



GREVIO

Baseline Evaluation Report Luxembourg

” Group of Experts
on Action
against Violence
against Women and
Domestic Violence
(GREVIO)



Istanbul Convention

GREVIO's (Baseline) Evaluation Report
on legislative and other measures
giving effect to the provisions
of the Council of Europe Convention
on Preventing and Combating
Violence against Women and Domestic Violence
(Istanbul Convention)
LUXEMBOURG

Group of Experts
on Action against Violence against Women
and Domestic Violence (GREVIO)

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Foreword

The Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) is an independent human rights monitoring body mandated to monitor the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, “the Istanbul Convention”) by the parties to the convention. It is composed of 15 independent and impartial experts appointed on the basis of their recognised expertise in the fields of human rights, gender equality, violence against women and/or assistance to and protection of victims.

GREVIO’s statutory activities include country-by-country monitoring of the Istanbul Convention (evaluation procedure), the initiation of inquiries into specific circumstances within a party to the convention (inquiry procedure) and the adoption of general recommendations on themes and concepts of the convention.

This report is the fruit of the first (baseline) evaluation procedure carried out in respect of Luxembourg. It covers the Istanbul Convention in its entirety¹ and thus assesses the level of compliance of Luxembourg’s legislation and practice in all areas covered by the convention. In light of the scope of the convention – as set out in its Article 2, paragraph 1 – the baseline evaluation focuses on measures taken in relation to “all forms of violence against women, including domestic violence, which affects women disproportionately”. Hence, the term “victim” used throughout this report is to be understood as referring to a woman or girl victim.

Based on this assessment, the report proposes measures to strengthen the implementation of the convention. In proposing such measures, GREVIO has adopted the use of different verbs which correspond to different levels of urgency, noting that all of them are important. These are, in order of priority, “urges”, “strongly encourages”, “encourages” and “invites”. GREVIO uses the verb “urges” where it considers that immediate action is required to bring the party’s legislation or policy into compliance with the Istanbul Convention, or to ensure its implementation. “Strongly encourages” is used where GREVIO has noted shortcomings which need to be remedied in the near future in order to ensure comprehensive implementation of the convention. A third level of urgency is indicated by the use of the verb “encourages”, which is used for shortcomings that require attention though possibly at a later stage. Lastly, the verb “invites” points to small gaps in implementation which the party is requested to consider closing or to proposals made to provide guidance in the implementation process.

The first (baseline) evaluation procedure is made up of several steps, each of which allows GREVIO to obtain critical information upon which to base its report. It is carried out as a process of confidential dialogue with the aim of offering country-specific proposals and suggestions for improvement developed within the national context of the party under review. These include the following:

- submission, by the party, of a report drawn up on the basis of GREVIO’s baseline questionnaire (the state report);
- an evaluation visit to the party under review to meet with governmental and non-governmental representatives working in this field;
- comments by the party on GREVIO’s draft report;
- publication of GREVIO’s report after its adoption together with any comments received from the party.

In addition, GREVIO also collects information from various other sources, including non-governmental organisations (NGOs), other members of civil society, national human rights institutions and Council of Europe bodies (Parliamentary Assembly, Human Rights Commissioner and other pertinent bodies), as well as other international treaty bodies. Within the framework of the

¹ With the exception of Chapter VIII of the convention, which GREVIO considered as less relevant in assessing the national situation in each contracting party.

evaluation of Luxembourg, GREVIO received a written contribution from the Luxembourg National Council of Women.

The state report and the written contributions submitted by civil society have been made public and are available on the official website of the Istanbul Convention.

The analysis, suggestions and proposals contained in this first baseline evaluation report were drawn up under the exclusive responsibility of GREVIO. It covers the situation as observed by the GREVIO delegation during its evaluation visit to Luxembourg. Where available, significant legislative and policy developments up until 26 May 2023 have also been taken into account.

According to the convention, national parliaments shall receive this report from the national authorities (Article 70, paragraph 2). GREVIO requests the national authorities to translate this report into their official national language(s) and to ensure that it is widely disseminated, not only to the relevant state institutions at all levels (national, regional and local), in particular to the government, the ministries and the judiciary, but also to NGOs and other civil society organisations which work in the field of violence against women.

Executive summary

This report provides an assessment of the measures of implementation taken by the Luxembourg authorities with regard to all aspects of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (hereafter “the convention”).

This assessment has been carried out by the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent human rights monitoring body mandated to monitor the implementation of the convention. GREVIO’s findings are based on the information obtained during the various steps of the first (baseline) evaluation procedure set out in Article 68 of the convention. These include written reports (a state report submitted by the Luxembourg authorities and additional information submitted by NGOs and civil society representatives) and a four-day evaluation visit to Luxembourg. A list of the bodies and entities which GREVIO had exchanges with can be found in Appendix II.

The report assesses the many measures taken by the Luxembourg authorities. It highlights several positive developments, particularly the robust policy to combat domestic violence which has been in place since the adoption of the Law on domestic violence of 2003. This law both introduced the possibility of evicting perpetrators of domestic violence from their homes and made it possible to set up co-ordinated support for perpetrators and victims, including children exposed to violence, on the basis of a predetermined protocol. The Committee for Co-operation between professionals combating violence co-ordinates the work of the various stakeholders involved in the implementation of the 2003 Law.

Luxembourg has also built up a strong network of specialist services for victims of domestic violence, mainly managed by civil society organisations financed through state accreditation. These organisations provide a wide range of services to women and children victims of domestic violence. Various other measures have been taken to promote gender equality and combat sexist stereotypes, including in the area of education, and these are backed up by a national action plan on sexual and emotional health.

Since 2018 the Unit for Medical-Forensic Documentation of Injuries (UMEDO) has allowed victims of sexual violence who do not wish to file a complaint to have evidence collected and stored. Furthermore, the Victim Support Service run by the Public Prosecutor’s Office offers victims psychological counselling and legal advice. The relevant criminal legislation has been amended to cater for certain offences covered by the Istanbul Convention such as forced marriage, and female genital mutilation and for the need to enable migrant women who are victims of violence to be issued an autonomous residence permit. A draft law on rape and sexual violence is intended among other things to clarify the definition of consent by victims, and if it is adopted it will make for an improved criminal justice response to sexual violence victims’ needs.

Despite these achievements, GREVIO observed a number of issues where improvement is warranted in order to reach higher levels of compliance with the requirements of the Istanbul Convention. Among these are the failure to take account of the gender dimension in policies and measures to combat violence and domestic violence and a lack of awareness-raising about this dimension for many professionals, including with regard to domestic violence, despite the fact that women are disproportionately affected by it. The Luxembourg authorities’ approach does not enable gender-based violence against women to be targeted separately and risks making it increasingly invisible. GREVIO also stresses the urgent need to improve the collection of administrative data concerning all the forms of violence covered by the Istanbul Convention, in particular in the judicial sector, so as to be able to assess the effectiveness of the criminal justice response to violence against women and amend legislation and practices where necessary.

GREVIO also regrets that there is no specialised national 24/7 helpline for women victims of all forms of violence covered by the Istanbul Convention, managed by staff with special training in such issues and in close co-operation with civil society organisations. Nor are there any specialist services for women victims of sexual violence and rape, offering advice, medical and psychological support,

forensic examinations and storing of evidence, or any standard protocols covering all hospital services on care and support for victims of sexual violence.

With regard to decisions on child custody and visitation rights, GREVIO is concerned about the lack of regulations requiring domestic violence to be taken into account and the fact that in practice, courts rarely exercise their right to restrict the parental rights of perpetrators of domestic violence. In this context, GREVIO also regrets the lack of specific training for judges and prosecutors on the harmful effect of domestic violence on children exposed to it and the fact that perpetrators frequently use joint exercise of parenthood to maintain their control and domination over the mother and children. It also takes note of the shortcomings in the protection provided for women victims of violence after periods of eviction have expired. Lastly, it is essential for the law enforcement agencies to have a standardised risk assessment and safety management tool in all cases of violence against women covered by the Istanbul Convention.

While GREVIO welcomes Luxembourg's ratification of the Istanbul Convention and the efforts taken to implement it, it has identified a number of issues that require urgent action by the authorities to comply fully with the convention's provisions. These relate to the need to:

- devise a comprehensive long-term strategy to prevent and combat all forms of violence against women covered by the Istanbul Convention, including support for the development of specialist services for such victims;
- adopt an approach to preventing and combating violence against women addressing intersectional discrimination and providing women exposed to intersectional discrimination appropriate protection and support;
- pursue regular co-operation with civil society organisations involved in combating violence against women, particularly women's rights organisations, through means including institutionalised consultation mechanisms;
- take measures to ensure that professionals working with victims and perpetrators of violence receive initial and in-service training on violence against women;
- foster multi-agency co-operation on all forms of violence against women, based on standardised co-operation protocols; implement standardised care paths that include the identification of victims of all forms of violence covered by the Istanbul Convention, along with screening, diagnosis, treatment, documentation of injuries suffered and referral to the appropriate specialist support services;
- strengthen the legal framework relating to psychological violence, sexual violence, forced marriage and forced sterilisation and ensure that sentences and measures imposed for offences of domestic violence and other forms of violence against women are effective, proportionate and dissuasive;
- provide the relevant law enforcement agencies with the necessary resources, including standardised protocols that specify their duties, in order to respond promptly and appropriately to all forms of violence covered by the Istanbul Convention; persist in efforts to increase the use of emergency barring orders and restraining or protection orders for women victims of all forms of violence covered by the Istanbul Convention and ensure effective and systematic monitoring of compliance with such orders;
- improve care and protection for women and girls seeking international protection from gender-based violence and introduce measures and tools for the early detection of cases of violence.

Furthermore, GREVIO has identified a number of additional areas in which improvements are required in order to comply fully with the obligations of the convention. These include the need to support increased research in areas relating to all the forms of violence covered by the Istanbul Convention and to encourage participation by private companies and public services in efforts to combat violence against women in the workplace. There is also a need to prioritise access for women victims of violence to available housing, to help them to be financially independent and to increase the supply of transitional housing. Steps should also be taken to set up a system for the retrospective

review of gender-based killings of women. Lastly, the Luxembourg authorities should ensure that the conditions for entitlement to legal aid do not place unreasonable obstacles in the way of free legal aid for women victims who are unable to pay for the services of a lawyer.

Introduction

Luxembourg ratified the Istanbul Convention on 7 August 2018. It entered into force on 1 December 2018. Luxembourg did not enter any reservation upon the deposit of its instrument of ratification of the convention.

The Istanbul Convention is the most far-reaching international treaty to tackle violence against women and domestic violence. Its comprehensive set of provisions spans far-ranging preventive and protective measures as well as a number of obligations to ensure an adequate criminal justice response to such serious violations of human rights. It covers new ground by asking that root causes of violence against women (such as gender stereotyping, traditions harmful to women and general manifestations of gender inequality) be addressed.

The convention sets up a monitoring mechanism to assess the level of implementation by its parties. This monitoring mechanism consists of two pillars: the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent expert body, and the Committee of the Parties, a political body composed of official representatives of the Parties to the Convention.

In accordance with Article 68 of the convention, GREVIO initiated the baseline evaluation in respect of Luxembourg by letter and transmission of its questionnaire on 14 February 2021. The order of reporting to GREVIO is based on a combination of regional groupings and order of ratification. The Luxembourg authorities subsequently submitted their state report on 8 March 2022 – the deadline set by GREVIO. Following a preliminary examination of the country state report, GREVIO carried out an evaluation visit to Luxembourg, which took place from 24 to 27 October 2022. The delegation was composed of:

- Françoise Brié, Member of GREVIO
- Helena Leitão, Member of GREVIO
- Grégory Thuan dit Dieudonné, expert
- Françoise Kempf, Administrator at the Secretariat of the monitoring mechanism of the Istanbul

During the evaluation visit, the delegation was welcomed by high-level public figures, including Taina Bofferding, Minister of Equality between Women and Men and Sam Tanson, Minister of Justice. In addition, the delegation met with a wide range of governmental and non-governmental representatives working in the area of preventing and combating violence against women. A list of the national authorities, non-governmental organisations and others met is set out in Appendix II of this report. GREVIO is grateful for the valuable information provided by all of them.

The evaluation visit was prepared in close co-operation with Isabelle Schroeder, a lawyer in the Equality and Society Department of the Minister of Equality between Women and Men, who was appointed as contact person for the evaluation by GREVIO. GREVIO wishes to extend its gratitude for the co-operation and support provided throughout the entire evaluation procedure, and for the constructive approach adopted by the Luxembourg authorities.

As part of this first baseline evaluation, GREVIO examined the implementation measures taken by the Luxembourg authorities concerning all aspects of the convention. For the sake of brevity, this report gives priority to some provisions over others. While it covers all chapters of the convention (with the exception of Chapter VIII), it does not present detailed assessments and conclusions for each provision.

I. Purposes, definitions, equality and non-discrimination, general obligations

A. General principles of the convention

1. Chapter I of the Istanbul Convention sets out general principles which apply to all the substantive articles contained in Chapters II to VII. These include, among others, that it is a fundamental human right for everyone, particularly women, to live a life free from violence in both the public and the private sphere, that the convention must be implemented without discrimination on any ground and that the potential for, and effects of, multiple forms of discrimination should be borne in mind. They also spell out that a gender perspective must be integrated into the implementation of the convention and the evaluation of its impact.

B. Scope of application of the convention and definitions (Articles 2 and 3)

2. In light of the scope of the Istanbul Convention set out in its Article 2, paragraph 1, the first baseline evaluation focuses on measures taken in relation to all forms of violence against women, including domestic violence, which affects women disproportionately. Article 3 of the Istanbul Convention sets out key definitions of concepts that are fundamental to its implementation. According to paragraph a, the term “violence against women” refers to “all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”, whereas the expression domestic violence is to be understood as referring to “all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim”. The definition of “gender-based violence against women” offered in paragraph d of Article 3 seeks to ensure more clarity regarding the nature of the violence covered by explaining that this is “violence that is directed against a woman because she is a woman or that affects women disproportionately”.

3. Hence, the violence addressed by the Istanbul Convention differs from other types of violence in that the victim’s gender is the primary motive. It is violence that is perpetrated against a woman that is both a cause and consequence of unequal power relations based on perceived differences between women and men that lead to women’s subordinate status in the public and private spheres. In accordance with the definition given in Article 3b, Chapter V, of the convention specifies the forms of violence against women that are to be criminalised (or, where applicable, otherwise sanctioned). These are psychological violence, stalking, physical violence, sexual violence, including rape, forced marriage, female genital mutilation, forced abortion, forced sterilisation and sexual harassment. Owing to the seriousness of domestic violence, Article 46 of the convention requires ensuring that the circumstance in which the offence was committed against a former or current spouse or partner, by a member of the family, a person cohabiting with the victim or a person having abused her or his authority, may entail a harsher sentence either as an aggravating circumstance or a constituent element of the offence.

4. Luxembourg began to tackle domestic violence long before it ratified the Istanbul Convention. Over the past two decades, the authorities have taken robust measures to counter domestic violence, reflecting the political will to act to prevent and combat this form of violence. The adoption of the Law on domestic violence of 2003 (Domestic Violence Law) was a key moment.² The law not only established a procedure for evicting perpetrators of violence from their homes if they posed a risk to the life or physical integrity of victims, but also introduced a mechanism to provide care for victims and perpetrators of domestic violence through specialist service providers, which receive substantial public funding. The 2003 law has been amended twice to enhance its scope and effectiveness.³ GREVIO welcomes the recognition by the Luxembourg authorities of the need to take

² Law of 8 September 2003 on domestic violence (hereinafter Domestic Violence Law).

³ In 2013 and 2018.

robust measures to combat domestic violence and the comprehensive approach adopted in this regard.

5. Domestic violence is partially defined by several legal provisions, including the 2003 Domestic Violence Law, which provides for the possibility of evicting a perpetrator from the home in the event of offences against the life or physical integrity of any person habitually residing under the same roof.⁴ The New Code of Civil Procedure also provides for the possibility of barring the perpetrator from the home in the event that he or she assaults, threatens to assault or behaves in a way that seriously damages the mental health of another person habitually residing, or having resided, in the same household.⁵ The provision may therefore also apply to ex-spouses. While GREVIO understands that in practice the term domestic violence is interpreted in such a way as to cover a wide range of types of relationships and offences, it considers that there is a need to adopt an authoritative definition to which all stakeholders can refer, which is in line with Article 3*b* of the Istanbul Convention and explicitly includes economic violence.

6. GREVIO notes with regret, however, that there is no definition of gender-based violence against women in Luxembourg and that little attention is paid to any of the forms of violence against women covered by the scope of the convention other than domestic violence, even though Luxembourg has criminalised some of them.⁶ It stresses that the Istanbul Convention requires parties to adopt a holistic approach to violence against women, including prevention and protection measures, along with public initiatives to address all forms of violence against women. It is therefore crucial that the Luxembourg authorities broaden the scope of policies, taking a holistic approach that includes all forms of violence against women covered by the convention. This approach should clearly define violence against women as a human rights violation and a form of discrimination.

7. GREVIO strongly encourages the Luxembourg authorities to enhance the implementation of the Istanbul Convention in relation to all forms of violence against women which are currently less addressed by policies, programmes and support services, with due regard to their gendered nature. The authorities should also develop shared and harmonised definitions that provide a common and unequivocal reference terminology on violence against women in accordance with Article 3 of the Istanbul Convention.

C. Fundamental rights, equality and non-discrimination (Article 4)

1. Gender equality and non-discrimination

8. The principle of gender equality is enshrined in the Luxembourg Constitution.⁷ GREVIO welcomes the fact that a national gender equality policy has been in place for many years and that, since 2006, it has been reflected in national action plans⁸ on a variety of issues, including equal pay, trafficking in human beings, domestic violence, tackling gender stereotypes and promoting equality in education. Since 1995, the Ministry of Equality between Women and Men (MEGA) has been co-ordinating the government's work in this field. Gender equality is also an issue that cuts across all government policies, the implementation of which is monitored by an Inter-Ministerial Gender Equality Committee.

⁴ 2003 Domestic Violence Law, Article 1.

⁵ New Code of Civil Procedure, Article 1017-7.

