and their children paves the way for abusive action to continue via institutions and legal arenas. In addition, the impact of judicial stereotyping on credibility assessments and case outcomes may, in some cases, pave the way for subsequent accusations against women of defamation, which must be recognised as a form of legal retaliation and an impediment to women's access to justice, often enabling the continuation of violence against them.

The United Nations thus classifies access to justice for women and girls as both a human right and a development imperative. Progress has been observed in some areas, with reported gains of strengthened laws (especially on violence against women), constitutional reforms, and the impact of women's rights organisations. Nevertheless, the majority of countries report that women continue to face more barriers than men, and gaps persist in criminal, family, nationality, and employment laws.

- *Structural, legal and cultural enabling factors of legal retaliation*

Women and girls face structural, legal, and cultural barriers that not only hinder their access to justice but expose them to legal retaliation for using the justice system or advocating for their rights. These barriers are rooted in pervasive structural inequalities where power imbalances favour men and boys over women and girls, and their financial resources and social status enable them to deploy legal action against women and girls. Gender stereotypes

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[2] Convention on the Elimination of All Forms of Discrimination against Women, adopted 18 December 1979, United Nations, available at https://www.ohchr.org/sites/default/files/cedaw.pdf.

[3] Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, adopted 9 September 1994, Organization of American States through the Inter-American Commission of Women, available at https://www.oas.org/en/mesecvi/docs/BelemDoPara-ENGLISH.pdf.

[4] Convention on preventing and combating violence against women and domestic violence, adopted 11 May 2011, Council of Europe, available at https://rm.coe.int/168008482e.

[5] Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, adopted 11 July 2003, African Union, available at https://www.bing.com/ck/a?!&&p=f41d8639bced533c483eb27080dd6112c8d484ad8e8acfb9a2736b1cf4966a1cJmltdHM9MTc4NDY3ODQwMA&ptn=3&ver=2&hsh=4&fclid=177b9d0f-38d4-6401-0ea9-8a9239a165c4&psq=Maputo+Protocol&u=a1aHR0cHM6Ly9hdS5pbnQvc2l0ZXMvZGVmYXVsdC9maWxlcy90cmVhdGllcy8zNzA3Ny10cmVhdHktY2hhcnRlcl9vbl9yaWdodHNfb2Zfd29tZW5faW5fYWZyaWNhLnBkZg.

[6] African Charter on the Rights and Welfare of the Child, adopted 11 July1990, African Union, available at https://www.bing.com/ck/a?!&&p=f2fb67e9f9003f262aa17ce51b2e60ff27f27fd31565494ea5a31d49f155622bJmltdHM9MTc4NDY3ODQwMA&ptn=3&ver=2&hsh=4&fclid=177b9d0f-38d4-6401-0ea9-8a9239a165c4&psq=ACRWC&u=a1aHR0cHM6Ly9hdS5pbnQvc2l0ZXMvZGVmYXVsdC9maWxlcy9kb2N1bWVudHMvMzA5MTMtZG9jLWFjcndjLWVuLnBkZg.

concerning women's expected roles within marriage, family and community negatively affect the way complaints are received and handled by law enforcement agencies and the justice sector.

Women who report domestic or sexual violence may be characterised as bringing shame upon their families, disrupting family unity, challenging male authority or failing in socially prescribed roles as wives or mothers, which are narratives that further influence judicial actors and prompt legal retaliation. Gender bias extends into institutions and courts, as evidenced by numerous cases, in which women and girls who report violence are systematically questioned, discredited, and disbelieved. This is further compounded in some countries by legislative proposals to increase penalties for 'false reports' of sexual or domestic violence.

In parallel, reductions in accessible legal aid for victims and to human rights organisations across the world have deepened inequality, leaving many women and girls, particularly those from marginalised communities, at a significant disadvantage.

Criminal and family law were not designed to protect women from abusive litigation, and legal systems can be misused by both State and non-State actors, including powerful corporations, interest groups and current or former abusive partners, to silence, intimidate, or punish women who challenge discrimination, violence, or unequal laws. This dynamic compounds the harm already caused by the original violence, while further eroding public trust in the justice system. In fact, and particular in family law, conditions are in place for weaponising allegations of sexual abuse or domestic violence against women by their current or former partners (usually their male partners), punishing them by disbelieving them and in many instances leading to the loss of the custody of the child.

Globally, the ability of women and girls to secure their rights in a court of law or through institutional procedures and processes is under threat from retaliation, manifesting as harassment, administrative sanctions, disciplinary hearings, penalties, fines and criminalisation, civil litigation and structural or institutional violence. Systemic barriers such as legal exclusion, structural barriers to women's access to justice, discriminatory laws, and impunity, as well as structural inequalities between women and men in all societies are factors that act as enablers of legal retaliation.

- *Expressions of legal retaliation in the context of violence against women and girls: findings and variations, including across multiple jurisdictions (customary and formal, civil and criminal)*

The use of retaliatory legal actions against women and girls reporting violence or seeking to assert their rights in this context can take many forms. Legal retaliation in the context of violence against women and girls refers to the abuse or strategic use of legal rules, procedures, and institutions to punish, silence, discredit, abuse, economically exhaust, or

reassert control over women who report or denounce or seek protection from violence against women and girls, as well as those who support them.[7]

Expressions of legal retaliation may also arise in cases of sexual harassment in the workplace, where complainants may face retaliatory legal measures or proceedings following a complaint, a request for protection from a competent authority, or co-operation with investigative or equality bodies.