⁶ See comments concerning Chapter V.

⁷ Article 11, paragraph 2.

⁸ See <https://mega.public.lu/fr/societe/politique-niveau-national.html>. The National Action Plan 2020 includes the following priorities: (1) Encouraging and supporting civic and political engagement, (2) Combating stereotypes and sexism, (3) Promoting equality in education, (4) Advancing professional equality, (5) Promoting equality at the local level, (6) Combating domestic violence, (7) Encouraging the development of a more equal society.

2. Intersectional discrimination

9. Article 4, paragraph 3, of the convention requires parties to secure the implementation of their undertakings under the convention without any discrimination. This provision provides an open-ended list of grounds of discrimination which draws on that of Article 14 of the European Convention on Human Rights as well as the list contained in its Protocol No. 129⁹ and, in addition, includes the grounds of gender, sexual orientation, gender identity, age, state of health, disability, marital status, and migrant or refugee status or other status. The obligation in Article 4, paragraph 3, of the Istanbul Convention stems from the fact that discrimination against certain groups of women, for example by law enforcement agencies, the judiciary or service providers, is still widespread.¹⁰

10. The analysis of the availability and accessibility of services for women victims of violence in Chapter IV and elsewhere in this report shows that women who face intersectional discrimination, such as women with disabilities, LGBTI women and older women, can benefit from the advice and protection offered by various specialist service providers working with victims of domestic violence. There are, however, some gaps, including the lack of specialist services to respond to forms of violence to which certain specific groups of women are more likely to be exposed, such as female genital mutilation or forced marriage. GREVIO also notes, based on its exchanges with civil society representatives, that policies and measures to protect women victims of domestic violence lack an intersectional approach and that specialist services are not always able to provide holistic care to women facing multiple difficulties.¹¹

11. In order to be able to fully integrate the needs of women exposed to intersectional discrimination and affected by violence, the authorities should assess in more detail the specific legal and practical obstacles that may hinder access both to support services and protection measures, and to justice, for women in prostitution, women with addiction issues, women with irregular migration status and LGBTI women.

12. **GREVIO strongly encourages the Luxembourg authorities to adopt an approach to preventing and combating violence against women which addresses intersectional discrimination, in particular, by taking care:**

- a. **to include in policies specific measures to prevent and prosecute violence against women exposed to intersectional discrimination and to provide them with appropriate protection and support;**
- b. **to carry out studies on the incidence of gender-based violence experienced by women belonging to specific vulnerable categories, such as women with disabilities, women in prostitution or migrant/asylum-seeking women.**

D. State obligations and due diligence (Article 5)

13. Aspects of the implementation of Article 5 of the convention are covered in Chapters V and VI of this report.

E. Gender-sensitive policies (Article 6)

14. Article 6 of the Istanbul Convention calls on the parties to include a gender perspective in the implementation and evaluation of the impact of its provisions and to promote and implement policies aimed at achieving equality between women and men and the empowerment of women. This obligation stems from the realisation that in order to put an end to all forms of violence covered by the scope of the convention, it is necessary to promote de jure and de facto equality between women

⁹ The discrimination grounds in question include sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

¹⁰ See paragraphs 52-54 of the Explanatory Report.

¹¹ Information provided during GREVIO's visit; see also comments on Article 22.

and men. It also reflects the principle that violence against women is a consequence as well as a cause of gender inequality.

15. GREVIO notes that the 2003 law and the national policy against domestic violence follow a gender-neutral approach that places male and female victims and perpetrators of domestic violence on an equal footing, in accordance with the principle of gender equality. The national policy against domestic violence has also been included in the national action plans for gender equality which have been implemented since 2006. It also notes that Luxembourg has chosen to apply the Istanbul Convention to all victims of domestic violence, including men and boys, in line with the encouragement offered by Article 2, paragraph 2, of the convention. While GREVIO appreciates the willingness of the Luxembourg authorities to pursue a policy against domestic violence that takes equal account of all victims - women, men and children - in the family home, it would like to highlight the importance of addressing gender-based violence against women separately in relevant policies and measures, in particular by relying on data disaggregated by the type of violence, sex and age of both the victim and the perpetrator, their relationship and geographical location.¹² Without a gender-sensitive approach to domestic violence, there is a risk that violence against women will become increasingly invisible, despite the fact that women are disproportionately affected by this form of violence.

16. It is essential that the approaches adopted effectively recognise that violence against women is a structural phenomenon, unlike other forms of violence, and linked to the system of domination and gender stereotypes vis-à-vis women. As such, it should be viewed not only as abuse experienced individually by women but also as a social mechanism to keep women in a subordinate position to men. GREVIO would point out that this social mechanism of domination does not apply to situations of domestic violence against men and boys.

17. GREVIO notes that, despite the strictly gender-neutral approach of domestic violence policies, there are gender-sensitive practices for tackling domestic violence that provide a targeted and appropriate response to violence against women. This is particularly true of the process of awarding funding contracts to women's rights organisations providing specialist services, with accreditation specifically geared towards service providers for women, girls, and women with children. This provision enables women victims of violence to access specialist services provided by women's rights organisations, which are best placed to offer them effective support tailored to their needs. The substantial number of places in shelters for women and girls also reflects the fact that domestic violence disproportionately affects women. In addition, policies to prevent sexism and gender stereotyping have been actively pursued for a number of years, particularly with regard to young people. GREVIO has had occasion to note that where gender-neutral legislation is accompanied by measures to raise awareness of the gendered nature of violence against women, aimed at those responsible for the protection of women victims of violence, and where service providers pay particular attention to women victims, the aim of responding to the gendered aspect of violence may be achieved.¹³ However, it considers that the existence of some mechanisms in Luxembourg which take into account the gendered nature of domestic violence cannot compensate for the fact that it is not generally included in national policies or for the lack of awareness of the gendered aspect of this violence among many professionals.¹⁴

18. In this context, GREVIO also points out that under Article 4, paragraph 4, of the convention, special measures to prevent and combat gender-based violence against women that are not aimed at men must not be regarded as discrimination. Moreover, it stresses that, under the Istanbul Convention, the fact that women are disproportionately victims of gender-based violence, including domestic violence, constitutes an objective and reasonable justification for taking specific measures aimed at women in particular.¹⁵

¹² See comments on Article 11.

¹³ See, for example, GREVIO's baseline evaluation report on Austria, paragraph 7.

¹⁴ See comments on Articles 13 and 15.

¹⁵ Explanatory report, paragraph 55.

19. **GREVIO urges the Luxembourg authorities to take appropriate steps to ensure that policies and measures for the implementation of the Istanbul Convention include a gender perspective. This gender-sensitive approach should be based on an understanding of the link between violence against women, gender stereotypes and the structural inequalities between women and men, in order both to address the specific needs of women victims and to raise awareness of and counteract the negative stereotypes against women which legitimise and sustain violence against them.**

II. Integrated policies and data collection

20. Chapter II of the Istanbul Convention sets out the core requirement for a holistic response to violence against women: the need for state-wide effective, comprehensive and co-ordinated policies sustained by the necessary institutional, financial and organisational structures.

A. Comprehensive and co-ordinated policies (Article 7)

21. Article 7 of the Istanbul Convention requires states parties to ensure that co-ordinated and comprehensive measures to prevent and combat violence against women address all forms of violence against women.

22. The determination of the Luxembourg authorities to pursue a policy to combat domestic violence as part of the National Equality Action Plan¹⁶ was borne out further in November 2021 by the introduction of a new strategy to improve the protection of victims of domestic violence, under the aegis of the Ministries of Equality, Justice and Internal Security, in a move which GREVIO welcomes. The new strategy is intended to consolidate the system established by the 2003 law,¹⁷ which is essentially a rapid response mechanism to ensure immediate protection for victims of violence.

23. Apart from the policy on domestic violence, Luxembourg has not adopted a specific strategy or action plan to take comprehensive and co-ordinated measures in the long term to combat all forms of violence against women covered by the Istanbul Convention, such as stalking, psychological violence, sexual violence, forced marriage, female genital mutilation and violence committed in the name of so-called honour. Furthermore, apart from the gender-neutral approach that limits the scope for specific responses to violence against women, the policy on domestic violence does not address the specific needs of women who experience or are likely to experience intersectional discrimination, although GREVIO understands that in practice some measures have been taken to ensure that these women have access to support and protection in the event of violence.

24. With regard to the co-ordination of measures and co-operation between all those involved in their implementation, GREVIO welcomes the co-ordination mechanism, the Committee for Co-operation between professionals combating violence (hereinafter the “Co-operation Committee”), set up under the 2003 Domestic Violence Law. This 12-member committee brings together the main stakeholders working on domestic violence issues, including representatives of the MEGA, the Ministry of Justice, the Ministry of Internal Security, the police, the Public Prosecutor’s Office and services supporting victims and perpetrators of domestic violence.¹⁸ It is both a co-ordinating and an advisory body and may issue recommendations to the government. GREVIO notes, however, that most of its work takes place at a technical and operational level and that, despite its involvement in the drawing up of some of the authorities’ strategies on domestic violence, its role in promoting policies to prevent and combat domestic violence is limited by the consultative nature of its status. It is also responsible for publishing annual data on domestic violence to help monitor the implementation of the 2003 law.

25. GREVIO is pleased to note that the Co-operation Committee’s work makes for regular contact between key institutional and civil-society stakeholders responsible for combating domestic violence and protecting victims. It also understands that communication and co-operation are greatly facilitated by the small size of the country and the proximity of stakeholders. Nevertheless, it suggests that a structured, formalised framework and specific protocols should be adopted to optimise the committee’s work.¹⁹

¹⁶ National Action Plan for Equality between women and men, 2020, Chapter 6 on domestic violence available at <https://mega.public.lu/content/dam/mega/fr/publications/publications-ministere/2020/MEGA-plan-action-nation-egalite-WEB.pdf>.

¹⁷ https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2021/11-novembre/12-bofferding-kox-tanson.html

¹⁸ See Grand Ducal Regulation of 24 November 2003 on the Committee for Co-operation between professionals combating violence (Co-operation Committee).

¹⁹ See also comments on Article 18.

26. GREVIO believes that it is crucial to broaden the current approach, which is limited to combating domestic violence and centred primarily on emergency responses, and to introduce policies and measures that take into account all forms of violence covered by the Istanbul Convention, taking a gender-sensitive approach and focusing on the needs and protection of victims, including in the long term.

27. GREVIO strongly encourages the Luxembourg authorities to develop a comprehensive long-term strategy to prevent and combat all forms of violence against women covered by the Istanbul Convention; this strategy should be based on a victims' rights-centred approach and integrate a gender perspective on the various forms of violence against women including domestic violence.

B. Financial resources (Article 8)

28. Although there are no specific budget lines for combating violence against women covering all public policies, the MEGA has an annual budget of around 23 million euros for the implementation of measures to combat violence. Most of these funds (more than 80%) are used to finance state-accredited associations that manage specialist services for victims and perpetrators of domestic violence.

29. GREVIO welcomes the fact that associations managing services for women victims of violence, including counselling, support and emergency accommodation for women and children victims of domestic violence, are fully funded by grants from the MEGA and, in the case of shelters, regardless of their occupancy rate. Subsidies are allocated to service providers according to a comprehensive set of specifications.²⁰ This substantial financial support has enabled Luxembourg to develop a robust and highly effective network of specialist support services for women victims of domestic violence and their children. The service for perpetrators of violence is also fully funded by the MEGA.

30. While GREVIO welcomes the substantial funding allocated to services dealing with domestic violence and notes that some specialist support services also accompany victims of other forms of violence covered by the Istanbul Convention,²¹ it regrets the lack of specific funding for preventing and combating such other forms of violence.

31. Public funding is also available for the implementation of pilot projects to tackle violence and for awareness-raising initiatives. However, in the light of its exchanges with civil society organisations, GREVIO considers that it would be worthwhile to provide additional funding or to launch calls for projects to complement the certified service management system, in order to secure regular funding for projects to prevent and combat all forms of gender-based violence.

32. GREVIO strongly encourages the Luxembourg authorities to provide sufficient funding to enable the development of specialised projects and services for women victims of all forms of violence covered by the Istanbul Convention. It also encourages them to ensure that funding is available for various measures to prevent and combat all forms of violence against women by expanding the network of state-accredited associations or increasing their funding levels.

C. Non-governmental organisations and civil society (Article 9)

33. NGOs, including women's rights organisations, play a major role in preventing and combating violence against women, including forms of violence other than domestic violence, such as sexual

²⁰ Grand-Ducal Regulation of 19 March 1999 concerning government-accredited contracting of service providers for girls, women and women with children. See also comments on Article 6.

²¹ See comments on Article 22.

violence, stalking and the digital dimension of violence against women, due to their substantial involvement in providing specialist services for women victims of violence. GREVIO also notes that NGOs provide training on various forms of violence against women to other stakeholders, such as those in the judiciary and law enforcement, the health-care sector and the reception of migrants and asylum seekers.²² GREVIO stresses that it is crucial to fully acknowledge the value and expertise that these organisations bring through their gendered approach to violence against women centring on victims' rights and needs.

34. Consultation of NGOs by the authorities is provided for in various contexts. Firstly, the Interministerial Committee on Human Rights, which is responsible for co-ordinating the implementation of the Istanbul Convention,²³ holds discussions with civil society organisations. In addition, some of the state-accredited partners providing specialist services are full members of the Co-operation Committee and therefore participate in its meetings and work. An annual consultation meeting involving these organisations is also foreseen by the law on the financing of certain organisations.²⁴ Moreover, they are invited to comment on draft legislation relating to matters of interest to them. As noted above, the proximity of stakeholders facilitates communication between civil society and the authorities. However, GREVIO reiterates the need to set up institutionalised mechanisms for the consultation, on a regular basis, of civil society organisations so as to ensure that they are able to contribute effectively to the development and implementation of policies to combat violence against women.

35. GREVIO strongly encourages the Luxembourg authorities to continue their regular co-operation with civil society organisations involved in combating violence against women, including through institutionalised consultation mechanisms and, in particular, to fully acknowledge the crucial role played by independent women's rights organisations.

D. Co-ordinating body (Article 10)

36. The Interministerial Committee on Human Rights, set up in 2015 and responsible for co-ordinating reporting on human rights law in Luxembourg, is in charge of co-ordinating the application of the Istanbul Convention.²⁵ It acts under the authority of the Ministry of Foreign and European Affairs, as a platform for the exchange of information and co-ordination of the application of the Istanbul Convention and it carries out its mission working in close co-operation with the MEGA on aspects of prevention and care for victims of violence, and the Ministry of Justice, which is responsible for issues relating to substantive law and prosecution. It convenes several times a year and its meetings are followed by discussions with civil society organisations. GREVIO understands that co-ordination in this context takes place on an informal basis. In the absence of a national action plan to combat all forms of violence against women or of predefined policy objectives, the Interministerial Committee does not base its work on strategic and operational tools that describe the steps needed to achieve the objectives set. Although GREVIO is aware that this situation is due to the unique circumstances of Luxembourg, which enable proximity between a small number of stakeholders, it believes that the lack of planning of public action undermines the clarity of the Interministerial Committee's activities and achievements as the body responsible for co-ordinating, monitoring and implementing policies and measures to prevent and combat violence against women.

37. GREVIO notes that there is currently no body responsible for monitoring and evaluating the implementation of public policies to combat violence against women. The Co-operation Committee's

²² See comments on Article 15.

²³ See comments on Article 10.

²⁴ Law of 8 September 1998 regulating the relationships between the State and organisations working in the social, family and therapeutic areas.

²⁵ Even though this task is not explicitly mentioned in the Law of 20 July 2018 approving the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, signed in Istanbul on 11 May 2011, and amending 1. the Criminal Code, 2. the Code of Criminal Procedure, 3. the amended law of 8 September 2003 on domestic violence, and 4. the amended law of 29 August 2008 on the free circulation of persons and immigration (hereinafter Law approving the Istanbul Convention). See also the report submitted by Luxembourg on 8 March 2022 pursuant to Article 68, paragraph 1, of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Baseline Report; hereinafter: "state report"), p. 24.

monitoring of the implementation of the 2003 law is limited to eviction orders in the context of domestic violence and therefore does not meet the requirements of Article 10 of the Istanbul Convention. Furthermore, both the Co-operation Committee and the Interministerial Committee on Human Rights are responsible for implementing measures to combat violence and are therefore not in a position to provide an independent and objective evaluation of policies and measures to tackle violence against women. GREVIO emphasises the importance of establishing an institutional separation between the bodies tasked with drawing up and driving the implementation of policies and those required to monitor and evaluate them. It considers that independent impact assessments, based on robust data and specific indicators, should be carried out on a regular basis and by means of an open dialogue with all relevant stakeholders, including, in particular, independent women's rights organisations.

38. GREVIO strongly encourages the Luxembourg authorities to strengthen the ability of the national co-ordinating body to perform its tasks under Article 10 of the Istanbul Convention, by ensuring, in particular, that it operates on the basis of clear policy guidelines that identify the objectives to be achieved and state, measure by measure, the bodies responsible for implementing them, the timeframe, the resources allocated and the performance indicators. They should also ensure that the functions of the body in charge of coordination are exercised in close consultation with the relevant civil society stakeholders. In addition, GREVIO strongly encourages the Luxembourg authorities to provide for independent monitoring and evaluation in order to ensure that policies and measures to prevent and combat all forms of violence covered by the convention are objectively assessed. Any monitoring and evaluation should be carried out on a regular basis, using comparable indicators.

E. Data collection and research (Article 11)

39. Preventing and combating violence against women and domestic violence requires evidence-based policy making. The collection of systematic and comparable data from all relevant administrative sources is crucial in this regard, as is information on the prevalence of all forms of violence against women.

1. Administrative data collection

a. Law enforcement agencies and the justice sector

40. The 2003 Domestic Violence Law requires the annual collection of data on domestic violence, disaggregated by sex, age and the relationship of the perpetrator to the victim, indicating for each category whether the perpetrator and the victim live together.²⁶ Accordingly, the Co-operation Committee publishes annual statistics on police call-outs and evictions in cases of domestic violence, including the number of complaints, call-outs, eviction orders, the type of offences leading to such orders and the number of judgments related to cases of domestic violence.²⁷ Data on police call-outs and evictions are disaggregated by the age and sex of perpetrators and victims and indicate the nature of their relationship. However, these statistics, which are provided at the police call-out stage, are only provisional and do not prejudice the public prosecutor's decision. Furthermore, the data cover all the offences that may be detected during a call to the home; as regards the data on the sex of the perpetrators and victims of domestic violence, they include offences that may be committed by any member of the family, including violence against children, parents or grandparents; lastly, there are no data on children exposed to domestic violence if they are not listed as victims.

41. The Victim Support Service (SAV) of the Public Prosecutor's Office also collects data on the people it receives, the vast majority of whom are women who turn to the SAV about offences of

²⁶ 2003 Domestic Violence Law, Article 3.

²⁷ See annual reports of the Committee for Co-operation between professionals combating violence: <https://mega.public.lu/fr/publications.html>.

domestic violence, sexual abuse and rape.²⁸ GREVIO also notes that at the time of the Covid-19 pandemic, the authorities introduced weekly monitoring of domestic violence cases in order to be able to quickly detect any increase in cases.

42. GREVIO has taken note of the Co-operation Committee's statistics for 2020 and 2021, according to which the perpetrators are female in approximately 30% of the cases in which the police are called out to deal with domestic violence. This is in stark contrast to the data provided by specialist service providers, who report a significantly higher number of female victims of domestic violence in the context of relationships between spouses or ex-spouses. GREVIO regrets that the lack of common indicators shared by all relevant bodies severely limits the possibility of obtaining an accurate picture of the situation of domestic violence and may lead to differing interpretations of the disproportionate impact of domestic violence on women, despite the fact that research and data from various countries show that women are disproportionately affected by domestic violence.

43. Data collected by the police and the judiciary in cases not covered by the 2003 law or concerning evictions do not include the relationship of the victim to the perpetrator, the sex of the victim or how they were affected by the offence. GREVIO also regrets the lack of police and judicial data available on other forms of violence against women covered by the Istanbul Convention, including sexual violence committed outside the context of domestic violence,²⁹ forced marriage, female genital mutilation, stalking, sexual harassment and psychological violence. Without such data, it is difficult for the authorities, and for society as a whole, to know the extent of these issues in Luxembourg. It is also difficult to follow the progress of cases of violence against women through the justice system and to gauge conviction and attrition rates, the appropriateness of sentences and, in general, the efficiency of judicial proceedings in cases of gender-based violence against women.

44. GREVIO notes with interest the setting up of an Equality Observatory in 2019 (initially as a pilot project) with a specific section on domestic violence, as part of the implementation of the 2003 law. It brings together existing data, in particular those collected by the Co-operation Committee and by specialist services, but does not provide any data on forms of violence against women other than domestic violence. GREVIO takes note of the authorities' intention to work towards harmonising the indicators used by the various stakeholders dealing with domestic violence. It hopes that the plans to put the Observatory on an institutional footing in 2023 will contribute to a better evaluation of the public policy and legislative response to domestic violence. It is also crucial to extend data collection to include all forms of violence covered by the Istanbul Convention, on the basis of common indicators shared by all stakeholders and disaggregated according to the criteria established under Article 11 of the Istanbul Convention.

45. In this respect, GREVIO stresses that the Observatory could play a key role in raising awareness in society as a whole about the extent and root causes of violence against women, making it a vital tool for preventing violence against women and domestic violence. Data are also a valuable source of information on which to base public decisions and actions, both in terms of policy design and evaluation. The overall analysis of the data should therefore make it possible to identify clearly the type of violence perpetrated and the sex of the victim and perpetrator of the various forms of violence.

b. Healthcare sector and social services

46. GREVIO regrets the lack of specific data collection on violence against women in the healthcare system, apart from information on the number of people using the Unit for Medical-Forensic Documentation of Injuries (UMEDO). The data provided by UMEDO, published by

²⁸ In 2021, 65 women and five men who were victims of domestic violence and 58 women and one man who were victims of rape reached out to the SAV. Information provided by the authorities.

²⁹ As mentioned in paragraph 41, the SAV collects data on the number of victims of rape and sexual abuse receiving support from the service. However, these data do not give a full picture of the situation regarding this form of violence.

the Equality Observatory, do not specify the forms of violence or the relationship between the victim and the perpetrator.³⁰

47. Specialist services providing counselling and post-trauma care for victims of violence, such as the Domestic Violence Victim Assistance Service (SAVVD), the PSYea and Alternatives services (which provide care for children and teenagers in the event of an eviction from the home) and other state-accredited service providers, regularly publish data on the victims they receive.³¹ However, social services, such as the social welfare offices, do not regularly collect data on women victims of violence, including domestic violence, who they deal with.

c. Data on the asylum procedure

48. GREVIO regrets the lack of public data on applications for autonomous residence permits for migrant women victims of domestic violence and on asylum applications made on the basis of fear of gender-related persecution, which makes it impossible to determine how many women have applied for asylum on this ground or been granted asylum or any other form of international protection.

d. Conclusion

49. The lack of administrative data collected by the various institutions does not provide a sufficiently complete picture of gender-based violence against women and domestic violence with which to evaluate public policies and legislation in order to identify and remedy existing shortcomings. GREVIO concludes that administrative data collection in Luxembourg currently falls short of the requirements of Article 11 of the Istanbul Convention. Under this article, the judiciary, law enforcement agencies, healthcare and social welfare services and other relevant authorities must have data systems that record harmonised data on victims and perpetrators disaggregated by (at least) sex, age, type of violence, the relationship of the perpetrator to the victim and geographical location, with all data collection complying with the applicable personal data-protection standards.

50. **Bearing in mind the need for data collection to apply to all forms of violence covered by the Istanbul Convention, GREVIO urges the Luxembourg authorities to take the necessary measures to:**

- a. ensure that data collected by all relevant stakeholders (namely law enforcement agencies, judicial authorities and health and social services) are disaggregated by the sex and age of the victim and the perpetrator, their relationship, geographical location and the different forms of violence covered by the Istanbul Convention, and include information on the presence of children exposed to violence;**
- b. harmonise data collection between law enforcement agencies and the judiciary to enable, *inter alia*, the assessment of conviction, attrition and recidivism rates and a thorough analysis and tracking of cases through the criminal justice system – from the police to the prosecution and the courts;**
- c. introduce a data collection system to record asylum claims on the basis of gender-related persecution and their outcomes, as well as applications for autonomous residence permits in cases of domestic violence;**
- d. introduce data collection in the healthcare sector on all forms of violence against women.**

2. Population-based surveys

51. In 2019-2020, the National Institute for Statistics and Economic Studies (STATEC) carried out a victimisation survey on violence in Luxembourg, interviewing 5 695 people (men and women).

³⁰ <https://observatoire-egalite.lu/violence-domestique/examens-physiques-effectues-sur-les-victimes-signalees-de-violence-domestique/>.

³¹ See annual reports of the Committee for Co-operation between professionals combating violence, op. cit.

It follows on from a first study of this kind in 2013, which involved a smaller population sample and did not specifically cover violence against women as it focused on victims. The 2019-2020 study was redesigned³² in order to take better account of violence against women. It addresses various forms of violence, such as physical, sexual and psychological violence in different contexts. In the context of domestic violence, the study also covers economic violence. It includes questions on intersectional discrimination. GREVIO was also informed that, in addition to data on the number of victims, the questions were designed to collect information on the number of incidents of violence, recognising that victims of domestic violence in particular may be assaulted several times by the same perpetrator. Lastly, the survey included questions on public awareness of violence.³³ The results of the survey will be published gradually. GREVIO welcomes these developments, which should contribute to a better understanding and assessment of violence against women in Luxembourg. It hopes that STATEC will be given the human and financial resources to be able to carry out such surveys on a regular basis.

52. GREVIO encourages the Luxembourg authorities to carry out regular prevalence studies to assess the extent of and trends in relation to all forms of violence covered by the Istanbul Convention and to highlight and better understand the experiences of violence of women exposed to intersectional discrimination.

3. Research

53. Article 11, paragraph 1*b*, of the convention creates the obligation for parties to support research, out of the consideration that it is essential that parties base their policies and measures to prevent and combat all forms of violence covered by the convention on state-of-the-art research and knowledge in this field. As a key element of evidence-based policy making, research can contribute greatly to improving day-to-day, real-world responses to violence against women and domestic violence by the judiciary, support services and law enforcement agencies.³⁴

54. GREVIO was made aware of a 2015 study on the root causes of domestic violence³⁵ and a study commissioned by the MEGA in 2019 on the construction of gender stereotypes among young people.³⁶ It was not informed of any studies or research on other forms of violence against women, on the criminal justice response to violence against women or on the experiences of women victims, especially those exposed to intersectional discrimination. GREVIO considers that further research on violence against women would provide a better understanding of the scale of these issues in Luxembourg, raise public awareness and serve as a basis for devising programmes and measures to prevent and combat all forms of violence against women.

55. GREVIO strongly encourages the Luxembourg authorities to support further research in areas relating to all forms of violence covered by the Istanbul Convention, including on the criminal justice response to these forms of violence and research focusing on victims' viewpoints and on violence affecting women exposed to intersectional discrimination, such as women with disabilities, elderly women, migrant and refugee women, LGBTI women and those belonging to other affected groups.

³² Study focused on incidents of violence.

³³ Information provided by the authorities.

³⁴ Explanatory report to the convention, paragraph 77.

³⁵ Department of Public Health, Luxembourg Institute of Health, "Domestic Violence in the Grand Duchy of Luxembourg: a study of causes for targeted prevention", 2015.

³⁶ "#LÉTZSTEREOTYPE18" study available at <https://orbilu.uni.lu/handle/10993/38642>.

III. Prevention

56. This chapter contains a number of general and more specific obligations in the area of prevention. These include early preventive measures such as changing social and cultural patterns of behaviour of women and men, eradicating prejudices and gender stereotypes, and measures to involve all of society, including men and boys, in achieving gender equality and the prevention of violence against women. It also includes more specific preventive measures such as awareness raising and campaigning, ensuring the adequate training of all professionals, education in schools and other settings, and, last but not least, measures such as perpetrator programmes to prevent further victimisation.

A. General obligations (Article 12)

57. Article 12 delineates the fundamental foundations of the parties' duty to prevent violence against women. These include the parties' determination to promote changes in the social and cultural patterns of behaviour of women and men with a view to eradicating prejudices, customs, traditions and all other practices which are based on the idea of the inferiority of women or on stereotyped roles for women and men. Moreover, flowing from the premise that violence against women is a cause as much as a consequence of gender inequality, Article 12 requires further that parties adopt specific measures to empower women and to achieve greater gender equality in order to reduce women's vulnerability to violence.

58. In recent years, the Luxembourg authorities have developed programmes and measures both to raise awareness of gender equality and combat gender stereotypes and to prevent domestic violence. Raising awareness and preventing domestic violence are two priorities of the government's 2021 strategy to improve efforts to tackle domestic violence. In this context, GREVIO notes with interest the authorities' support for programmes aimed at actively involving men and boys in the prevention of domestic violence³⁷ and the focus on programmes for perpetrators of domestic violence designed to improve prevention.³⁸

B. Awareness raising (Article 13)

59. Among the steps taken by the authorities, especially the MEGA, to raise public awareness of domestic violence, GREVIO particularly appreciates the launch, in November 2022, of a national campaign to raise awareness of sexism, based on the Recommendation of the Committee of Ministers of the Council of Europe on preventing and combating sexism³⁹ and the tools of the campaign "Sexism: See it. Name it. Stop it."⁴⁰ Other awareness-raising activities include the "Violence hurts the whole family" campaign (2010-2018)⁴¹ and a campaign to raise awareness of violence carried out in 2021.⁴² Combating gender stereotypes and prejudice, especially among young people, is also one of the priorities of the National Action Plan for Equality. To this end, the MEGA has supported the development of awareness-raising resources for young people⁴³ and held events on this and on gender equality in general.⁴⁴

³⁷ For example, the "Ech kämpfe fair!" campaign run by the InfoMann association: www.infomann.lu/index.php/ech-k%C3%A4mpfe-fair-gewaltpr%C3%A4ventioun-mat-jongen.

³⁸ See comments on Article 16.

³⁹ Recommendation CM/Rec(2019) of the Committee of Ministers to member States on preventing and combating sexism, <https://rm.coe.int/168093b26a>.

⁴⁰ www.coe.int/en/web/genderequality/combating-and-preventing-sexism.

⁴¹ https://mega.public.lu/dam-assets/fr/publications/publications-ministere/2017/violence_domestique/06953_MEGA_Dep_Violence_ENG_04-2016-Web.pdf.

⁴² <https://mega.public.lu/fr/actualites/2021/November/Gewalt-kennt-net-an-d-Tut.html>.

⁴³ <https://mega.public.lu/fr/education/outils-sensibilisation.html>.

⁴⁴ For example, the "Rock de Rack" programme: <https://rockmega.lu/>

60. Furthermore, in 2010 the authorities launched an information website for perpetrators and victims of violence,⁴⁵ which as of 2018 includes all forms of violence covered by the Istanbul Convention. GREVIO welcomes the fact that the website provides information not only on domestic violence, but also on forced marriage, female genital mutilation, crimes committed in the name of so-called honour, psychological violence, sexual violence and some forms of violence committed in the digital sphere. It also includes accessible information on services available to victims and perpetrators. GREVIO also learnt with interest about the domestic violence prevention campaign carried out as part of the “Theatre Forum” project, which raises awareness of the various forms of domestic violence and the remedies available to victims and perpetrators. Awareness-raising activities have also been carried out by state-accredited service providers from civil society.⁴⁶ Lastly, the Bee Secure helpline and website provide advice to young people, their parents and educators on online safety and the responsible use of information and communication technologies. Issues such as online stalking and sexting are discussed.⁴⁷

61. Despite these promising initiatives, GREVIO notes that few awareness-raising measures are carried out to increase knowledge and understanding of the different forms of violence against women outside the field of domestic violence. Nor does the largely gender-neutral approach raise public awareness of the specific nature, extent and impact of violence against women. GREVIO regrets that the substantial efforts made to combat gender stereotypes and inequality are not accompanied by measures to raise public and professional awareness of the causal link between these stereotypes, attitudes, values and patriarchal structures and violence against women.

62. Awareness of the specific needs for prevention and protection from violence of women exposed to intersectional discrimination, such as migrant and asylum-seeking women and girls, appears to be particularly limited, leading to under-recognition of cases of violence against them and a lack of knowledge of their rights and of the protection measures available to them.

63. While noting the willingness of the Luxembourg authorities to adopt a comprehensive approach to dealing with domestic violence, GREVIO considers that the link between the structural inequalities between women and men and violence against women should be highlighted through awareness-raising activities designed to increase public awareness and understanding of the different manifestations of all forms of violence covered by the Istanbul Convention and their consequences, and of the fact that domestic violence disproportionately affects women. Specific measures are also needed to highlight violence against women who are exposed to intersectional discrimination and to ensure that they are better informed about their rights and the protective measures available to them.

64. GREVIO strongly encourages the Luxembourg authorities to carry out regular awareness-raising campaigns on all forms of violence covered by the Istanbul Convention, highlighting the gendered nature of such violence. For this purpose, the Luxembourg authorities should, in particular:

- a. run awareness-raising activities targeting different population groups, including professionals specifically involved in combating violence against women so as to change underlying patriarchal attitudes and promote understanding of this type of violence;**
- b. raise awareness among all women and girls, including those at risk of intersectional discrimination, of the legal norms and standards on equality between women and men, the various forms of violence covered by the Istanbul Convention and the available remedies to assert their rights;**

⁴⁵ <https://violence.lu>.

⁴⁶ For example, the campaign carried out in schools by Oxygène, a service run by the association Women in Distress, to prevent violence and sexual abuse and the Orange Week campaign to raise awareness of all forms of violence against women, organised by the Luxembourg National Council of Women. See also comments on Article 16.

⁴⁷ www.bee-secure.lu/fr/news/. A guide on sexting was produced to this end (www.bee-secure.lu/wp-content/uploads/2021/01/144_nu-sur-le-net_fr.pdf).

- c. engage in and strengthen partnerships with women’s rights NGOs and other civil society organisations in order to assess the impact of awareness-raising activities on gender stereotypes and sexist behaviour and follow up on changes over time.**

C. Education (Article 14)

65. Attitudes, convictions and behavioural patterns are shaped very early in life. Educational establishments therefore have an important role to play in promoting equality between women and men and human rights. Article 14 therefore requires the design of teaching material that promotes equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, the right to personal integrity and that informs learners of the different forms of gender-based violence against women.

66. GREVIO is pleased to note that the promotion of gender equality in education is one of the priorities of the National Action Plan for Equality, in particular by raising teachers’ awareness of equality issues and gender stereotypes. The framework for non-formal education also follows a gender-mainstreaming approach.

67. As emphasised in several Council of Europe texts, sexuality education for girls and boys, including the teaching of concepts such as consent and personal boundaries,⁴⁸ plays an important role in preventing violence against women. In Luxembourg, sexuality education is integrated into the school curriculum in a cross-curricular way and is addressed at different stages of the child’s education, including through a course on “Life and society” which covers, *inter alia*, gender equality, mutual respect and non-violent conflict resolution in interpersonal relationships. The Ministry of Education and Youth has provided specific teaching materials to support the teaching of these issues.⁴⁹

68. In parallel, a National Action Plan on Sexual and Emotional Health was launched under the auspices of the Ministry of Health and a variety of materials were developed, including a guide on sexuality for professionals in contact with young people, which addresses among others issues of consent, violence and respect for personal integrity and promotes a holistic approach to sexuality.⁵⁰ In addition, as part of the National Action Plan, the National Reference Centre for the Promotion of Emotional and Sexual Health (Cesas)⁵¹ was set up in 2018. Its mission is to promote, through information, awareness-raising and training, sexual and emotional health, especially among young people, by combating gender stereotypes and by training professionals dealing with children and young people.

69. While GREVIO welcomes the existence of this solid framework for promoting gender equality and sexuality education, it was informed⁵² that there are few specific references to the prevention of the various forms of violence against women in the compulsory education programmes.