In this context, alleged perpetrators adopt a posture of victimhood and initiate parallel or successive proceedings before different judicial and administrative systems and institutions, including customary or religious courts in certain contexts or across jurisdictions. This behaviour may also arise following rulings unfavourable to the alleged perpetrator, thereby forcing victims to relitigate matters that have already been settled and maintaining continuous legal pressure. The monitoring carried out by several members of the EDVAW Platform across different regions of the world has identified such abusive litigation techniques employed particularly but not only by domestic violence perpetrators in family law proceedings as a way to continue to exert pressure and control and instil fear.

Expressions of legal retaliation may also include defamation claims against individual women and girls reporting violence as well as of groups and organisations. Strategic lawsuits against public participation (SLAPPs) may be pursued against individuals or organisations, and may affect, directly or indirectly, women's rights defenders, women's rights organisations, and other women in the public eye, such as women parliamentarians, politicians, journalists, academics, medics, and experts. Such litigation can cause reputational damage and impose significant financial and emotional burdens. It may be accompanied by other retaliatory measures including defunding, the withdrawal of a licence or authorisation of a public activity as well as intimidation and threats to allies, supporters or venues and locations they use for their work. As the use of SLAPPS is increasing, further understanding of its use and impact is necessary.[8]

There are practical indicators which can aid in identifying legal retaliation against those who report or expose violence against women and girls, including:

- a pattern of legal actions initiated immediately following a woman or girl initiating legal action for herself or her organisation, or seeking protection or assistance, including the reporting of violence. They can also be initiated following powerful advocacy interventions, programs or legal action launched by women and girls either individually or as a collective. In some cases, such legal action is preceded by threats of its use, intended to deter women from taking protective steps.

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[7] See, for example, MESECVI's communiqué "Committee of Experts of the MESECVI rejects the advancement of legislative initiatives on false reports in Bolivia and Argentina" (MESECVI, 2026) available at https://belemdopara.org/wp-content/uploads/2026/08/Communique-False-Reports-august-2026.pdf. See also the Fourth Hemispheric Report on the Implementation of the Belém do Pará Convention (Latin America chapter). Access to Justice, Truth, and Reparation: Structural Challenges and Institutional Progress (MESECVI, 2025) available at https://belemdopara.org/cim_mesecvi/fourth-hemispheric-report-on-the-implementation-of-the-belem-do-para-convention-latin-america-chapter-access-to-justice-truth-and-reparation-structural-challenges-and-institutional-progress-mes/, where during the Fourth Multilateral Evaluation Round on the implementation of the Belém do Pará Convention, the persistence of legal, institutional and cultural barriers that discourage women from reporting violence, foster impunity and perpetuate violence against women, including State and institutional violence, as one of the principal obstacles to women's access to justice was identified.

[8] See, for example, Resolution on the Need to Conduct a Study on Strategic Litigation Against Public Participation (SLAPPs) in Africa - ACHPR. Res.667(LXXXVIII) 2026. Adopted by the African Commission on Human and Peoples' Rights (the African Commission), at its 88th Ordinary Session, held virtually, from 17 to 31 July 2026.

- successive legal proceedings concerning substantially the same issues across different courts or jurisdictions.
- attempts to undermine the credibility of the concerned woman or girl by portraying her as the wrongdoer, morally corrupt, hateful or a danger to others (for example, accusing her of being an unfit or manipulative parent) rather than contesting the specific facts of her original report.
- significant imbalance of power, such as threats related to immigration status, race, religion, financial dependency, or language barriers.
- the presence or risk of disproportionate effects—such as excessive costs, delays, or psychological burdens—relative to any legitimate remedy being pursued.

Across all regions, sexism, misogyny gender stereotypes and bias, discriminatory social norms, structural inequalities between women and girls on one hand and men and boys on the other on the basis of sex and gender remain serious obstacles to adequate responses and outcomes in legal proceedings. Evidence points to widespread gender bias in courts and amongst law enforcement agencies in many parts of the world. Legal frameworks in a number of countries have also not sufficiently recognised and criminalised all forms of violence against women and girls, such as coercive control, technology-facilitated forms of violence, or femicide. They have also not adopted consent centred laws. Lack of resources to access protection and justice, notably at local levels, and insufficiently harmonised legal practices, can place women and girls at a disadvantage, enabling perpetrators who are both willing and able to exploit the system. Both formal (statutory) and informal (customary or religious) mechanisms can reinforce discrimination, diminishing women's and girls' trust in the law, the judiciary, and law enforcement.

Rather than constituting isolated litigation behaviour, legal retaliation operates as a continuation of violence against women and girls through institutional means. It often arises following disclosure, reporting, or separation from an abusive partner or situation. It may also target women's rights defenders who support women and girls in securing their rights, protect women and girls who are victims of exploitation, abuse or violence or who engage in public advocacy on their behalf, as well as women and girls who defy gender stereotypes and norms.

- *Actors affected: women and girls' victims and/or survivors, support networks, professionals, human rights defenders and other actors*

Legal retaliation primarily targets women and girls who report or disclose violence. Among them, certain groups face heightened exposure to retaliatory legal actions. These include women facing intersecting and cumulative grounds of discrimination, such as marginalisation or extreme discrimination in a society, women in situations of dependency, such as economic dependency or dependency within family or intimate relationships, where reliance on the perpetrator creates additional barriers to leaving, reporting, or seeking protection. Migrant, refugee and stateless women and girls as well as those without regularised legal status are also at particular risk, as perpetrators may use the precarious migration and residence status of women and girls as well as migration and residence laws to make threats, including reporting survivors to relevant authorities, potentially leading to deportation and forced separation from their children, or detention and forced disappearance. Women and girls who defy gender stereotypes and norms also face distinct challenges in accessing justice, stigmatisation and disparate forms of legal retaliation.

Family law and child-related proceedings may constitute one of the most pervasive and structurally embedded arenas of legal retaliation following the disclosure of violence against the mother or the child. These proceedings risk being instrumentalised by alleged perpetrators to continue the abusive dynamics and to reassert control after separation and to punish victims - usually the mothers - for disclosing the abuse. Perpetrators commonly deny past violence, attack the credibility, integrity and mental stability of the victim, and reverse the roles of victim and offender by portraying themselves as parents unjustly excluded from their children's lives. Concepts such as the so called "parental alienation syndrome" or other similar notions that position mothers as manipulating their children, as unco-operative or hostile have been exposed by several members of the EDVAW Platform as mechanisms to deflect attention from the original abuse.[9] This deflection dynamic has been described in the literature, particularly in family law proceedings, as "DARVO" (Deny, Attack, and Reverse Victim and Offender): denying the abuse, attacking the victim's credibility, and reversing the roles of victim and offender to present the accusation itself as the injustice.[10] Some of these dynamics play out across borders where legal frameworks such as the Hague Convention on the Civil Aspects of International Child Abduction (1980) may be invoked to retaliate against women victims of abuse and their children. While the Convention seeks to secure the prompt return of children wrongfully removed or retained, concerns arise where allegations of domestic violence are not adequately assessed in the interpretation and application of its provisions. In this context, allegations of so-called "parental alienation" may also be invoked to discredit disclosures of abuse.[11]

As emphasised by numerous EDVAW platform members, State and non-State actors, at the national, regional and international levels, continue to misuse "traditionalist", "religious", "customary" or "family protection" narratives, which aim to fundamentally distort international human rights law, perpetuate harmful gender stereotypes and entrench discriminatory practices.[12]

Additionally, legal retaliation extends beyond survivors themselves to their wider support ecosystem. This includes family members, friends, and co-workers who stand by them, as well as those who facilitate their protection and access to justice—such as women's rights and civil society organisations and professionals involved in judicial or related proceedings, including lawyers, psychologists, social workers, and health professionals. These actors are often targeted through defamation claims, injunctions to gag them, disciplinary complaints, or

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[9] See, for example, UN Special Rapporteur on violence against women and girls, its causes and consequences', Custody, violence against women and violence against children (A/HRC/53/36), paragraph 1; as well as GREVIO's 3rd Report on its General Activities, Focus section: Child custody, visitation and domestic violence", published in 2022, paragraphs 67 – 89.
Also MESECVI's communiqué: "Committee of Experts of the MESECVI Expresses Concern over Bill in Guatemala that Would Undermine the Rights of Children and Their Mothers by Incorporating the Concept of Parental Alienation" (MESECVI, 2026), available at https://belemdopara.org/wp-content/uploads/2026/07/Communique-Guatemala-July-2026-.pdf

[10] S. J. Harsey and J. J. Freyd, "Defamation and DARVO", *Journal of Trauma & Dissociation*, 23(5), 2022; B. Dick, "SLAPPs, DARVO, and Weaponised Language in #MeToo-Era Defamation Suits", *Feminist Legal Studies,* 2025.

[11] UN Special Rapporteur on violence against women and girls, its causes and consequences', Custody, violence against women and violence against children (A/HRC/53/36), paragraph 35, Submission by Brazil Federal Defenders.

[12] See for example the document produced by the Working Group on Discrimination against Women and Girls *The rights of women and girls in family life: Guidance document of the Working Group on discrimination against women and girls* (A/HRC/WG.11/43/1), 6–10 October 2025, available at https://www.ohchr.org/en/documents/position-papers/ahrcwg11431-rights-women-and-girls-family-life.

regulatory harassment.[13] Women's rights defenders, including activists and advocates, face particularly gendered reprisals, such as defamation and cyber-attacks[14]. Journalists are similarly at risk, especially when reporting on violence or amplifying survivors' narratives.[15] Therefore, these tactics not only aim to isolate survivors, but also to deter professional engagement and weaken support structures.

Taken together, these dynamics demonstrate that legal retaliation is not confined to individual complainants. It functions as a collective silencing mechanism that affects children, supporters, professionals, and the organisations that stand behind them alike. By spreading risk and punishment across a wide network of actors, legal retaliation operates as a continuation of violence against women and girls, amplifying its deterrent effect and further entrenching barriers to justice.