70. GREVIO encourages the Luxembourg authorities to pursue their efforts to equip all pupils at all levels of schooling with knowledge and skills in relation to the issues identified in Article 14 of the Istanbul Convention.

D. Training of professionals (Article 15)

71. The standard set by the convention in its Article 15 is that of systematic initial and in-service training of the relevant professionals who deal with victims or perpetrators of all acts of violence. The

⁴⁸ See, for example, Council of Europe Recommendation CM/Rec(2019)1 to member States on preventing and combating sexism, in particular I.B.5, I.B.6 and II.G (“Education institutions”).

⁴⁹ For example, the programme developed in Switzerland: “Mon corps est à moi!”.

⁵⁰ “Let’s Talk About Sex!”: www.cesas.lu/fr/outils-pedagogiques.php.

⁵¹ www.cesas.lu/fr/cesas.php.

⁵² Information provided during GREVIO’s visit.

training that is required must cover the prevention and detection of such violence, equality between women and men, the needs and rights of victims and the prevention of secondary victimisation.

72. Training on domestic violence, focusing on the provisions of the 2003 Domestic Violence Law, is regularly provided for those working in the justice system, including lawyers. Judges also have access to in-service training modules on intimate-partner violence and sexual violence provided by the French National School for the Judiciary. Police officers receive training on domestic violence as part of their initial and in-service training. GREVIO also notes with interest that a training course on domestic violence has recently been launched for the fire brigade.

73. In the health sector, professionals working in hospitals are sensitised to and trained on issues of domestic violence and sexual violence. Although there is no module on violence against women in the initial training of health professionals,⁵³ specific in-service training on several issues pertaining to violence is available. For example, training on domestic violence has been provided by specialist civil society organisations to nurses and midwives involved in mandatory antenatal medical check-ups, which helps to improve the detection of violence against women. In addition, hospital staff usually refer victims of domestic violence and rape to specialist services. However, training on violence against women, including domestic violence and female genital mutilation, remains in general very limited and does not appear to be systematic. As regards sexual and emotional health, although key training tools exist, such as those provided by the Cesas, the reports received by GREVIO indicate that there is a lack of resources to provide regular in-depth training in this area, particularly with regard to sexual violence, and appropriate support for the professionals concerned.⁵⁴

74. People working for state-accredited specialist service providers receive initial and in-service training on the care of victims of violence. Furthermore, GREVIO commends the authorities for drawing on the expertise of these organisations specialising in issues of violence against women for some of the training for law enforcement, judicial and healthcare professionals, ensuring that an approach centring on victims' rights and needs is applied. The training provided by such organisations is funded in full by the MEGA.

75. In the field of migration and asylum, GREVIO notes that NGOs have also provided training on violence against women to the staff of the National Reception Office (ONA) and to some of those working in shelters. The ONA has also set up in-service training courses on genital mutilation, which are compulsory for staff dealing with applicants for international protection.⁵⁵ However, GREVIO received reports of persistent shortcomings in specific staff training on violence against women, including forms of violence such as forced marriage, female genital mutilation and crimes committed in the name of so-called honour, although these may disproportionately affect migrant and refugee women.⁵⁶ According to the information provided to GREVIO, the level of staff training on these issues varies between the different shelters and service providers.⁵⁷ GREVIO also notes that interpreters and medical staff involved in the asylum process do not receive specific training on these issues.

76. GREVIO notes that although they do receive training in domestic violence issues under the 2003 Domestic Violence Law, most professionals who come into contact with victims of violence against women do not systematically receive initial or in-service training specifically on violence against women in all its manifestations, including forms of violence other than domestic violence. In this context, the specific training work carried out by civil society organisations is especially important and it is vital that they continue to receive the necessary resources and support to pursue their work in this field. GREVIO also considers it necessary to develop specific protocols and guidelines for all categories of professionals in contact with victims of violence which they can draw upon in their respective fields of action.

⁵³ Training for general practitioners includes an initial training module on violence.

⁵⁴ Information provided during GREVIO's visit.

⁵⁵ In collaboration with the "Group for the Abolition of Female Genital Mutilation" (GAMS Belgium).

⁵⁶ Information provided during GREVIO's visit.

⁵⁷ *Idem*.

77. **GREVIO strongly encourages the Luxembourg authorities to take the necessary measures to ensure that all professionals working with victims or perpetrators of violence receive systematic initial and in-service training on identifying and dealing with all forms of violence covered by the Istanbul Convention. To this end, the Luxembourg authorities should, in particular:**

- a. **ensure that the training provided covers issues such as gender-based stereotypes; the difference between conflict and violence; the identification of victims; the rights and needs of victims; the prevention of secondary victimisation; the impact of violence on children exposed to it; and violence against women exposed to intersectional discrimination;**
- b. **ensure that training programmes and initiatives, particularly those provided by NGOs and specialist support services, receive sufficient funding;**
- c. **evaluate the impact of training programmes for different professional groups.**

E. Preventive intervention and treatment programmes (Article 16)

1. Programmes for perpetrators of domestic violence

78. Since the introduction of the 2003 Domestic Violence Law, the Luxembourg authorities have attached particular importance to working with perpetrators of domestic violence and a service for such offenders, “Riicht Eraus”,⁵⁸ was set up in 2004. GREVIO welcomes the fact that this service is entirely publicly funded, according to actual needs, under an agreement between the service provider (the Luxembourg Red Cross) and the MEGA. Since the 2013 amendments to the 2003 Domestic Violence Law, perpetrators of domestic violence who have been evicted from their homes have been required to attend a counselling session at Riicht Eraus.⁵⁹ The service also works with other offenders who are required to attend counselling, particularly in connection with warnings from the Public Prosecutor’s Office, court orders, probation or parole measures, or preparation for reintegration into society. In 2021, Riicht Eraus received almost 500 perpetrators of violence, 91% of whom were men.⁶⁰ The approach⁶¹ is aimed at holding offenders accountable for their actions and includes work on deconstructing gender stereotypes. There is no time limit and the therapy may last several months. Riicht Eraus also works closely with specialist services for victims of violence to ensure the safety of victims and may inform the police and the Public Prosecutor’s Office if there is an imminent danger. Lastly, the organisation has provided training for the police and the Public Prosecutor’s Office, among others.

79. While the requirement for perpetrators of domestic violence who are barred from the victim’s home to undergo counselling at Riicht Eraus has increased the use of this service, GREVIO notes that in 2021 almost 50% of offenders did not attend their mandatory session.⁶² It also notes with concern that, although the Public Prosecutor’s Office is informed of non-attendance, the latter is not necessarily sanctioned. On the basis of the above, GREVIO considers that more efforts should be made to ensure wider levels of attendance in perpetrator programmes and that the requirement to attend counselling at Riicht Eraus is properly enforced.

80. In addition, GREVIO took note of the data collected annually by Riicht Eraus on perpetrators participating in programmes, including data on high recidivism rates.⁶³ While welcoming the importance of such data collection, it considers that regular external evaluations should be made in order to check that the programmes are responding to existing needs and to remedy any shortcomings.

⁵⁸ www.croix-rouge.lu/fr/service/riicht-eraus/.

⁵⁹ Domestic Violence Law, Article 2, paragraph 2.

⁶⁰ Committee for Co-operation between professionals combating violence, 2021 Annual report, p. 41.

⁶¹ Riicht Eraus follows an approach inspired by the “Hamburg” model of working with perpetrators of violence.

⁶² Co-operation Committee, op. cit., 2021, p. 39.

⁶³ See comments on Article 52.

81. **While acknowledging that programmes for perpetrators are well established in Luxembourg, GREVIO encourages the Luxembourg authorities to continue their efforts and to use all available means to achieve high participation rates in these programmes. It should also be ensured that evaluations of the existing programme are carried out in order to assess its impact on the prevention of domestic violence.**

2. Programmes for sex offenders

82. GREVIO regrets that there are currently no specific programmes for sex offenders other than the possibility for detained offenders to follow, on a voluntary basis, psychotherapeutic programmes. The lack of specific programmes limits the opportunities for perpetrators of this type of violence to face up to their responsibilities.

83. **GREVIO strongly encourages the Luxembourg authorities to set up programmes for sex offenders, following an approach in line with the principles of the Istanbul Convention and recognised promising practices.**

F. Participation of the private sector and the media (Article 17)

84. There are several mechanisms for media self-regulation in Luxembourg. These include the Luxembourg Press Council, which receives complaints about breaches of the professional code of ethics, which includes clauses on discrimination, including on the grounds of sex, and respect for human dignity. The Press Council may impose penalties ranging from a warning to the withdrawal of press cards. However, GREVIO was informed that there had been no complaints about sexist, hateful or discriminatory content in recent years. Moreover, the 2020 edition of the Global Media Monitoring Project found that gender issues and gender stereotypes are rarely covered in news reporting in Luxembourg.⁶⁴ The study also found that women are also still very much underrepresented in news reporting, even as journalists.

85. The Advertising Standards Board may also deal with consumer complaints and is guided by a code of ethics which states that “advertising must respect the dignity of women and men and must refrain from offending, denigrating or showing contempt for either sex”. GREVIO has no information on any consumer complaints in this regard. It notes, however, that giving new impetus to efforts to tackle sexist advertising, in co-operation with the Advertising Standards Board, is one of the actions to combat gender stereotypes set out in the National Equality Plan.⁶⁵

86. Lastly, the Luxembourg Independent Authority for Audiovisual Media (ALIA) is responsible for monitoring the application of regulations on audiovisual media services and has the power to impose penalties for content that undermines the protection of minors or human dignity or contains pornographic material.⁶⁶ GREVIO was informed that ALIA received eight complaints about sexist content or discrimination against women in recent years.⁶⁷ ALIA also plays a role in media literacy education, where measures to raise awareness and prevent violence against women could be implemented.

87. Regarding the regulation of on-line media, the 2021 Law on financial support for the press⁶⁸ provides for the suspension of funding if hateful and discriminatory on-line content is not moderated. GREVIO also notes with interest the development by the Press Council, in collaboration with the Bee Secure platform, of a code of conduct for internet users (“Netiquette”)⁶⁹ which warns, *inter alia*, against using language that is discriminatory, sexist, hateful or incites violence.

⁶⁴ Global Media Monitoring Project (GMMP), Country Report, Luxembourg, 2020.

⁶⁵ National Action Plan for Equality, measure 2.3.

⁶⁶ It has also been entrusted with the task of monitoring video-sharing platforms and enforcing the requirements to protect young people from harmful content and from incitement to hatred and violence.

⁶⁷ Information provided by the authorities.

⁶⁸ Law of 30 July 2021 relating to a financial aid scheme for professional journalism.

⁶⁹ www.netiquette.lu/index_EN.html.

88. Employers also have a key role to play in preventing violence against women in the workplace, particularly harassment and sexual harassment. A law of 2000 addresses sexual harassment⁷⁰ and, in March 2023, provisions amending the Labour Code concerning employers' obligations in case of stalking were adopted.⁷¹ However, very few people appear to report sexual harassment even though a study in 2022 found that almost 50% of the women interviewed had faced sexism at work and 20% had experienced sexual harassment.⁷² The information received by GREVIO suggests that there are many reasons for the almost total absence of complaints about sexual or psychological harassment.⁷³ Firstly, it appears that victims of harassment are often deterred from complaining for fear of being identified in a small labour market where most people know each other. In addition, although all companies with more than 15 employees have equal opportunities officers who can support victims of harassment, it seems that they often do not have the resources to help victims make complaints and the fear of being identified may also limit the options available.⁷⁴ The Inspectorate of Labour and Mines also appears to lack resources and it is difficult for victims to gather the necessary evidence.⁷⁵

89. Bearing in mind the important role of the media in promoting equality between women and men and reducing the level of social acceptance of violence against women, GREVIO invites the Luxembourg authorities to establish incentives, or promote in any other way, the development of specific standards of self-regulation concerning the balanced, non-sexist media coverage of violence against women.

90. GREVIO strongly encourages the Luxembourg authorities to step up their active efforts to encourage companies and public services to participate in combating violence against women in the workplace. To this end, the Luxembourg authorities should aim, in particular, to step up support and special assistance for victims, develop codes of conduct and policies to combat sexual harassment within companies, and improve awareness and information among the general public, trade unions and employers on violence against women at work and on the relevant legislative provisions.

⁷⁰ Law of 26 May 2000 on protection against sexual harassment in employment relations and amending various other laws.

⁷¹ Law of 29 March 2023 amending the Labour Code with a view to introducing a mechanism of protection against stalking in the context of labour relations.

⁷² Survey carried out by Luxembourg trade union OGBL, published in February 2022. The results of the survey of 684 female union members revealed that two-thirds of the women affected by sexism/sexual harassment did not inform their employer about the situation and when they did, action was taken in only 8% of cases.

⁷³ Information provided during GREVIO's visit, available at www.oqbl.lu/resultat-de-lenquete-oqbl-equality-vecu-de-femmes-au-travail-1-femme-sur-2-est-victime-de-sexisme-2-victimes-sur-3-nen-informent-pas-lemployeur/.

⁷⁴ *Idem.*

⁷⁵ *Idem.*

IV. Protection and support

91. Chapter IV of the Istanbul Convention aims at ensuring a multifaceted, professional and victim-oriented support structure for any woman who has experienced any of the forms of violence covered by the convention.

A. General obligations (Article 18)

92. Article 18 of the Istanbul Convention sets out a number of general principles to be respected in the provision of both general and specialist protective and supportive services. One of these principles is the need for services to act in a concerted and co-ordinated manner with the involvement of all the agencies concerned, taking into account the relationship between victims, offenders, children and their wider social environment. Addressing the complexity of violence against women requires establishing an intervention system which involves all relevant policy sectors, administrative levels and actors. Multisectoral and multi-agency interventions across the national, regional and local levels are key to ensuring an effective and cohesive response to all forms of violence. Effective co-ordination at local levels is particularly important in terms of ensuring that responses fit the community needs and of providing “one-stop-shop” services to victims.

93. The Co-operation Committee, which meets at least four times a year, promotes co-ordination and co-operation between stakeholders in the domestic violence field, including the judicial authorities, the police, the Public Prosecutor’s Office and the specialist services working with victims and perpetrators. The functioning of the committee is governed by the 2003 Domestic Violence Law.⁷⁶ At its meetings, the committee may discuss any problems with the implementation of the 2003 Law and the protection and support to be provided in specific cases of domestic violence, showing due regard for personal data protection. The committee may also look into the situation of victims who have not pressed charges. GREVIO is pleased to note that this co-operation system enables regular information sharing and consultation between the authorities and specialised services in order to protect and assist victims. It also facilitates co-operation between victim support services and the service for perpetrators, an approach which makes a major contribution to victim protection.

94. Although this co-ordination between stakeholders is provided for in law, GREVIO considers, based on exchanges with civil society representatives, that it could be improved through specific protocols describing and assigning the various functions and responsibilities involved and that these should be applied systematically, to cater in particular for high-risk situations for victims and to ensure that children are always properly protected. GREVIO also regrets that there is no mechanism for co-operation and co-ordination between the various stakeholders in situations of violence against women other than domestic violence. It considers that it is important to set up co-operation arrangements to provide a response that is geared to victims’ needs in the event of violence such as female genital mutilation or forced marriage and to ensure that the professionals involved are suitably trained.

95. GREVIO encourages the Luxembourg authorities to foster multi-agency co-operation relating to all forms of violence against women and to ensure that co-operation is based on a gender-sensitive, rights-based approach and the safety, protection and empowerment of victims. They should also adopt standardised protocols for multi-agency co-operation to secure support and protection for all women victims of violence and their children.

B. Information (Article 19)

96. GREVIO welcomes the measures taken by the Luxembourg authorities to provide victims of domestic violence with accessible information on their rights and the protection services available.

⁷⁶ Article IV of the Domestic Violence Law and the Grand-Ducal Regulation of 24 November 2003 on the Committee for Co-operation between professionals combating violence.

Since an amendment in 2018 to the Domestic Violence Law,⁷⁷ all persons residing in a home to which police officers have been called are informed by the police about the legal measures available and the services dealing with victims and perpetrators of domestic violence, even where the perpetrator has not been evicted.⁷⁸ In addition, the violence.lu website lists, in four languages, all the support services available to adult and child victims and perpetrators of domestic violence. Moreover, all crime victims receive from the police the *Infodroits* pamphlet which includes *inter alia* information on organisations in charge of supporting victims of domestic violence.⁷⁹ GREVIO is also pleased to note that the General Public Prosecutor's Office holds a free weekly advice session focusing on women's rights. This is an opportunity for women to get general legal information from public prosecutors on questions such as divorce and separation, discrimination and sexual abuse.⁸⁰ GREVIO was also informed of the launch during the Covid-19 pandemic of the Bright Sky application for women victims of violence and their relatives. It hopes that the authorities will promote the widespread use of this application, which is a further means for women victims of violence to obtain information and assistance.

97. Despite substantial efforts to improve the provision of information for victims of domestic violence, there are still gaps when it comes to other forms of violence covered by the convention. Information brought to GREVIO's attention shows in particular that there is still very little information available on the existing legislation and protection services for victims of forced marriage, female genital mutilation, crimes committed in the name of so-called honour or forced abortion or sterilisation.⁸¹ It appears that information for migrant and refugee women on their rights, in languages they can understand, is especially rare. Without data on the forms of violence referred to above, it is difficult to assess the impact of this lack of information on the number of complaints. GREVIO considers however that it is essential to ensure that victims of all forms of violence, including migrant and refugee women and women with disabilities, have access to information on their rights and the support available.

98. GREVIO strongly encourages the Luxembourg authorities to pursue their efforts to provide all women victims of all forms of violence covered by the Istanbul Convention with appropriate and timely information on their rights, and on available support services and legal measures in a language they understand. The information provided should be accessible to all victims, including migrant women and women with disabilities.

C. General support services (Article 20)

1. Social services

99. As GREVIO has had occasion to note in its previous reports, it is of fundamental importance to support women victims of domestic violence through housing schemes to enable them to rebuild their lives. In a similar vein, it is crucial to ensure access to the labour market for women victims of domestic violence by developing specific schemes such as co-operation with public or private-sector employers, and to provide them with vocational training opportunities, to fast-track their reintegration into the workforce and thus contribute to their economic independence. In Luxembourg, psycho-social counselling and support services for women victims of violence are mainly provided by state-accredited civil society organisations.