III. Multi-level consequences for victims and survivors

- *Consequences for victims and intersectional dimensions*

Consequences for women and girls facing legal retaliation after reporting violence may include psychologic and economic harm and suffering and, in extreme cases, even suicide.

Effects of legal retaliation may also include withdrawing from legal proceedings due to hostile procedures or fear, or prohibitive financial cost. For example, mothers who fear losing custody of their children may withdraw their allegations or complaints about violence inflicted on them or their children. This sends a chilling message to other women and their allies seeking justice through the legal system, further depressing the already low rates of reporting violence. In cases of sexual harassment or violence in public spaces or the workplace, women can be dismissed, charged with defamation and experience negative treatment or other forms of pressure, including victim blaming.

Legal retaliation carries a strong economic dimension, because it exposes women to prolonged proceedings, costs associated with legal representation, transportation to courts and repeated adjournments, as well as related loss of income. Moreover, the retaliatory legal action may target maintenance, property, housing or other resources a woman may legitimately claim. Women's economic dependency may make repeated or abusive litigation particularly harmful and may force women to abandon legal claims or to accept disadvantageous settlements. The economic burden of retaliatory legal action may itself

[13] This term refers to the misuse or abuse of regulatory, administrative, or professional oversight mechanisms (for example, complaints to licensing bodies, tax authorities, or ethics boards) to intimidate, punish, or silence individuals or organisations, rather than to address genuine misconduct.

[14] International documentation confirms that reprisals and intimidation against those working on women's rights are widespread, systematic, and structurally gendered. See, relevant documentation in the 6th General Report on GREVIO's Activities (2024), p. 35-41, such as CM/Rec(2018)11, adopted on 28 November 2018; PACE Resolution 2554, adopted on 25 June 2024, paragraph 3; UNGA, Res. 68/181 of 18 December 2013; HRC Report of the Special Rapporteur on *the situation of human rights defenders, on the situation of women human rights defenders* (A/HRC/40/60), 10 January 2019.

[15] HRC, Report of the Special Rapporteur on violence against women, its causes and consequences on *Combating violence against women journalists* (A/HRC/44/52), 6 May 2020, para. 19; Reporters Without Borders, *International Women's Day: 60% of journalists report cyberharassment against those who cover women's rights*, 2025, March 6, available at https://rsf.org/en/international-women-s-day-60-journalists-report-cyberharassment-against-those-who-cover-women-s.

constitute a significant barrier to women's access to justice and their right to equality before the law.

The consequences of legal retaliation may be particularly severe and/or long-lasting for women and girls who face multiple and intersecting forms of discrimination on several grounds including race, religion, legal or migration status, economic status, sexual orientation, gender identity or other. Legal retaliation can compound existing barriers to justice, exposing them to further intimidation, stigma, exclusion and re-victimisation, while exacerbating inequalities in access to legal assistance, protection and support services.

- *Chilling effect on support persons, professionals, women's rights defenders and journalists*

The use of retaliatory legal actions against women and girls who report violence has a chilling effect that extends beyond those directly targeted, discouraging other women and girls from reporting violence, seeking protection and pursuing justice or advocating in support of other women and girls that are victims of violence. Serious consequences affect women in their role as professionals, especially those involved in public and political life, such as women parliamentarians, judges, politicians, health experts and journalists. For fear of being confronted with lawsuits or pressured by more powerful or abusive male supervisors or colleagues, these women may withdraw from their profession or resort to self-censorship.

Legal retaliation directly impacts access to and trust in the legal system for the future, including for women's rights defenders, silencing important voices and fomenting self-censorship. In certain cases, defamation cases have led to withdrawal of funding for women's rights organisations and high financial costs for both individuals and organisations. Women's rights organisations who engage in advocacy or the provision of support, including assistance and protection services may also experience coordinated online harassment campaigns and shadow banning (where social media platforms limit a user's visibility without explicit notice).

In addition, such concerns and proceedings shift the attention of support persons, including professionals, women's rights defenders and journalists, deviating their focus from the essence of their work, such as providing support services, legal representation or advocacy.

Retaliation, intimidation, and scapegoating, particularly of activists, survivors, and defenders, undermine in the effectiveness of institutions and trust in them and foster cycles of silence, under-reporting, and the normalisation of impunity. The criminalisation of women's actions, blaming of survivors, and economic exclusion function as retaliatory systems in both formal and informal settings. On a large scale, legal retaliation against those who report violence can be seen as a deliberate disruption tactic to slow down the advancement of women and gender equality (collective and individual) and maintain power and control over women and girls and their organisations.

- *Socio-Cultural Pushback*

Grounded in sexism and gender stereotypes, social norms act as informal laws guiding socio-cultural behaviour and responses that can not only discourage women and girls who are victims from reporting situations of violence but also undermine their experiences, and

therefore their right to justice. Socio-cultural gender inequalities and narratives are often a dissuading factor for women to push back against legal retaliation by men.

Legal retaliation is fuelled by sexism and harmful gender stereotypes concerning women's expected roles within marriage, family and community.

Gender stereotypes within justice systems can also enable legal retaliation. Stereotyped assumptions regarding how a “credible” victim should behave, when and how she should report violence, or how she should respond to an aggressor may lead authorities to question women’s credibility and give greater weight to retaliatory allegations brought against them. Such stereotypes may significantly undermine women’s effective access to justice and compromise the integrity of judicial responses.[16]

- *Increasing digital violence*

In the context of legal retaliation against women who report violence, the looming threat of digital and technology-facilitated gender-based violence is an added and increasingly pervasive instrument to take into consideration. AI-enabled abuse is already reshaping women’s and girls’ participation in public life. Women politicians are targeted through technology-facilitated violence against women and girls and disinformation that seeks to shame, discredit, and silence them.[17] The reputational harm caused by legal retaliation may be amplified online, exposing women to violence by other individuals online, including through harassment, threats, doxxing, the non-consensual sharing of intimate images, including the sharing of humiliating images, insults, death and rape threats, and coordinated campaigns to discredit or silence them.[18]

The rise of digital incitement of hatred and the risk of discreditation or reputational damage through coordinated online campaigns directly harms women human rights defenders, service providers, and survivors, normalising violence and creating chilling effects on other victims and wider society.

[16] General Recommendation of the Committee of Expert of the MESECVI (nº6): On the use of stereotypes that compromise the integrity of justice systems. (MESECVI, 2024), available at https://belemdopara.org/cim_mesecvi/general-recommendation-of-the-committee-of-expert-of-the-mesecvi-no6-on-the-use-of-stereotypes-that-compromise-the-integrity-of-justice-systems-mesecvi-2024/.
[17] Report of the Working Group on discrimination against women and girls, Women’s and girls’ rights and artificial intelligence and related digital technologies, A/HRC/62/48.
[18] Council of Europe Expert Group on Action against Violence against Women and Domestic Violence (GREVIO) General Recommendation No.1 on the digital dimension of violence against women, available at https://rm.coe.int/grevio-rec-no-on-digital-violence-against-women/1680a49147.

IV. Examples from different regions and good practices

European Court of Human Rights - BG vs France[19]

A16 year-old girl filed a complaint for rape in the high school toilets against 17 year- old boy. Due to a 'lack of sufficient evidence', the applicant's complaint was dropped by the public prosecutor. Following the decision, the boy's mother filed a counter-complaint, accusing the applicant of making a false report of rape. The applicant was subjected to a "reminder of the law" procedure, an alternative to prosecution, in which she was officially labelled as the perpetrator of a false accusation. This measure did not constitute a formal conviction but led to her being entered into a police database for five years.

The applicant contested this process, arguing that she was not afforded the guarantees of a fair trial, including the right to challenge the accusation before an independent court. The public prosecutor's actions essentially bypassed judicial review, instead relying on administrative discretion, while labelling the applicant as an offender.

The Court found that this sequence—from dismissal of her rape complaint to the warning for false accusation—failed to respect fair trial guarantees, causing significant harm and reputational consequences.

Outcome of the case

The Court held France had violated the European Convention on Human Rights, as the applicant was not afforded procedural protections. The case highlights a risk of legal retaliation, where complainants can become defendants without proper safeguards, deterring future victims from reporting. The judgment underscores the importance of ensuring that those who report crimes, especially sensitive offenses like sexual violence, are not exposed to retaliatory legal measures without robust procedural protections, lest the justice system deter victims from coming forward in the future.

CEDAW Committee – E.F. v. United Kingdom[20]

E.F. was 22 when she reported that she had been sexually assaulted by A.P. She had been diagnosed with bipolar disorder and told police that she believed she had been drugged. After police decided not to prosecute A.P., he initiated a private criminal prosecution against E.F., alleging that she had made a false rape report and perverted the course of justice. The Crown Prosecution Service later took over and continued the prosecution.

The proceedings had severe consequences for E.F. She experienced a relapse of her mental-health condition, lost anonymity protections available to rape complainants, and faced reduced access to counselling after being warned not to discuss case-related matters. She was not interviewed by police about the alleged false report before the prosecution proceeded. Three days before her trial was due to begin, E.F. died by suicide.

Outcome of the case

The UN Committee on the Elimination of Discrimination against Women (CEDAW) found that the United Kingdom legal framework, which allowed an alleged perpetrator to initiate criminal proceedings against a rape complainant without effective safeguards, could disproportionately affect women and discourage reporting of sexual violence. It concluded that E.F.'s treatment amounted to indirect discrimination and that the State had failed to exercise due diligence to protect her from discrimination and revictimisation.

The Committee called on the United Kingdom to ensure that prosecutions concerning allegedly false reports of rape, sexual violence, or other gender-based violence are brought only by public prosecuting authorities; to conduct rigorous, gender-sensitive assessments; and to provide effective safeguards against retaliation and revictimisation. It also recommended reparations for E.F.'s father and the removal of E.F.'s name from judicial records.

[19] European Court of Human Rights, BG v. France, Application no. 70945/17, Judgment of 19 June 2026, available at https://hudoc.echr.coe.int/fre?itemid=001-249137.

[20] *E.F. v. United Kingdom*, Communication No. 184/2022, UN Committee on the Elimination of Discrimination against Women, CEDAW/C/93/D/184/2022 (5 November 2026).