100. One of the main problems which women victims of violence face is access to independent housing at an affordable price, as Luxembourg has a considerable shortage of social housing and prices on the property market are very high. There is no specific procedure to help women victims of violence find social housing and this means that they often have to stay in shelters for very long

⁷⁷ Domestic Violence Law, Article I, paragraph 7.

⁷⁸ In the event of eviction, victims are systematically referred to specialist services, see comments in Chapter IV and on the subject of Article 52.

⁷⁹ <https://police.public.lu/fr/publications/2021/infodroit-justice-victimes-article-3-7-du-code-de-procedure-penale.html>.

⁸⁰ <https://justice.public.lu/fr/aides-informations/droits-femme.html>.

⁸¹ Information provided during GREVIO's visit.

periods.⁸² The difficulty of finding an affordable home combined with the costs of judicial proceedings can leave some women victims of violence in highly vulnerable financial situations.

101. One of the public services providing specific support for victims of violence is the prosecution office's Central Social Assistance Service (SCAS) and, in particular, its SAV, which offers support and psychological counselling for victims, along with legal information on judicial proceedings, lodging complaints and compensation claims whether they have lodged a complaint or not. The number of persons consulting the SAV has been steadily increasing; 476 people made use of it in 2021, a large majority of whom were women.⁸³ The main grounds for consultation were domestic violence, rape and sexual abuse, of which women were by fact the most frequent victims.⁸⁴

102. To empower victims and help them to recover from the violence they have suffered, GREVIO strongly encourages the Luxembourg authorities to take measures to give women victims of violence priority access to any housing available and to make them more financially independent, while promoting the inclusion of women exposed to multiple discrimination or at risk thereof. To achieve this, they should ensure that the staff of the public services concerned are made properly aware of violence against women and its effects on victims, particularly in terms of increased economic vulnerability.

2. Health services

103. Health professionals are often the first people to come into contact with women victims of violence, meaning that their ability to identify victims and respond sensitively to their needs is crucial. A degree of awareness has been established among health professionals with regard to domestic violence issues.⁸⁵ However, GREVIO was told that as no standard approach has been adopted on the treatment of victims of sexual violence, training for professionals with regard to this form of violence still varies greatly according to the persons concerned.⁸⁶ In addition, awareness raising about female genital mutilation seems to be particularly limited, including among health professionals responsible for the medical examinations of asylum seekers on their arrival in Luxembourg, with the result that proper detection and support for victims is lacking.

104. Victims of sexual violence who go to hospital are referred to the police if they wish to press charges. Those who do not are referred to the Unit for Medical-Forensic Documentation of Injuries (UMEDO). This was set up in 2018 and enables victims to ask for a medical report to be prepared at any time on any day of the week. UMEDO can also refer victims of violence to specialist services. GREVIO welcomes the fact that it also collects forensic data in cases of violence and may keep evidence for up to 10 years. Branches of UMEDO have been set up in several hospitals. Staff are not required to report cases of violence and access to the service is free of charge. It seems, however, that only a limited number of victims make use of UMEDO despite repeated information campaigns.

105. GREVIO strongly encourages the Luxembourg authorities to implement standardised care paths that include the identification of victims of all forms of violence covered by the Istanbul Convention, screening, diagnosis, treatment, documentation of injuries, and referral to the appropriate specialist support services, particularly women's rights organisations.

D. Specialist support services (Article 22)

106. The aim of specialist support is to ensure the complex task of empowering victims through optimal support and assistance catered to their specific needs. Much of this is best ensured by women's organisations and by support services provided, for example, by local authorities with

⁸² See comments on Article 22 below.

⁸³ 327 women and 128 men – statistics provided by the SAV during GREVIO's visit.

⁸⁴ Idem. Of the 70 cases of domestic violence, 65 targeted women. Similarly, women accounted for 58 of the 59 victims of rape and 40 of the 48 victims of sexual abuse.

⁸⁵ See comments on Article 15.

⁸⁶ Information provided during GREVIO's visit.

specialist and experienced staff with in-depth knowledge of gender-based violence against women. It is important to ensure that these services are sufficiently spread throughout the country and are accessible to all victims. Moreover, these services and their staff need to be able to address the different types of violence covered by the scope of the Istanbul Convention and to provide support to all groups of victims, including hard-to-reach groups.

107. Luxembourg has a robust network of specialist services for victims of domestic violence. These are run by several civil society organisations, including women's rights organisations, and financed by the state through contracts which are based on agreements on goals to be achieved, service quality standards and staff training,⁸⁷ an approach which GREVIO welcomes. State-accredited associations offer a wide range of services to women and children who are victims of domestic violence including emergency housing, counselling and psycho-social support for various specific groups including children and adolescents and migrant and refugee women, assistance with vocational integration, and childcare facilities. Several specialist bodies also offer training on domestic violence for the staff of public institutions and do awareness-raising work targeting the general public.

108. However, women who are victims of forms of violence covered by the Istanbul Convention other than domestic violence, particularly sexual violence, female genital mutilation, forced marriage and violence committed in the name of so-called honour do not enjoy the same level of specialist, holistic protection, even if existing services try to meet their needs as well as they can. GREVIO was also informed that while on the whole the level of funding for specialist services is adequate, the share allocated for guidance and support work does not enable all the needs of women victims of violence. Most women contacting specialist services, such as shelters for women or girls, are faced with multiple, complex problems, often arising from intersectional forms of discrimination which require diversified responses and the intervention of several operators at once. Therefore, specialist services must be able to access enough long-lasting resources to do comprehensive, co-ordinated follow-up work to assist victims and support them in a manner which helps to empower them.

109. GREVIO strongly encourages the Luxembourg authorities to ensure that women victims of all forms of violence covered by the Istanbul Convention have access to specialist services providing long-term holistic support designed to foster their empowerment.

E. Shelters (Article 23)

110. GREVIO is pleased to note that Luxembourg has a substantial number of shelter places, namely 230 in total including 166 beds for women and girls who are victims of domestic violence,⁸⁸ or a ratio of one place per 2 722 inhabitants,⁸⁹ easily satisfying the Istanbul Convention's requirement of one place per 10 000 inhabitants.⁹⁰ Shelters for women are located throughout the country and access is free of charge for persons with no financial means. Shelters house women and their children regardless of their age, gender identity or residence-permit status and some are equipped to take in women with disabilities. There are places in emergency shelters for a maximum of two months and a special shelter for girls subject to family violence.⁹¹ Women accommodated in shelters and their children are also given social and educational support. Shelters co-ordinate their work and have a joint waiting list. GREVIO welcomes the fact that women's shelters are entirely subsidised by the state, including when needs are greater than forecast.

111. Despite the substantial number of places in specialist shelters, GREVIO was told that there are long waiting lists to access accommodation in shelters and that applications are frequently rejected because there are no spaces available.⁹² In principle, women are supposed to stay in

⁸⁷ See the amended Grand-Ducal Regulation of 19 March 1999, op. cit.

⁸⁸ A number of shelter places are reserved for male victims of violence and for human trafficking victims.

⁸⁹ See shadow report on legislative and other measures giving effect to the Istanbul Convention, National Women's Council of Luxembourg, CNFL, 2022.

⁹⁰ Explanatory report, para. 135.

⁹¹ The latter is approved by the Ministry of Education, Children and Youth.

⁹² See shadow report by the CNFL, op. cit., 2022.

shelters for a duration of three months, which is renewable, but the overall private housing shortage in Luxembourg forces many women to stay significantly longer. Furthermore, GREVIO was informed that there are gaps in the supply of so-called “second-phase” housing options, which enable women leaving an emergency shelter to be housed in their own homes while still being provided with psycho-social assistance.⁹³ This type of housing is a key means of empowering women victims of violence. GREVIO considers therefore that it is important to increase the availability of this type of housing, while ensuring that sufficient resources are available to provide proper support and follow-up for women accommodated there.

112. GREVIO encourages the Luxembourg authorities to continue in their efforts to guarantee victims of all forms of violence covered by the Istanbul Convention and their children access to specialist shelters and to expand the provision of transitional accommodation including adequate assistance for women victims of violence who have been accommodated in shelters and are moving towards independent housing.

F. Telephone helplines (Article 24)

113. A telephone helpline for victims of violence, both female and male, was set up in 2020 in the context of the Covid-19 pandemic, to complement the violence.lu information website.⁹⁴ The line is accessible in five languages between 12 noon and 8 pm, seven days a week. It is run by specialist services working with victims of violence (men and women) and the service for perpetrators of violence.⁹⁵ It caters therefore both for the victims and for the perpetrators of domestic violence. During the weekend, volunteers answer calls. GREVIO notes that that the line receives only very few calls from women victims of domestic violence.⁹⁶ It understands following its discussions with civil society representatives that there may be several reasons for this, including the fact that the line is only staffed from 12 noon to 8 pm, which coincides with the hours when most other specialist services can be reached by telephone. It also notes that this is a general helpline available to all victims of violence, and this prompts many women victims of gender-based violence to make use primarily of existing specialist services rather than a national helpline.

114. GREVIO must emphasise how crucial specialisation of helplines is in providing a response centred on victims’ needs, enabling a relationship of trust to be established with them and referring them to the specialist services they need. Experience shows that this degree of quality cannot be successfully provided by more general victim support services or emergency helplines, which do not usually have the necessary experience or expertise to help women victims efficiently, taking a gender-sensitive approach centred on victims’ needs, and do not therefore meet the requirements of Article 24 of the Convention. GREVIO also finds it troubling that the helpline is intended both for victims and for perpetrators of violence, which is not compatible with Article 24 either. In this light, GREVIO considers that any national helpline established must be a specialised one, intended exclusively for women victims of gender-based violence, taking account of the experience and expertise built up by specialist services, and linking up with them. A national helpline of this sort should be a means both of referring victims to specialist offices and facilities near their place of residence, such as shelters or advice centres, and of providing appropriate, specific and timely responses (in the form of support, advice and information) to the women in crisis situations making calls, with due regard for confidentiality. People working for helplines should receive special training on issues of violence against women.

115. GREVIO urges the Luxembourg authorities to provide for a national, 24/7 specialist helpline for women victims of violence, run in close co-operation with NGOs specialising in response to violence against women and domestic violence. It should provide, on a confidential basis, free counselling and other specialised services (information on rights including social rights, advice, psychological support, guidance and co-ordination with

⁹³ Information provided during GREVIO’s visit.

⁹⁴ The helpline number is 2060 1060.

⁹⁵ GREVIO was informed during the visit that several organisations have withdrawn from the management of the line.

⁹⁶ 51 calls from women in the context of domestic violence in 2019 and 48 in 2020, see state report, p. 86.

shelters and emergency services) on all forms of gender-based violence against women covered by the Istanbul Convention. It is also important to provide multi-lingual assistance and to make arrangements to ensure that women with disabilities and migrant and refugee women have access to the service.

G. Support for victims of sexual violence (Article 25)

116. Luxembourg does not have a specialist service for women victims of sexual violence providing advice, medical and psychological support, forensic examinations and evidence storage facilities, as required by Article 25 of the Istanbul Convention. GREVIO also notes that there is no standard protocol covering all hospital services on care and support for victims of sexual violence. Representatives of civil society organisations working with women victims of sexual violence told GREVIO that they were receiving increasing numbers of victims of sexual violence, who were not being given specialist, co-ordinated support. Victims who do not want to report violence can make use of UMEDO for forensic examinations and for evidence storage and those who reported violence can turn to the services provided by the Public Prosecutor's Office. Girls and women between the age of 12 and 24 can seek advice, support and psycho-social follow-up from the Oxygène department of the association Women in Distress. They do not all have access to UMEDO though, as it is only open to adults.⁹⁷ Family Planning also provides psychological support and advice for victims of sexual violence, including women and girls subjected to female genital mutilation, forced marriage and sexual harassment.

117. GREVIO notes that women and girl victims of sexual violence must turn to various services to obtain medical assistance, forensic examinations, advice and support in addition to the formalities required if they wish to press charges. This large number of steps to be taken and the lack of specialist care are liable to expose these women to secondary victimisation. Lastly, GREVIO is not in a position to assess whether women who experienced sexual violence in the past have access to adequate support and counselling. It points out, though, how important it is for these women to receive long-term counselling and care.

118. GREVIO urges the Luxembourg authorities to take measures to comply with the requirements of Article 25 of the Istanbul Convention. To achieve this, they must set up sufficient numbers of crisis centres accessible to victims of rape and/or sexual violence, meeting all their short-, medium- and long-term needs and including immediate medical care, high-quality forensic examinations regardless of the victim's desire to file a complaint, psychological and legal assistance, and referral to specialist organisations.

H. Protection and support for child witnesses (Article 26)

119. The obligation set out in this article is to ensure that whenever children have witnessed domestic violence, rape, sexual harassment or other forms of violence covered by the convention, the services provided to direct victims also cater for the needs and rights of any children exposed to such violence. While this is most relevant to domestic violence cases, it is important to bear in mind that children may also be exposed to other forms of violence.

120. Research has shown that children who witness one of the parents assaulting the other one in the home often develop emotional problems, cognitive functioning disorders and accept attitudes around violence that need to be addressed in the long term.⁹⁸ It is thus of crucial importance to ensure their access to psychological counselling and therapy as soon as they come to the attention of the authorities.

⁹⁷ The law foresees a reporting obligation for all offences committed against minors.

⁹⁸ "Problems associated with children's witnessing of domestic violence", Jeffrey L. Edleson, VAW Net, available at http://vawnet.org/sites/default/files/materials/files/2016-09/AR_Witness.pdf.

121. Since 2018, children witnessing violence have been regarded as direct or indirect victims in cases of domestic violence, a development which GREVIO welcomes.⁹⁹ Where the perpetrator has been evicted from the family home, they are automatically referred to a service specialising in psychological assistance and care for children and adolescents (PSYea, run by Women in Distress, or Alternatives, run by the Pro Familia Foundation, which can monitor them beyond the end of the eviction period (14 days). In this context, co-ordination between the police and specialist services, which is enshrined in the amended Domestic Violence Law, means that immediate effective care can be arranged and carried out by professionals specifically trained in the impact of violence on children without the need for parental consent.

122. Outside the context of evictions from the home, children exposed to domestic violence must seek agreement from both parents to access psychotherapeutic treatment, and this can cause a problem if the violent parent prevents his or her child from seeking psychological care, a scenario often encountered by GREVIO in the course of its evaluations.¹⁰⁰

123. GREVIO encourages the Luxembourg authorities to continue their efforts to ensure that all children exposed to any of the forms of violence covered by the Istanbul Convention may be given age-appropriate psychological counselling and support in conditions that ensure continuity and quality. To achieve this, the Luxembourg authorities should do away with the need for consent by both parents for a child exposed to domestic violence to have access to psychological support and care, particularly where the parent who is the victim so requests.

I. Reporting by professionals (Article 28)

124. All civil servants and representatives of the public authorities in Luxembourg, including civil servants bound by professional secrecy, are required to report any “facts liable to constitute a crime or an offence”.¹⁰¹ UMEDO staff is nonetheless exempt from this reporting requirement so that they can fulfil their duty to care for and assist victims of violence regardless of whether they wish to press charges. The Criminal Code also includes a requirement for all persons to report crimes so that their effects can still be prevented or limited or so that further crimes can be prevented, except for crimes committed against minors.¹⁰²

125. GREVIO also notes with interest that in a new draft law on child protection, provision is made for a general reporting requirement with regard to offences which may be committed on minors.¹⁰³ It was informed during the visit that specialist associations and services are often forced to report to the juvenile court or the prosecutor’s office in cases of violence against children, sometimes even instead of professionals working with children.

126. Violence committed in the digital sphere may be reported on the Bee Secure platform, which passes on the information to law enforcement agencies where appropriate.¹⁰⁴

127. GREVIO encourages the Luxembourg authorities to take the necessary measures, including legislative measures if necessary, to ensure that professionals, including those bound by professional secrecy may report a matter when they have reasonable grounds to believe that a serious act of violence against women or girls has been committed and there is a risk of further such acts of violence.

⁹⁹ Law of 20 July 2018 approving the Istanbul Convention.

¹⁰⁰ See for example GREVIO’s baseline evaluation report on Spain, 2020, paragraph 177.

¹⁰¹ Article 23, paragraph 2, of the Code of Criminal Procedure.

¹⁰² Article 140 of the Criminal Code.

¹⁰³ Draft Law No. 7992 on the rights of minors victims and witnesses in the criminal procedure, 2022.

¹⁰⁴ <https://stopline.bee-secure.lu/fr/>

V. Substantive law

128. Chapter V of the Istanbul Convention covers a range of provisions related to substantive law, in the area of both civil and criminal law. Their aim is to help create, in all parties to the convention, the necessary legislative framework to prevent violence against women, protect them from further victimisation and to ensure robust intervention and prosecution by law-enforcement agencies. In the interest of prioritisation, this section of the report addresses several but not all provisions of Chapter V of the convention.

A. Civil law

1. Civil remedies against the state: principle of due diligence (Article 29)

129. A core aim of the convention is to end impunity for acts of violence against women. This not only requires that individual perpetrators be held accountable through criminal law and other measures, but also that legal avenues be available to challenge and address any failure of state actors to comply with their due diligence obligation to prevent, investigate and punish acts of violence (Article 5, paragraph 2, of the convention).

130. In 2003 a government commission for disciplinary investigations was set up to look into infringements by state civil servants.¹⁰⁵ GREVIO does not have any information on recourse to disciplinary proceedings for failure to exercise due diligence in cases of violence against women. However, it was informed by organisations working with women victims of violence of cases of police officers refusing to file complaints or attempting to dissuade victims from pressing charges.¹⁰⁶

131. Furthermore, victims of shortcomings in state administrative or judicial services may claim compensation on the basis of the civil liability of the state and public authorities. Since there are no data on women victims of violence initiating judicial proceedings in this connection, GREVIO is not able to judge how effective this remedy is.

132. GREVIO invites the Luxembourg authorities to ensure that women victims of violence are duly informed of the existing possibilities to invoke the civil responsibility of public officials who have failed to diligently prevent, investigate and prosecute acts of violence covered by the Convention. It also invites them to regularly collect data on the number of complaints lodged by women victims of violence and the action taken on these so as to determine whether the existing remedies are used and make any necessary legislative amendments.

2. Compensation (Article 30)

133. Under Luxembourg legislation, victims of violence are entitled to compensation from the perpetrator and, incidentally, from the state, through civil proceedings or a civil claim in the context of criminal proceedings. It is also possible for a victim of violent crime to claim compensation from the state within two years of the date of the facts subject to certain conditions, in particular that the victim must reside lawfully in Luxembourg, be a national of an EU or Council of Europe member state or be a victim of human trafficking. Victims must have suffered serious bodily injury, rape, sexual assault or acts connected with trafficking in human beings. The upper limit on compensation claims is €63 000.¹⁰⁷ The possibility of claiming compensation is referred to in the *Infodroits* pamphlet which is given to anyone contacting the SAV run by the prosecutor's office.

134. GREVIO is concerned to note, however, that some of the criteria established by the Law on compensation of certain victims of bodily injury have the effect of denying some victims the right to

¹⁰⁵ Law of 19 May 2003.

¹⁰⁶ Information provided during GREVIO's visit.

¹⁰⁷ Amended Law of 12 March 1984 on compensation for certain victims for bodily injury resulting from an offence and on the repression of fraudulent insolvency.

compensation. For instance, migrant women victims of domestic or sexual violence do not have access to compensation from the state if they were unlawfully resident in Luxembourg at the time of the offence. In addition, the requirements to qualify for compensation are very strict, as the bodily injury required is death, permanent disability or total incapacity to work for over a month.¹⁰⁸ Furthermore, as the data provided for GREVIO concerning the number of claims for compensation made and granted are not disaggregated according to sex,¹⁰⁹ it is difficult for it to assess the number of women victims of violence who have claimed and been awarded such compensation. While the existing figures seem to indicate that in most cases, persons claiming compensation do obtain it,¹¹⁰ the information provided to GREVIO by civil society organisations indicates that few women claim compensation following judicial proceedings because of the length and cost of these proceedings, which they generally do not wish to prolong through a compensation claim.

135. GREVIO encourages the Luxembourg authorities to facilitate access for victims to compensation by the perpetrator of violence and by the state, as required by Article 30, paragraph 2, of the Istanbul Convention and to ensure that the possibility of claiming compensation is open to all victims of the forms of violence covered by the convention.

3. Custody, visitation rights and safety (Article 31)

136. Custody and visitation decisions in relation to families with a history of abuse require a careful balancing of the different interests at stake. Article 31 of the convention seeks to ensure that incidents of violence covered by the convention, in particular domestic violence, are taken into account in decisions on custody and visitation rights to ensure that the exercise of these rights does not harm the rights and safety of the victim or children.

137. The principle of joint parental responsibility when determining custody and visitation rights has applied in Luxembourg since 2018.¹¹¹ Otherwise, Luxembourg law does not expressly state that incidents of domestic violence must be taken into account when determining such rights. The juvenile court and the family affairs court are able, however, to manage, limit, set conditions for or temporarily prohibit the exercise of parental rights where children's physical or mental health are under threat.

138. When ruling on the exercise of parental authority, the family affairs court is required to check if protection measures have been ordered by the juvenile court. It may apply to the juvenile court for access to a minor's file, which contains any reports of domestic violence to which the minor may have been exposed and other evidence which could indicate a risk situation. It may also obtain information on any violence from the prosecutor's office. While it is possible therefore for the various courts to access information concerning a child's exposure to a situation of violence, the information provided to GREVIO¹¹² shows that referral procedures between courts, which are not regulated by law, often take time, lack clarity and sometimes lead to overlaps between the powers of the family affairs court and the juvenile court, which are not in the interest of child protection. In addition, there is no requirement for a family affairs judge to take into account a youth protection file relating to a minor and nor is the juvenile court obliged to grant requests from the family affairs court. GREVIO considers that the lack of any regulation or guidelines requiring domestic violence cases to be taken into account may mean that decisions on custody or visitation rights fail to take due account of such situations.

139. GREVIO also notes, based on its exchanges with civil society representatives, that the courts rarely choose to restrict perpetrators' parental rights in cases of domestic violence. Although there are no data on judicial decisions concerning custody and visitation in such cases, it seems that the perpetrators' rights to maintain links with their child take precedence despite the continuing threat to mother and child. GREVIO is concerned that a child's being exposed to domestic violence is not

¹⁰⁸ With the exception of offences of sexual violence and offences of human trafficking committed on minors – Article 1 of the Law of 12 March 1984 on compensation for certain victims for bodily injury resulting from an offence and on the repression of fraudulent insolvency.

¹⁰⁹ See state report, pp. 98-99.

¹¹⁰ *Idem*.

¹¹¹ Articles 375 and 376 of the Civil Code.

¹¹² Information provided during GREVIO's visit.

systematically viewed as a factor that could justify limiting the perpetrator's custody and visitation rights, in disregard of the tendency of parents who perpetrate violence to exploit parental authority in order to maintain their control and influence over their ex-spouse and children.

140. Furthermore, information provided to GREVIO indicates that there is little specific training for prosecutors and judges on the harmful effects of domestic violence on children exposed to it or on the frequent use by perpetrators of joint exercise of parenthood to maintain their control and domination over mothers and children. This lack of awareness can limit their ability to detect potential situations of domestic violence during divorce or separation proceedings involving decisions on the exercise of parental authority. GREVIO was also informed of the use of the concept of so-called parental alienation syndrome, which has largely been recognised to be scientifically unfounded,¹¹³ in the context of decisions on custody or visitation rights or on placement of children. The use of this concept results in a failure to recognise that domestic violence is a form of gender-based violence, causes essential aspects of children's well-being to be overlooked, and compounds the problem that violence against women and their children is often concealed and goes undetected.

141. GREVIO was also informed of an increasingly common practice on the part of perpetrators, which is to initiate multiple proceedings concerning custody and visitation rights, giving rise to serious consequences for the women involved, especially from a financial viewpoint.¹¹⁴

142. The family affairs court can order supervised visits, which are organised by a specialist service (Treffpunkt). The latter does not offer the possibility however of arranging safe visits in cases where the safety of the mother or the child is at risk and, according to the information provided, is facing problems of capacity, resulting in waiting lists. The authorities informed GREVIO that they intended to set up a safe space in the near future.

143. GREVIO urges the Luxembourg authorities to take the necessary measures, including legislative ones, to ensure that when determining custody and visitation rights and introducing measures affecting exercise of parental authority, the competent authorities are required to take into account all incidents of violence against women and domestic violence and that they limit the parental authority of perpetrators. To achieve this, they should:

- a. base policies and practices on the recognition that, in a context of domestic violence, joint parenting may be a means for the perpetrator to continue to maintain control and domination over the mother and her children;**
- b. regulate co-operation between courts through legislative measures or directives so as to ensure that the authorities taking decisions on custody and visitation rights systematically take account of incidents of domestic violence;**
- c. promote appropriate training and the preparation of professional guidelines alerting the relevant professionals to the harmful effects of violence on children, including child witnesses, and familiarising them with the provisions of the Istanbul Convention on custody and visitation rights;**
- d. take measures to make the relevant professionals aware of the lack of scientific basis for "parental alienation syndrome" and raise public awareness about this issue;**
- e. ensure that during supervised visits, safe spaces are set up as promptly as possible;**
- f. collect data and analyse case law on how courts view incidents of violence and what grounds they give for their decision on custody and visitation rights so as to be able to identify any legislative shortcomings and remedy them where necessary.**

¹¹³ See the statement of December 2017 by the European Association for Psychotherapy (EAP) warning that the concepts of "parental alienation syndrome" and "parental alienation" should not be used in any psychotherapeutic practice. This statement by the EAP, which is made up of 128 psychotherapy organisations from 41 European countries, serves as a guideline for psychotherapists across Europe.

¹¹⁴ Information provided during GREVIO's visit.

B. Criminal law

1. Psychological violence (Article 33)

144. Psychological violence is not regarded as a specific offence in Luxembourg law. The provisions used to cover this form of violence are those relating to threats, failure to hand over a child, wilful neglect or desertion, malicious accusations and defamation, insult, obsessional harassment and common assault. Where threats or insults are committed in a family context, this can be found to constitute an aggravating circumstance.

145. GREVIO emphasises that these offences, apart from harassment, are designed mainly to punish single acts in isolation and they do not all take account of the repetitive and protracted nature of violence in the form of acts that, taken separately, will not necessarily be enough to qualify as an offence. Article 33 of the convention provides for conduct occurring over time and going beyond a one-off incident such as a threat or insult. The aim of the convention is to punish any infringement of psychological integrity, which can take various forms such as isolation, excessive control and intimidation. Women who are being isolated, controlled, intimidated or threatened by their partners day after day would come forward more readily if they knew what they were experiencing was a crime. In close relationships, psychological violence often precedes or accompanies other types of violence, such as economic, physical or sexual violence so it is important that it is properly acknowledged and punished. In this context GREVIO notes that data collected by specialist bodies such as the SAVVD show that psychological violence is present in most situations of domestic violence.¹¹⁵

146. GREVIO also points out that establishing specific offences of psychological violence can make it easier to combat the growth of certain types of violence against women committed in the digital sphere. On-line hate speech, defamation and other forms of abuse perpetrated in the digital sphere can have an enormous psychological impact on victims and are increasingly widespread.

147. **GREVIO strongly encourages the Luxembourg authorities:**

- a. to take measures to investigate, prosecute and punish acts of psychological violence in an effective manner, making full use of the relevant provisions of the Criminal Code, or to consider introducing new provisions that would better meet the requirements of Article 33 of the Istanbul Convention;**
- b. to take measures to properly investigate, prosecute and punish acts of psychological violence against women which take place online or involve the use of technology, if necessary by introducing new legislation.**

2. Stalking (Article 34)

148. GREVIO welcomes the fact that since 2009, stalking has been regarded as a criminal offence, prosecuted on complaint, covering both psychological and sexual harassment and punishable by a fine or a prison sentence of up to two years.¹¹⁶ The law covers repeated acts liable to seriously affect a person's peace of mind, regardless of the place in which they are committed. Without disaggregated data on proceedings under the stalking provisions, it is difficult for GREVIO to form an opinion on the effective application of the legislation. The information brought to its attention shows, however, that it is still difficult for women victims of stalking to provide evidence that their peace of mind has been seriously disrupted.¹¹⁷

149. **GREVIO encourages the Luxembourg authorities to collect data on proceedings and convictions under the law criminalising stalking.**

¹¹⁵ Co-operation Committee, annual report 2021, op. cit., p. 25. The SAVVD states that in 2021, psychological violence was present in all the cases of violence which it dealt with.

¹¹⁶ Article 442-1 of the Criminal Code.

¹¹⁷ Information provided during GREVIO's visit.

3. Sexual violence, including rape (Article 36)

150. Acts of sexual violence, including rape and indecent assault, constitute criminal offences. GREVIO is pleased to note that Article 375 of the Criminal Code defining rape was amended in 2011 to make it easier to take evidence of the absence of consent from the victim. For this purpose, a non-exhaustive list of circumstances which can be regarded as absence of consent was added, and it was established that evidence of the absence of consent could be provided by any other means.¹¹⁸ Consequently, Article 375 defines rape as follows: “Any act of sexual penetration, of whatever nature and by whatever means, committed on a person who does not consent to it, in particular by means of serious threats or violence, by ruse or deceit, or by abusing a person unable to give free consent or to resist ...”. The offence is punished by five to ten years’ imprisonment. Furthermore, since 2013, rape by a former or current spouse or partner is regarded as an aggravating circumstance.¹¹⁹

151. Information brought to GREVIO’s attention shows that the courts have adopted a broad interpretation of situations in which victims are unable to give free consent, including for example tonic immobility (“freezing”) and being under the influence of alcohol or drugs. Failure to be able to prove lack of consent is still however one of the main reasons for acquittal of perpetrators according to the information provided to GREVIO.¹²⁰

152. GREVIO notes with interest that a bill is currently being examined in Parliament,¹²¹ which is intended among other things to clarify the notion of consent by specifying that it 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. Likewise “*atteintes à la pudeur*” (indecent assault) is reclassified as “*atteintes à l’intégrité sexuelle*” (violations of sexual integrity) and characterised by lack of consent. The draft law also includes a simplified definition of the offence of rape of a minor under the age of 16, new stand-alone offences of incestuous sexual violence and incestuous rape of a minor, and extended limitation periods for sexual offences on minors. GREVIO considers that the definition of consent provided by the draft law would make it possible to reinforce the change in approach that is needed for the central role of the victim’s wishes to be acknowledged and hence for the criminal law response to the needs of victims of sexual violence to be improved. It would also allow the judiciary to focus, in the context of 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.

153. GREVIO encourages the Luxembourg authorities to analyse thoroughly how the legislation on sexual offences is implemented and bring the definition of consent more into line with that set out in Article 36, paragraph 2, of the Istanbul Convention, including through legislative measures.

4. Forced marriage (Article 37)

154. GREVIO welcomes the fact that forced marriage constitutes a separate criminal offence, punishable by two to four years’ imprisonment. It notes however that Article 389 of the Criminal Code on forced marriage does not incorporate paragraph 2 of Article 37 of the Istanbul Convention, which requires the criminalisation of the act of luring adults or children abroad to force them to enter into a marriage. It points out that many forced marriages take place in a third country, particularly the country of origin of forebears. This makes it essential for this type of act to be made a criminal offence.

155. The lack of data on the use of Article 389 makes it difficult to assess its effectiveness. GREVIO was told, however, that very few victims of forced marriage lodge a complaint. Based on

¹¹⁸ See Court of Appeal of the Grand-Duchy of Luxembourg, Judgment No. 75/20 V. of 18 February 2020.

¹¹⁹ Article 377 of the Criminal Code.

¹²⁰ Information provided during GREVIO’s visit.

¹²¹ Draft law strengthening the means of combating sexual abuse and sexual exploitation of minors, transposing Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography into domestic law and amending the Criminal Code and the Code of Criminal Procedure, Document No. 7949, 17 January 2022.

the information at its disposal, it believes that this could be linked to unawareness among victims of the legislation in force and of the possibility of filing a complaint for this offence and being supported in doing so.

156. GREVIO strongly encourages the Luxembourg authorities to introduce criminal legislation that covers the intentional conduct set out in Article 37, paragraph 2, of the Istanbul Convention.

157. GREVIO also encourages the Luxembourg authorities to carry out a thorough review of the reasons for the low use made of the criminal offence of forced marriage in order to address the obstacles to bringing criminal proceedings. The authorities should also step up their efforts to raise awareness and train all relevant professionals to detect and provide support for victims of forced marriage.

5. Female genital mutilation (Article 38)

158. GREVIO welcomes the fact that female genital mutilation was criminalised in 2018 under the law approving the Istanbul Convention. The Criminal Code¹²² covers both persons who have committed female genital mutilation and those who have facilitated it, and includes several aggravating circumstances, particularly when the offence is committed on minors or in a family context. GREVIO also notes with interest that the draft law on sexual abuse and sexual exploitation of minors referred to above¹²³ provides for an extension of the limitation period to 30 years from the age at which victims become adults for female genital mutilation carried out on minor girls.

159. The lack of data on the use of this offence makes it difficult to assess the effectiveness of this provision. GREVIO believes that the very low reporting rate for female genital mutilation to which it was alerted is largely the result of a failure to detect cases owing to persistent shortcomings in female genital mutilation awareness and training among professionals, particularly in the health and education field.

160. GREVIO encourages the Luxembourg authorities to carry out a thorough review of the reasons for the very low use made of the criminal offence of female genital mutilation in order to address the obstacles to bringing criminal proceedings. The authorities should step up their efforts to raise awareness and train all relevant professionals, particularly prosecutors, judges, lawyers and health professionals so as to improve their knowledge about female genital mutilation.

6. Forced abortion and forced sterilisation (Article 39)

161. While forced abortion is a separate criminal offence,¹²⁴ the same cannot be said for forced sterilisation, except in the context of crimes against humanity, war crimes, a large-scale attack or an armed conflict.¹²⁵ GREVIO was informed by the Luxembourg authorities that forced sterilisation could be covered by the offence of assault and battery resulting in “an apparently incurable condition or permanent incapacity for work, or the full loss of use of an organ or serious mutilation”.¹²⁶

162. GREVIO emphasises that certain women are particularly vulnerable, especially those with intellectual disabilities placed under guardianship, who face a greater risk of being sterilised without prior and informed consent. In this context, GREVIO expresses its concern at reports that some women with disabilities placed in institutions are subject to sterilisation and the taking of contraceptives without such consent.¹²⁷ No information has been brought to GREVIO’s attention about any practices of forced abortion.

¹²² Article 409 bis.

¹²³ Paragraph 150.

¹²⁴ Articles 348 to 352 of the Criminal Code.

¹²⁵ Article 136 ter of the Criminal Code.

¹²⁶ Article 400 of the Criminal Code.

¹²⁷ Committee on the Elimination of Discrimination against Women, Concluding observations, 2018, paragraph 27.

163. GREVIO notes that it is not the intention of Article 39 of the convention to criminalise any medical interventions or surgical procedures which are carried out, for example, with the purpose of assisting a woman who lacks capacity to consent. Rather, the aim of this provision is to emphasise the importance of respecting women's reproductive rights by allowing women to decide freely on the number and spacing of their children and by ensuring their access to appropriate information on natural reproduction and family planning.¹²⁸

164. GREVIO strongly encourages the Luxembourg authorities to make it a separate criminal offence to perform surgery which has the purpose or effect of terminating a woman's capacity to naturally reproduce without her prior and informed consent or understanding of the procedure, as provided for by Article 39 of the Istanbul Convention.

165. GREVIO encourages the Luxembourg authorities to ensure that in any procedures authorising the sterilisation of legally incapacitated women, less invasive birth control options are considered with due regard to the best interest and self-determination of the women concerned. GREVIO also encourages the Luxembourg authorities to collect data on the number of forced abortions and forced sterilisations, in order to gain knowledge of their extent, and take any necessary action to remedy them.