Mauritania - Reporting Rape and Risk of Prosecution[21]

Women and girls who report rape in Mauritania face a risk of legal retaliation that undermines access to justice. During its 2024 visit, the Working Group on discrimination against women and girls was informed that a significant number of women were arrested, prosecuted and sentenced for adultery, including in cases where they had reported sexual violence. Victims were sometimes discouraged, even by their own lawyers, from filing complaints because of fears that they could themselves face criminal prosecution. The Working Group found it unacceptable that women should be deterred from reporting rape out of fear of becoming defendants in the justice system. Furthermore, women who did come forward reportedly faced stigmatization and victim-blaming by police officers, prosecutors and judges, who questioned their conduct or implied responsibility for the violence they suffered. As a result, many cases of sexual violence remained unreported, contributing to a climate of impunity and denying women effective access to justice. The Working Group concluded that the threat of prosecution and social stigma functions as a powerful form of legal retaliation, discouraging victims from seeking accountability and protection through the legal system.

Court proceedings and accusations against Yanar Mohammed[22]

Yanar Mohammed was an Iraqi women's rights activist, co-founder of the Organization of Women's Freedom in Iraq in 2003. She opened the first women's shelter in Iraq and her network later spread to multiple cities, providing shelter to women fleeing domestic abuse, honour killings and trafficking. She was accused of human trafficking and running a brothel in connection with this work and reportedly taken to court three times. In March of 2026, she was assassinated, gunned down outside her Baghdad home.

Women's rights groups and defenders in Iraq have suffered heightened threats and backlash over the past decade. The accusations against her and the court proceedings initiated and Mohammed's shelter work raise concern that legal proceedings may have been used to intimidate or punish her for assisting women and advancing women's rights, which ultimately lead to her assassination. The Women's Freedom Association issued a statement calling her assassination "a direct targeting of feminist struggle and the values of freedom and equality."

Legal Retaliation Through Criminal Counter-Complaints[23]

Filing a criminal counter-complaint against the original complainant constitutes a strategic legal action initiated by the alleged perpetrator in response to the original accusation. The perpetrator may allege that the initial complaint was false or malicious, or claim that the complainant has committed a separate criminal offence. Such allegations may include: Defamation; Perjury or filing a false police report; Malicious prosecution; Extortion; or Criminal intimidation.

A criminal counter-complaint goes beyond merely defending against the original allegation: it initiates a separate legal action against the complainant, effectively placing the alleged perpetrator in the position of complainant within a parallel criminal investigation or proceeding.

Perpetrators may weaponise criminal counter-complaints to pressure victims or survivors into withdrawing their original complaints, abandoning their pursuit of justice, or agreeing to settlements encompassing both proceedings. The threat of facing parallel criminal proceedings can create significant coercive leverage, particularly where survivors are already experiencing financial insecurity, psychological distress, or other forms of vulnerability.

Criminal counter-complaints may also serve to undermine or discredit women who report violence. By alleging that a woman is motivated by malice, dishonesty, retaliation, or extortion, perpetrators can shift the focus away from the alleged violence and towards the complainant's character, credibility, and motives. This risks reinforcing harmful stereotypes, discouraging reporting, and obstructing access to justice. The Committee of Experts of the MESECVI published their position on false reports, which illustrates cases of this form of legal retaliation.

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[21] Report of the Working Group on discrimination against women and girls visit to Mauritania, Human Rights Council Fifty-sixth session (2024), available at https://docs.un.org/en/A/HRC/56/51/ADD.1.

[22] Mohammed discussed the accusations and court proceedings in a Spotify podcast interview, available at https://open.spotify.com/episode/7GQaLn5xezRBzUI731LgkL?si=9GjwLgwhQ-uztkX4Y5pdYQ&utm_source=copy-link&t=589 and a 2023 *Manara Magazine* interview, "Women's Freedom in Iraq". See also Human Rights Watch, "Iraq: Prominent Women's Rights Activist Assassinated" (12 March 2026), available at https://www.hrw.org/news/2026/03/12/iraq-prominent-womens-rights-activist-assassinated.

[23] See Committee of Experts of the MESECVI in: Communiqué on False Reports – December 2025 available at https://belemdopara.org/wp-content/uploads/2025/12/Communique-False-Reports-.pdf, Communiqué on False Reports – August 2026 available at https://belemdopara.org/wp-content/uploads/2026/08/Communique-False-Reports-august-2026.pdf and Communiqué on Guatemala – July 2026 available at https://belemdopara.org/wp-content/uploads/2026/07/Communique-Guatemala-July-2026-.pdf.

***160 Girls* litigation as a model practice:** an example of how litigation can be transformed into systemic change in access to justice

A coalition of civil society organisations brought a case on behalf of rape survivors seeking accountability for sexual violence after police repeatedly failed to investigate sexual violence complaints. The court found that the police had violated the girls' rights and ordered effective investigations and training for law enforcement. Importantly, the initiative did not stop with the judgment: it evolved into long-term police training, shelter-worker training, public legal education, community awareness campaigns, and monitoring of implementation. Their litigation shows how survivors can use the law to challenge institutional practices that silence or deter those seeking justice — and how a case brought on behalf of individuals can prompt broader change in access to justice. This case is relevant to the use of legal retaliation as it highlights the risks survivors face when they report abuse and the importance of protecting people who seek legal redress.[24]

California's Speak Your Truth Act (AB 933, 2023) –and similar laws in Connecticut, Maine, and Oregon, USA

Protects people who disclose their own experiences of sexual assault, harassment, or discrimination from retaliatory defamation claims. A communication made without malice is privileged if the speaker has, or had, a reasonable basis to complain, whether or not a formal complaint is filed. A prevailing defendant may recover attorney's fees, costs, and treble damages. The law aims to deter abusive defamation claims that may silence survivors.[25]

South African Constitutional Court's decision in Mineral Sands Resources v. Reddell

Efforts to address abusive litigation in other contexts can offer useful lessons and good practices for preventing and addressing legal retaliation against women and girls who report violence and those who support them. In South Africa, the South African Constitutional Court recognised that legal proceedings brought not to enforce a right but to discourage lawful criticism can amount to an abuse of process under the common law. [26] However, the Court did not create a comprehensive statutory anti-SLAPP regime. South Africa's High Court had expressly noted that the country lacked specific legislation dealing with SLAPPs, and the defence therefore exists only in common law, creating uncertainty and practical inaccessibility for many defendants, particularly those without legal expertise or resources. Recognising this gap, South African civil society organisations, led by the Centre for Applied Legal Studies (CALS) at Wits University, developed a Model Law on Anti-SLAPP in 2023 and launched it in 2024, which sets out a definitive legal test for identifying SLAPPs, assigns the burden of proof, mandates expedited judicial mechanisms for early adjudication, and provides robust remedies for victims, including protective costs orders. [27]

[24] See the "160 Girls" project website available at https://160girls.org/.
[25] Speak Your Truth Act, Act of 10 October 2023, ch. 670, 2023 Cal. Stat. (codified at Cal. Civ. Code § 47.1) available at https://legiscan.com/CA/text/AB933/id/2845352.
[26] South Africa Constitutional Court case Mineral Sands Resources (Pty) Ltd and Others v Reddell and Others (CCT 66/21) [2022] ZACC 37, November 2022, available at https://www.saflii.org/za/cases/ZACC/2022/37.html.
[27] South African civil society organisations, led by the Centre for Applied Legal Studies (CALS) at Wits University, developed a Model Law on Anti-SLAPP in 2023.

V. Recommendations

Based on the experience across Latin America, Europe, and Africa, as well as of international and regional institutions, the EDVAW Platform urges States/national authorities and other relevant stakeholders to take measures against the use of retaliatory legal actions against women and girls reporting violence, such as:

Taking comprehensive measures to prevent and address legal retaliation against women and girls by

- Preventing legal retaliation by identifying abusive litigation, prohibiting the misuse of legal proceedings, as well as by training justice and legal professionals.
- Protecting women and girls from legal retaliation through effective protection measures, including specialised legal aid and safeguards for complainants and women human rights defenders.
- Ensuring appropriate responses to legal retaliation, including investigation and prosecution where the conduct constitutes a criminal offence. Providing effective reparations by offering compensation, restoration of reputation, procedural remedies and reimbursing costs incurred.

Legal and Institutional Reform

- Enforcing all standards put forward by the international and regional legal instruments on human rights, particularly those dealing with violence against women and domestic violence.
- Adopting or advancing and implementing comprehensive legislation by addressing all forms of violence against women and girls ensuring access to justice, effective remedies and reparation, prohibiting retaliatory action against complainants and defenders, embedding intersectionality, and repealing laws or practices that criminalise, stigmatise or deter reporting such violence.
- Ensuring that laws and procedures concerning false reporting are not formulated or applied in ways that discourage women and girls from reporting violence against women and girls, expose them to retaliatory legal action or create additional barriers to access to justice.
- Ensuring that a complaint that does not result in prosecution or conviction, or cannot be substantiated because of evidentiary or institutional limitations, is not treated as an intentionally false report.
- Requiring authorities to consider counter-complaints or proceedings for alleged false reporting as a potential indicator of legal retaliation and as an extension of the violence a woman and girls endure that must be investigated and ended.
- Adopting measures to prevent the misuse of criminal, civil, administrative, immigration, and other legal proceedings as a form of retaliation against women and girls, including

women human rights defenders, victims/survivors of violence, complainants, witnesses and those supporting them. Establish mechanisms for the early identification of retaliatory proceedings and appropriate procedural responses and remedies.