7. Sexual harassment (Article 40)

166. GREVIO notes that sexual harassment is not a specific offence in Luxembourg law. The Luxembourg authorities informed GREVIO that the provision of the Criminal Code on stalking also covers sexual harassment.¹²⁹ Furthermore, there are specific provisions on sexual harassment in the workplace in labour law,¹³⁰ under which employers are required to prevent and punish sexual harassment,¹³¹ and in the General Civil Service Regulations, which provide for disciplinary sanctions in the event of psychological or sexual harassment.¹³² As mentioned above, there are still very few victims of sexual harassment in the workplace who file a complaint.¹³³

167. GREVIO was informed of the frequent use of the provision on stalking to cover forms of harassment in the digital sphere, an approach which it welcomes. In this context, it approves the incorporation into the Criminal Code, in 2021, of the offence of "upskirting", which is "using any means of catching sight of the private body parts or underwear of a person which that person, through their clothing or presence in a closed space, have hidden from the view of third parties, when this is done without the person's knowledge or consent".¹³⁴ It also notes with interest that the authorities intend to criminalise other forms of violence perpetrated in the digital sphere.¹³⁵ Some of the people that GREVIO interviewed talked of the need for a more detailed legal framework to cover certain offences committed in the digital sphere, such as image-based sexual abuse.¹³⁶ In this context, GREVIO draws attention to its General Recommendation No.1 on the digital dimension of violence against women.¹³⁷

168. GREVIO encourages the Luxembourg authorities to remain vigilant about current forms of digital violence against women and girls and to take the necessary legislative and practical steps to counter both existing and newly emerging forms of sexual harassment perpetrated in the digital sphere.

¹²⁸ Explanatory report, paragraph 206.

¹²⁹ Article 442-1 of the Criminal Code, see comments on Article 34.

¹³⁰ Articles L.245-2 to L.245-6 of the Labour Code.

¹³¹ See comments on Article 17.

¹³² Articles 47, 51§2, 53, 54§5 and 74 of the General Civil Service Regulations.

¹³³ See comments on Article 17.

¹³⁴ Article 385 ter of the Criminal Code.

¹³⁵ Government strategy to tighten up the provisions against domestic violence, November 2021.

¹³⁶ Information provided during GREVIO's visit.

¹³⁷ General Recommendation No.1 on the digital dimension of violence against women, 2021, <https://edoc.coe.int/fr/violence-l-gard-des-femmes/10643-grevio-general-recommendation-no-1-on-the-digital-dimension-of-violence-against-women.html#>.

8. Sanctions and measures (Article 45)

169. GREVIO welcomes the fact that, on the whole, Luxembourg criminal law provides for appropriate penalties for acts of violence against women. Nevertheless, the lack of data on criminal convictions and punishments in cases of violence against women does not allow GREVIO to assess accurately whether the penalties and measures imposed for all forms of violence against women are effective, proportionate and dissuasive.

170. The information provided by NGOs and specialised lawyers suggests that in cases of domestic violence, perpetrators are often only given suspended sentences, frequently combined with the requirement to follow a treatment programme. GREVIO was also informed of a case in which a suspended sentence was applied for the rape of several women.¹³⁸ While recognising that a criminal justice response is not the only way to deal with violence against women, GREVIO wishes to emphasise the importance of ensuring that offences are punished in an intelligible manner to build public trust in the system and send a clear message that violence against women is not acceptable. Without a process that holds perpetrators to account, the violence is highly likely to continue, either against the same victim or another. Prosecution and punishment are therefore essential components of the effort to protect women.

171. GREVIO also notes that it is possible for the prosecutor's office to issue a warning to perpetrators of violence, and this is often used in the context of domestic violence and combined with a requirement for perpetrators to follow a programme. The authorities also announced that they would shortly be introducing measures for the electronic surveillance of perpetrators.

172. GREVIO strongly encourages the Luxembourg authorities to ensure that sentences and measures imposed for offences of domestic violence and other forms of violence against women covered by the Istanbul Convention are effective, proportionate and dissuasive.

9. Aggravating circumstances (Article 46)

173. GREVIO is pleased that a good number of the aggravating circumstances listed in Article 46 are found in Luxembourg law, particularly in relation to offences committed in the context of domestic violence and the offences of threats and insults. The list of aggravating circumstances includes in particular the fact that the offence was committed by a former or current spouse or another member of the family, that it was committed repeatedly, that it targeted particularly vulnerable persons or that it resulted in severe physical or psychological harm for the victim. GREVIO regrets however that the fact that the offence was committed in the presence of a child is not automatically considered an aggravating circumstance, even if the courts may take this into account when deciding on the sentence. GREVIO also regrets that because no analysis of legal practice with regard to aggravating circumstances has been made, it is difficult for it to assess the situation.

174. GREVIO notes with interest that a law is being drafted to make discrimination, including on grounds of sex and gender, an aggravating circumstance for all offences.

175. GREVIO encourages the Luxembourg authorities to take all the necessary measures to take full account of the circumstances described in Article 46 of the Istanbul Convention.

10. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)

176. GREVIO is pleased to note that the Code of Criminal Procedure was amended by the 2003 Domestic Violence Law to prohibit mediation and conciliation for offences against persons with whom the perpetrator of violence cohabits.¹³⁹ Mediation is also prohibited in cases of divorce in which one

¹³⁸ Information provided during GREVIO's visit.

¹³⁹ Article 24, paragraph 5, of the Code of Criminal Procedure.

of the spouses has reported domestic violence or has been convicted on that ground.¹⁴⁰ However, in proceedings relating to child custody or visitation rights, mediation is not prohibited in contexts of domestic violence.¹⁴¹ GREVIO was informed of cases where, even in a context of domestic violence, the courts had encouraged or ordered mediation or referred the parties for joint therapy sessions which could in practice be equated with conciliation. Yet, some victims of domestic violence may be little inclined to report such situations for fear of not being believed, of losing custody of their children or of being subjected to further violence. It is essential therefore for judges, persons entitled to carry out mediation and lawyers to be sufficiently well trained to be able to detect situations of domestic violence, to distinguish them from mere conflict situations and to ensure that they have the full and free consent of persons required to participate in voluntary conciliation procedures. GREVIO has pointed out several times that the practice of requiring the abusive and non-abusive parent to attend joint meetings held by the relevant authorities to reach an agreement on child custody, residence or visitation issues relating to their child is similar to mandatory mediation.¹⁴²

177. GREVIO strongly encourages the Luxembourg authorities to ensure that all professionals who may be called on to recommend or carry out conciliation procedures receive training on the gender dimension-related dynamics of violence against women, know how to identify and distinguish between domestic violence and conflict situations and are duly informed of the risks that victims may face during mediation. The Luxembourg authorities should also incorporate a risk assessment into mediation procedures conducted on a voluntary basis, together with measures to ensure that participation in such mediation processes is based on the prior and informed consent of the parties.

¹⁴⁰ Article 1007-35 of the New Code of Civil Procedure.

¹⁴¹ See Article 378-2 of the Luxembourg Civil Code.

¹⁴² Mid-term Horizontal Review of baseline evaluation reports by GREVIO, paragraph 411.

VI. Investigation, prosecution, procedural law and protective measures

178. Full accountability for all acts of violence against women requires an adequate response from law-enforcement agencies and the criminal justice sector. Chapter VI of the Istanbul Convention establishes a set of measures to ensure criminal investigations, prosecutions and convictions of the various forms of violence covered therein.

A. General obligations, immediate response, prevention and protection (Articles 49 and 50)

179. A key principle of an adequate response to violence against women is that of swift and effective investigations and judicial proceedings that are based on a gendered understanding of these types of offences and that take into consideration the rights of the victim during all stages.

1. Reporting to, immediate response and investigations by law-enforcement agencies

180. In 2020 and 2021, the number of police call-outs in cases of domestic violence rose in relation to previous years, with 943 call-outs in 2020 and 917 in 2021.¹⁴³ These operations may result in eviction for the perpetrator under a protocol established by the 2003 Domestic Violence Law.¹⁴⁴ In the event of an eviction, the police immediately informs the specialist domestic violence victim assistance service (SAVVD) run by the association Women in Distress, the organisation working with perpetrators (Riicht Eraus) and the bodies tasked with caring for children exposed to domestic violence (PSYea and Alternatives). Since the amendments made to the Domestic Violence Law in 2018, in cases where no eviction is ordered, the police also provide the persons concerned with information on victim support services for adults and minors and services for perpetrators. If the perpetrator is evicted, the police confiscate his keys and any weapons he may possess. GREVIO welcomes the fact that this specific protocol has been added to the law as it makes it possible to secure rapid and effective protection and care for victims of violence in cases in which eviction from the home has been ordered.

181. GREVIO notes that while most police officers have had training for operations in the context of domestic violence and there is a specialist police unit for cases of sexual violence, there are still gaps in awareness raising for police officers about the needs of women victims of violence. Although two reference officers have been appointed to intervene in serious or complex cases of domestic violence, the police do not have specialist units for every form of violence against women, or a specific protocol for police officers or a specific form for complaints from women victims. From what GREVIO was told it emerges that women do not necessarily have access to a woman police officer if they so request, that they may be forced to repeat the facts several times and they may be dissuaded by certain police officers from bringing charges. It was also informed that it was difficult to access interpreters in some police stations, social workers or psychologists able to help victims were in short supply and victims sometimes found it hard to insist on being accompanied by a trusted person as police officers were entitled to refuse such requests in the context of a victim's hearing. As a result, victims often decided not to lodge a complaint.¹⁴⁵

182. The Luxembourg police has set up a unit specialising in offences committed in the digital sphere. According to the information provided to GREVIO,¹⁴⁶ this unit co-operates, through the Public Prosecutor's Office, with the services specialising in support for women victims of violence, particularly where it comes to detecting the spyware which is increasingly used to harass women after a separation.

¹⁴³ Co-operation Committee, annual report 2021, op. cit. The number of operations has been on the increase since 2012, when there were 801.

¹⁴⁴ See comments on Article 52.

¹⁴⁵ Information provided during GREVIO's visit.

¹⁴⁶ Information provided during GREVIO's visit.

183. **GREVIO strongly encourages the Luxembourg authorities to provide the relevant law enforcement agencies with the necessary resources and means, including standardised protocols that specify their duties, in order to respond promptly and appropriately to all forms of violence covered by the Istanbul Convention, making sure priority is given to an approach based on the victim's needs and rights. They should also continue to pay particular attention to the digital forms of violence against women and provide the law enforcement agencies with all the resources they need to react to and investigate violence.**

2. Effective investigation and prosecution; conviction rates

184. GREVIO regrets that there are no disaggregated data on criminal proceedings, which makes it particularly difficult to assess the criminal law response to all the different forms of violence against women covered by the convention. The information brought to its attention during its visit shows, however, that women victims of violence face obstacles during judicial proceedings, particularly because of their length and the costs they entail, such as lawyers' fees. Domestic violence cases are not dealt with as a priority and GREVIO was told that there is a shortage of specialists capable of providing expert reports in court and that this can further prolong proceedings.¹⁴⁷

185. It was also reported that there is a lack of training for justice professionals on violence against women. While there is a specialist unit in the prosecutor's office which deals with youth and family protection, the information provided to GREVIO indicates that not all professionals are necessarily sufficiently aware of the issues, which can cause problems when deputy prosecutors trained in domestic violence are not available, for example when an operation takes place at night.¹⁴⁸ In this context, GREVIO is pleased to note that special training courses on domestic violence are currently being set up for deputy prosecutors.

186. GREVIO understands in the light of the information submitted to it, that the number of judgements given in cases of domestic violence is very low compared to the number of cases of violence recorded, although one should bear in mind the fact that a judgement can be related to several recorded cases. In 2021, 162 judgments for offences of domestic violence were handed down out of the 1 420 cases of domestic violence submitted to the prosecutor's offices of the two district courts of Luxembourg and Diekirch.¹⁴⁹ Regrettably, the lack of disaggregated data means that it is impossible to assess the attrition rate precisely or to look into the factors contributing to this phenomenon. In addition, suspended sentences seem to be frequent.¹⁵⁰ GREVIO points out that low conviction rates erode victims' confidence in the criminal justice system, sending messages that perpetrators will not be held accountable. It is also essential for sentencing in cases of all forms of violence against women to be commensurate with the gravity of the offence and fulfil its function as a deterrent.

187. **GREVIO urges the Luxembourg authorities to take measures to have full data on judicial proceedings as soon as possible, including disaggregated data on the number of complaints, the initiation of proceedings and convictions. They should also analyse relevant case law so as to be able to assess the effectiveness of the criminal justice response to all forms of violence against women at all the stages of proceedings, and to amend legislation and practice where necessary.**

B. Risk assessment and risk management (Article 51)

188. Concern for the victim's safety must lie at the heart of any intervention in cases of all forms of violence covered by the Istanbul Convention. Article 51 thus establishes the obligation to ensure that all relevant authorities, not just law-enforcement authorities, effectively assess and devise a plan

¹⁴⁷ *Idem.*

¹⁴⁸ *Idem.*

¹⁴⁹ Co-operation Committee, annual report 2021, op. cit., p. 18. Civil society organisations also reported that there were very few judgments.

¹⁵⁰ In 2020, of the 69 prison sentences handed down for domestic violence, 51 were fully suspended and 7 partly suspended, see state report, statistical appendix. See also the comments on the subject of Article 45.

to manage the safety risks a victim faces on a case-by-case basis, according to standardised procedures and in co-operation with each other.

189. The law enforcement agencies do not have a standardised risk assessment tool and there is no unit that specialises in risk assessment in situations of domestic violence or other forms of violence against women in the police force or the prosecutor's office. The latter conduct risk assessments on a case-by-case basis, without basing themselves on a specific protocol, and this, the authorities argue, makes them more flexible and responsive. A risk assessment is carried out systematically when the police are called out in situations of domestic violence so as to decide whether the perpetrator should be evicted. The situation can be reviewed if the eviction order is renewed by the family affairs court.

190. The tool to assess the risk of serious violence, DyRiAS, is also used by the organisation Women in Distress, which forwards the result of the risk assessment to the police and the prosecutor's office if there is a serious danger, on the basis of a protocol drawn up for this purpose. Information gathered by means of the DyRiAS system is included in the criminal case file along with any other information which may be communicated by specialist services as to the risks run by victims, and GREVIO welcomes this pooling of information because it makes it possible to limit threats to the victim's safety. However, for the time being, this standardised risk assessment mechanism only applies to the most serious domestic violence cases. GREVIO thinks that this tool should be used throughout the police and the prosecutor's office and geared to all cases of violence against women, including forced marriage, female genital mutilation, sexual violence and violence committed in the name of so-called honour. It notes with interest the intention of the authorities to set up a standardised risk assessment tool and a specialised unit on domestic violence.¹⁵¹

191. In this context GREVIO wishes to point out that, in its judgment in the case of *Kurt v. Austria* [GC],¹⁵² the European Court of Human Rights clarified the obligations relating to risk assessment and management under Article 2 of the European Convention on Human Rights. The Court found in particular that in the course of a comprehensive risk assessment, "while the judgment of well-trained law-enforcement officials is essential in each case, the use of standardised checklists, which indicate specific risk factors and have been developed on the basis of sound criminological research and best practices in domestic violence cases, can contribute to the comprehensiveness of the authorities' risk assessment ...".¹⁵³ GREVIO fully endorses this finding and stresses that proper risk assessment and management can save lives and should therefore be an integral part of the response by authorities to cases of violence covered by the Istanbul Convention.

192. The Co-operation Committee provides a framework in which to discuss risk situations and co-ordinate the work of the various services involved where necessary.¹⁵⁴ The data on police call-outs to domestic violence cases are also forwarded to specialist services. Once again, the size of the country and the small number of operators facilitates the circulation of information. However, there are still major gaps, which can put victims' safety at threat. Firstly, while co-operation between the services concerned is a regular practice, it is not formalised and may therefore depend sometimes on the good will and level of awareness of certain partners. This means that it is not systematic and adequate risk management is not therefore guaranteed in all cases of violence against women. Secondly, GREVIO notes with concern that law enforcement agencies cannot access, through an effective database, records of perpetrators of violence going back any further than three years if there was no conviction for the offences or they were not punishable. In 2019, this shortcoming resulted in the murder of a woman, whose husband, the perpetrator, had already previously committed violence which was not taken into account when the victim's protection needs were assessed.¹⁵⁵ The current system does not therefore enable the authorities to investigate a perpetrator's long-term antecedents and hence to assess the risks run by the victim comprehensively. GREVIO notes that the Co-operation Committee recommended that the

¹⁵¹ Information provided to GREVIO by the authorities of Luxembourg.

¹⁵² *Kurt v. Austria* [GC], application No. 62903/15, judgment of 15 June 2021.

¹⁵³ *Idem*, paragraph 171.

¹⁵⁴ See also the comments on Article 18.

¹⁵⁵ Co-operation Committee, annual report 2019, Recommendations to the government, pp. 6-7.

government should address this shortcoming and hopes that action will soon be taken on this recommendation.

193. GREVIO is concerned to note that the reoffending rate after an eviction is high. Data from Riicht Eraus show that in 2021, nearly half of evicted domestic violence perpetrators had already committed violence or been evicted before.¹⁵⁶ Reoffending is a major indicator of the level of risk run by victims so it is crucial for it to be properly taken into account in risk assessment.

194. GREVIO considers that although measures have been introduced to protect victims properly when an eviction is ordered,¹⁵⁷ it is clear that the protection afforded women victims in other circumstances, and when eviction periods have expired, is less comprehensive. The use of electronic surveillance devices has only just begun and other mechanisms such as police protection are reported to be rarely used in cases of domestic violence.¹⁵⁸ Nor, in the view of specialist services working with victims, are protection measures always effective or suitable. For instance, there have been cases in which a ban on approaching the victim within less than five metres has been ordered, which does not make it possible to secure the victim's safety properly.¹⁵⁹ Individual safety plans are drawn up by specialist services, not by the authorities. Organisations working with victims emphasised that there is a lack of victim protection throughout procedures and presumption of the innocence of perpetrators may sometimes take precedence over victims' safety needs.¹⁶⁰

195. Lastly, there has not been to date, any system for the retrospective review of homicides designed to analyse all cases of killings of women in the context of domestic violence, with the aim of identifying possible shortcomings in institutional responses to violence, avoiding further cases and holding to account both perpetrators and the many agencies that come into contact with the parties.