- Adopting procedural safeguards to prevent the weaponisation and misuse of counter-complaints, false accusation proceedings, and other retaliatory legal measures against women who report violence. This should include measures to ensure that complainants are not subjected to punitive or stigmatising procedures without robust procedural protections, in line with the principles articulated in the European Court of Human Rights example provided of BG vs France.
- Ensuring that customary, religious and other informal justice mechanisms operate consistently with States' regional and international human rights obligations, and do not pressure survivors to withdraw complaints, reconcile with perpetrators or accept remedies that compromise their rights, safety, dignity or access to formal justice mechanisms.
- Adopting or advancing national strategies by institutionalising intersectional, national action plans for justice, truth, and reparation with ensured funding and civil society engagement at all levels and stages of implementation and monitoring.
- Expanding universal access to free legal aid (removing financial/language and other discriminatory barriers), specialised health/psychosocial care, survivor-centred and disability/child-friendly shelters, and protection measures, especially focusing on rural and marginalised communities.
- Ensuring accessible justice mechanisms, reasonable accommodation where required, appropriate interpretation and language services, legal aid, and geographically accessible services. Women facing multiple and intersecting forms of discrimination may be disproportionately targeted for legal retaliation and may face compounded barriers in seeking redress.
- Expanding community-based and intersectionality-focused services; establish specialised courts, units and complaint mechanisms for violence against women and girls; and ensure accessible reporting channels, legal aid, psychosocial support and interpretation services for women facing intersecting forms of discrimination
- Ensuring that victims and complainants are protected from counter-complaints, prosecution, detention, immigration consequences, reputational attacks, or other retaliatory measures arising from the reporting of violence against women and girls or other human rights violations.
- Ensuring that protection orders cover all forms of violence with rigorous oversight and are accessible for women and girls, in all their diversity.
- Requiring all institutions to produce, standardise, and publish regular, and disaggregated data collection to support evidence-based policymaking and evaluation.
- Establishing mechanisms for the systematic collection, analysis, and publication of disaggregated data on legal retaliation, including data on the types of legal actions initiated, the outcomes of such actions, and the impact on victims and survivors.

Judicial, Law Enforcement and Frontline Practice

- Requiring all justice-sector actors to adopt victim-centred, trauma-informed, survivor led and gender-responsive approaches and prohibit victim-blaming practices, stereotyping and credibility assessments based on discriminatory assumptions regarding women's behaviour, appearance, sexuality, family status, ethnicity, migration status or human rights activism.
- Addressing discriminatory gender stereotypes throughout the justice chain and ensure that culture, custom, religion or family preservation considerations are not used to undermine women's rights, dignity, and access to justice.
- Establishing procedures requiring courts, prosecutors and law enforcement authorities to assess whether legal proceedings may constitute retaliation or strategic abuse of legal processes, including where claims are brought against women and girls after they report or otherwise expose gender-based violence, or against those supporting them.
- Ensuring prompt and impartial investigation of allegations of intimidation, threats, harassment, surveillance, digital abuse or violence linked to the exercise of women's rights, human rights advocacy or participation in justice processes.
- Requiring initial and ongoing training for judicial authorities, law enforcement, and other frontline professionals—including immigration officials, labour and equality bodies, and child protection staff—on how to recognise and respond to legal retaliation. Training should enable participants to identify practical indicators such as those outline in the section *Expressions of legal retaliation in the context of violence against women and girls: findings and variations, including across multiple jurisdictions (customary and formal, civil and criminal)* of this Guidance note.
- Regional and international mechanisms, including the EDVAW Platform, strengthening cooperation on legal retaliation through the exchange of good practices, the development of common indicators, and the provision of technical assistance to States.
- Adopting robust prevention and accountability mechanisms against the use of digital and technology-facilitated tools to retaliate against women and girls reporting violence and those who support them.

Civil Society Recognition, Participation, and Safety

- Recognising the involvement of women's rights CSOs by formalising their participation in all stages of policy and services and prioritise the expertise of organisations representing marginalised and intersectional groups.
- Shifting to longer-term, flexible and sustainable financing for specialist, feminist CSOs with a proven track record, to avoid dependency on short-term or output-based contracts and protect against competition from for-profit entities.
- Publicly recognising the legitimacy and importance of the work of women and girls' human rights defenders; protecting them from criminalisation, intimidation, harassment, violence, surveillance, smear campaigns and legal retaliation; and investigating and sanctioning all acts of reprisal against them.

- Countering digital and physical threats and actual violence with robust and effective justice and accountability measures as well as better protection, assistance and support for victims.
- Systematically including women's rights organisations in training of judicial, social, and healthcare staff, valorising their intersectional and lived-experiences.
- Ensuring that all laws, administrative measures and policies affecting women human rights defenders are reviewed for compatibility with international human rights standards and do not directly or indirectly restrict their access to justice, participation in public life or human rights advocacy.
- Establishing dedicated consultation mechanisms with women's and girls' human rights defenders and feminist organisations, including those representing Indigenous women, rural women, migrant women, women with disabilities, LBTI women and other groups facing intersecting forms of discrimination, to inform justice, protection and anti-retaliation policies.
- Adopting specific measures to protect women human rights defenders, journalists and other persons supporting women and girls who report or otherwise expose gender-based violence from legal retaliation, including through access to legal assistance and effective procedural safeguards.

States across many regions of the world as well as international and regional institutions, have committed themselves to guaranteeing women's and girls' access to justice, truth, and reparation. This Guidance note highlights the need for further reflection and action on this topic as a reflection of today's complex environment and increasing dangers for women and girl's safety. It is designed as a contribution to ensuring that women and girls secure their right to a life without violence and that perpetrators are held accountable.

Ensuring access to justice, truth, and reparation for women and girls is not just a legal or development issue — it is a structural challenge requiring political will, institutional transformation, and sustained inclusion at all levels. The comparative experience across all regions reveals the persistent gap between legal frameworks and lived justice for women and girls. Systemic obstacles (legal, financial, institutional, and cultural) remain widespread, with shrinking civic space and digital threats posing new risks to progress already achieved. Only with robust due diligence, survivor-centred approaches, and the empowerment of women voices can States transform formal equality into meaningful access to justice, truth, and reparation for all women and girls through courts of law and institutions of justice.

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