196. GREVIO urges the Luxembourg authorities to take steps to ensure that a standardised and gender-sensitive risk assessment and safety management procedure is used systematically throughout the country in all cases of violence against women covered by the Istanbul Convention, including forced marriage, female genital mutilation, violence committed in the name of so-called honour and sexual violence. GREVIO also urges the Luxembourg authorities to remove all obstacles to the communication of essential information for the safety of victims on perpetrators of violence to the bodies in charge of risk assessment and to regulate the sharing of victims' personal data through clear protocols, with a view to securing their safety.

197. GREVIO strongly encourages the Luxembourg authorities to set up a system for the retrospective review of killings of women in the context of domestic violence and assess whether gaps in the institutional and/or judicial response contributed to the fatal outcome, with the aim of preventing them in the future and holding to account both the perpetrators and the many agencies that come into contact with the parties.

C. Emergency barring orders (Article 52)

198. GREVIO is pleased to note that the mechanism for evicting perpetrators of domestic violence from their homes set up by the 2003 Domestic Violence Law is regularly used and implemented in accordance with the protocol established by the law. Under the law, the police may decide, regardless of whether the victim has lodged a complaint, to evict perpetrators from the family home "where there is evidence [that they are preparing] to commit ... an offence threatening the life or physical integrity of persons with whom they share a home".¹⁶¹ The police decides on eviction on the basis of a risk assessment, which must be forwarded to the prosecutor's office within 10 days. The eviction order takes effect immediately and may be extended by a family affairs court at the victim's

¹⁵⁶ Co-operation Committee, annual report 2021, pp. 39-40.

¹⁵⁷ See comments on Articles 52 and 53.

¹⁵⁸ *Idem*.

¹⁵⁹ Information provided during GREVIO's visit.

¹⁶⁰ *Idem*.

¹⁶¹ Domestic Violence Law, Article 1.

request for a further three months. In 2021, 78 extensions of bans on entering the home were issued in response to 110 requests. Evictions are combined with bans on entering the area surrounding the home or contact bans (occupation orders), which can apply to several people residing within the same family home if they are identified as persons to be protected. GREVIO regrets, however, the shortcomings reported to it relating to the lack of systematic protection for children exposed to domestic violence, as they are not always identified by the prosecutor's office as persons to be protected.¹⁶²

199. As already pointed out above, GREVIO welcomes the fact that eviction measures are systematically combined with notification to the relevant specialist services.¹⁶³ Such inter-agency co-ordination measures greatly improve victim safety.

200. Breaches of eviction measures may be punished, if the victim files a complaint, with a fine or a prison sentence, as unlawful entry.¹⁶⁴ GREVIO regrets the lack of information on penalties imposed for breaches of eviction orders.

201. GREVIO notes that the number of eviction orders has been declining for several years. In 2021, 249 evictions were ordered following 917 police call-outs, compared to 278 in 2020 (after 943 call-outs).¹⁶⁵ Between 25 and 30% of call-outs therefore resulted in an eviction, whereas this figure stood around 40% until 2014. While the growing number of complaints and call-outs may account in part for this reduction in the proportion of operations which are followed by an eviction, the reports which GREVIO has received also indicate that the police tend not to order evictions in cases of violence considered to be less serious, and require evidence of physical violence to order an eviction, in accordance with the Domestic Violence Law, which requires an offence threatening the victim's life or physical integrity.¹⁶⁶ GREVIO stresses that in the cycle of violence which characterises domestic violence, facts which can be regarded as being less serious, such as psychological violence or harassment, are often followed by more serious violence. It is therefore essential to pay them due regard when assessing the risks to which victims are exposed. Repeated evictions should also be regarded as a risk factor for victim safety and be taken into account when taking decisions on evictions.

202. GREVIO encourages the Luxembourg authorities to make continued efforts to promote the use of emergency barring orders on the basis of a full and appropriate assessment of the risks to the victim's safety, including reoffending and paying particular attention to the protection of children exposed to violence. They should also properly and systematically monitor compliance with such orders, making use in particular of electronic surveillance when it has been set up.

D. Restraining or protection orders (Article 53)

203. Measures to bar entry to the home may be taken with regard to a person who "makes continued cohabiting intolerable for a close relation, either because they are assaulting or threatening to assault him or her, or because they are behaving in a way that is seriously damaging his or her mental health".¹⁶⁷ Likewise orders banning contact with the victim or entry into an area surrounding the home (occupation orders) may be issued in the same circumstances as those barring entry to the home.¹⁶⁸ GREVIO welcomes the fact that access to this procedure is free of charge and that it can be implemented urgently and regardless of whether other judicial proceedings are under way.

¹⁶² See also the comments on Articles 26 and 31.

¹⁶³ See also the comments on Articles 49 and 50.

¹⁶⁴ Article 439 of the Criminal Code.

¹⁶⁵ Co-operation Committee, annual report 2021, op. cit., p. 11.

¹⁶⁶ Information provided during GREVIO's visit.

¹⁶⁷ New Code of Civil Procedure, Article 1017-1.

¹⁶⁸ *Idem*, Article 1017-8.

204. However, some information brought to GREVIO's notice shows that evictions can have the effect of forcing victims to leave their home as well for financial reasons, in cases where the spouse stops contributing to rent. GREVIO notes that the perpetrator may be required by a decision of the family affairs court to continue to contribute to costs if the family has children. It was told however that such applications are rare, and that lawyers do not take enough advantage of this possibility.¹⁶⁹

205. Lastly, GREVIO highly regrets that restraining or protection orders apply only in the context of domestic violence. GREVIO points out that victims of all types of violence against women, including psychological violence, sexual violence, stalking, female genital mutilation and forced marriage, must have access to restraining or protection orders. With regard to female genital mutilation for example, preventive measures, such as travel bans where there is a high risk and monitoring of families of girls at risk, may be essential to prevent this type of violence.

206. GREVIO strongly encourages the Luxembourg authorities to take measures to increase the use of restraining and protection orders for women victims of all forms of violence covered by the Istanbul Convention, including measures to foster increased awareness about the subject among justice professionals and to secure proper and systematic monitoring of compliance with these orders.

E. *Ex parte* and *ex officio* proceedings (Article 55)

207. With a view to empowering victims and to encouraging them to go through with criminal proceedings, paragraph 2 of Article 55 requires parties to ensure that victims' organisations, specifically trained domestic violence counsellors or other types of support/advocacy services may assist and support victims during investigations and judicial proceedings.

208. Women victims of violence and their children may turn for help to the SAV run by the Public Prosecutor's Office, which provides victims with information and advice on their rights and judicial remedies along with psychological or psychotherapeutic counselling and may also assist them during judicial proceedings. Although the SAV does not specialise in violence against women, most of the people it assists are victims of sexual and domestic violence. In addition, the SAV can refer victims to specialist services for women victims of violence and for children exposed to violence. The 2003 Domestic Violence Law also introduced the possibility for civil society organisations to enter a civil claim in proceedings dealing with certain offences related to domestic violence, including physical violence, rape and slander.¹⁷⁰ They may also accompany victims at public hearings.

209. However, GREVIO reiterates its concern about the fact that victims' requests to be accompanied during police questioning by a trusted person, including staff of specialist services, can be refused.¹⁷¹ It stresses how important it is for women victims of violence to be assisted by a trusted person from the very start of proceedings, which can also contribute to a rise in reporting rates.

210. GREVIO encourages the Luxembourg authorities to ensure that the victim support service of the prosecutor's office has the necessary human and financial resources to be able to support and advise women victims of all the forms of violence covered by the Istanbul Convention during judicial proceedings. They should also see to it that trusted persons can assist victims throughout investigations and judicial proceedings.

F. Measures of protection (Article 56)

211. Under the Code of Criminal Procedure,¹⁷² all victims may ask to be informed of an adjustment to a perpetrator's sentence or his release, whether temporary or definitive. Victims must also be

¹⁶⁹ Information provided during GREVIO's visit.

¹⁷⁰ Article 3-1 of the Code of Criminal Procedure.

¹⁷¹ See also the comments on Article 50.

¹⁷² Article 673(8).

informed if a perpetrator escapes. GREVIO welcomes the fact that in 2021, an automatic procedure to inform victims was introduced. GREVIO was told by organisations working with women, however, that very often, such information is not automatically passed on to victims unless they have made a request to this effect, which poses a major threat to victims' safety.¹⁷³

212. Furthermore, while not all courts are equipped to prevent all contact between victims of violence and perpetrators, videoconferencing is sometimes used to hear victims during criminal hearings. In cases of sexual violence and when the victims are children, systematic use is made of video hearings. Victims of domestic violence are informed that they are entitled to special protection measures through an information leaflet entitled *Infodroits*, which is handed to all victims of such offences.

213. GREVIO encourages the Luxembourg authorities to ensure that women victims of all forms of violence covered by the Istanbul Convention and children exposed to violence are effectively protected against the risks of retaliation, intimidation or secondary victimisation, particularly those deriving from the failure to inform victims about changes in the enforcement of the perpetrator's sentence. The Luxembourg authorities should also guarantee full implementation of all the available measures to protect the rights and interests of victims during investigations and judicial proceedings.

G. Legal aid (Article 57)

214. Women victims of violence may be entitled to legal aid, which is granted by the Luxembourg Bar Association provided that they receive the social inclusion income (REVIS) or receive another income less than or equal to the REVIS. GREVIO was told, however,¹⁷⁴ that pay-outs are relatively low in view of the substantial cost of judicial proceedings in Luxembourg, particularly for lawyers' fees. As a result, many women victims of violence who do not have access to legal aid are not in a position to cover costs or simply decide not to initiate court proceedings.¹⁷⁵ GREVIO takes note of a bill aimed at providing partial legal aid based on income levels, which should enable beneficiaries of the REVIS to access partial legal aid.¹⁷⁶

215. GREVIO is pleased to note that children are automatically entitled to free legal aid.

216. GREVIO encourages the Luxembourg authorities to ensure that the requirements for entitlement to legal aid do not put obstacles in the way of women victims who do not have financial means and are incapable of paying for the services of a lawyer or of accessing free legal aid.

¹⁷³ Information provided during GREVIO's visit.

¹⁷⁴ *Idem.*

¹⁷⁵ *Idem.*

¹⁷⁶ Information provided to GREVIO by the authorities.

VII. Migration and asylum

217. In the area of migration and asylum, the main requirement of the Istanbul Convention is to ensure that residence status laws and asylum procedures do not turn a blind eye to the realities of women living in abusive relationships or subjected to sexual violence and exploitation and other forms of gender-based violence. Residence status laws shall provide for the possibility of obtaining autonomous residence permits for women in specific circumstances (Article 59). Asylum procedures, on the other hand, must be gender-sensitive and allow women to disclose their stories in full, and grounds for persecution shall be interpreted in a gender-sensitive manner. This can only be achieved if, in turn, reception procedures and support services for asylum seekers are sensitive to the needs of women victims or those at risk of violence (Article 60).

A. Residence status (Article 59)

218. GREVIO is pleased to note that under the Law on free movement of persons and immigration,¹⁷⁷ it is possible for victims of domestic violence to be issued an autonomous residence permit, independent from that of their spouse “when particularly difficult situations so require, especially when cohabitation has been interrupted because of acts of domestic violence”.¹⁷⁸ They may also be granted a residence permit for private reasons, “either because of the victim’s personal circumstances, i.e. their safety, state of health, family situation or situation in their country of origin, or if required for the purposes of co-operation by the victim with the relevant authorities in the context of an investigation or criminal proceedings”.¹⁷⁹ The latter provision was added in 2018 so as to meet the requirements of Article 59, paragraph 3, of the Istanbul Convention.¹⁸⁰ The authorities informed GREVIO that in 2021, four applications were made in this connection, only one of which gave rise to a residence permit being granted for “private reasons”. Furthermore, in the event of the loss of a residence permit following a forced marriage, a provision has been added to give victims access to a simplified procedure to recover it.¹⁸¹ Lastly, GREVIO notes that women nationals of third countries who are the partners or spouses of an EU national may also retain their residence rights “when cohabitation has been interrupted because of acts of domestic violence”.¹⁸²

219. GREVIO notes that the documentation required for an application for a residence permit for private reasons may take various forms, including the complaint filed, a medical certificate, or witness statements or proof of follow-up provided by specialist services. Permits are issued for a renewable three-year period. However it is concerned at reports of a situation in which the residence rights of a woman victim of domestic violence by her partner were withdrawn because a final judgment concerning the alleged domestic violence had not been delivered.¹⁸³ While acknowledging that this case does not necessarily reflect a general practice, GREVIO considers that the relevant legislation should be interpreted such as to guarantee that women victims of violence are properly protected and ensure that they are not forced to continue to live with a potential perpetrator of violence so as not to lose their rights.

220. In the absence of any data regarding the total number of autonomous residence permits issued to women victims of violence under the law on free movement of persons and immigration, it is difficult for GREVIO to assess the implementation of the law. Information brought to its notice by civil society organisations¹⁸⁴ indicate, however, that one of the main problems faced by married women who are victims of domestic violence by non-EU nationals is access to work. GREVIO understands that, unless they already have a job in which they are earning at least the minimum wage or they have a job offer, which entitles them to a residence permit for employees, it is in practice

¹⁷⁷ Law of 29 August 2008 on free movement of persons and immigration.

¹⁷⁸ Article 76 (1) of the amended Law of 29 August 2008

¹⁷⁹ Article 78 (3) of the amended Law of 29 August 2008.

¹⁸⁰ Law of 2018 approving the Istanbul Convention.

¹⁸¹ Article 40 (4) of the amended Law of 29 August 2008.

¹⁸² Article 17 (3), paragraph 3, of the amended Law of 29 August 2008.

¹⁸³ Luxembourg Ombudsman, Annual Report 2021, p. 86. GREVIO has since been informed that the person concerned was able to regularise her residence in Luxembourg.

¹⁸⁴ Information provided during GREVIO’s visit.

very difficult for these women to obtain a work permit, even if they have been granted a residence permit for private reasons. This situation adds to these women's economic dependence on their violent husbands and may prompt them to decide not to report situations of domestic violence. The information at GREVIO's disposal¹⁸⁵ does suggest that many women avoid reporting situations of domestic violence or other forms of violence against them out of fear of greater financial insecurity, the loss of their residence permit or the confiscation of their passport.

221. Information brought to GREVIO's notice also shows that there are major gaps in the information provided to women migrants about the possibility of obtaining an autonomous residence permit in the event of domestic violence and the procedure to do so.¹⁸⁶ In this context, GREVIO also wonders whether women victims of violence may not know about the possibilities provided for in Luxembourg law, in compliance with the Istanbul Convention, for expulsion procedures to be suspended, a residence permit to be issued to allow them to take part in an investigation or judicial proceedings, or for recovery of their residence status following a forced marriage. Lastly, civil society organisations working with migrants and refugees have reported a shortage of interpreters when complaints are filed.¹⁸⁷

222. GREVIO strongly encourages the Luxembourg authorities to step up their efforts to provide an escape route from abusive relationships for migrant women victims whose residence status depends on that of their spouse, by granting them access to an autonomous residence permit. To do so, it is important to apply the legislation in force in a manner which provides rapid and effective protection to migrant women who are victims of violence and to take measures to inform them more fully about the possibilities of obtaining an autonomous residence permit in the event of violence, including in cases of forced marriage.

B. Gender-based asylum claims (Article 60)

223. In 2021, Luxembourg received 1 249 applications for international protection, compared to 1 160 in 2020¹⁸⁸ (and nearly 2 500 in 2015). 1 617 applications were filed between January and September 2022.¹⁸⁹ The main countries of origin of asylum seekers were Syria, Eritrea, Afghanistan, Iraq and Sudan. Since 2018, Luxembourg has also received over a hundred asylum seekers under the European Union and UNHCR relocation schemes. In 2022, over 4 500 refugees fleeing the war in Ukraine applied for temporary protection in Luxembourg. Most were women and children.¹⁹⁰

1. Gender-sensitive asylum determination procedure

224. GREVIO is pleased to note that since the entry into force of the Istanbul Convention, the authorities dealing with asylum procedures are required to take account of gender-related aspects when assessing applications for international protection.¹⁹¹ It also notes that it is possible for separate family members to request an individual assessment of their international protection claim, which may, in principle and on request, be carried out by a woman. In addition, asylum seekers are entitled to assistance by a lawyer from the very beginning of the procedure. In the absence of data regarding the number of gender-based international protection claims, it is difficult to assess the impact of these procedural guarantees on the number of applications on grounds of gender-related persecution.¹⁹²

¹⁸⁵ Information provided during GREVIO's visit.

¹⁸⁶ *Idem*.

¹⁸⁷ *Idem*.

¹⁸⁸ Ministry of Foreign and European Affairs, Review of asylum, immigration and reception in 2021.

¹⁸⁹ Ministry of Foreign and European Affairs, Immigration Directorate, Statistics on international protection in the Grand Duchy of Luxembourg for September 2022.

¹⁹⁰ Ministry of Foreign and European Affairs, Immigration Directorate, Statistics on international protection in the Grand Duchy of Luxembourg for September 2022.

¹⁹¹ Article 43 of the Law of 18 December 2015 on international protection and temporary protection.

¹⁹² See also the comments on Article 11.

225. The law also guarantees the possibility for asylum applicants to request a more thorough medical examination in addition to the standard examination on arrival in Luxembourg, to document any signs of persecution or serious violence, including sexual violence.¹⁹³ GREVIO was told however that many asylum applicants do not take advantage of this possibility because they do not know about it.¹⁹⁴

226. Despite the existence of procedural guarantees which should enable women asylum seekers who are victims of gender-based violence to talk more easily about fears of gender-based persecution, GREVIO was told of shortcomings¹⁹⁵ in awareness raising and training for staff responsible for examining applications for international protection relating to the various forms of gender-based violence to which asylum seekers may be exposed including forced marriages and female genital mutilation. This lack of awareness limits possibilities of early detection during proceedings involving women who have been subject to gender-based violence and makes it more difficult for them to highlight this type of violence, particularly in the context of applications made collectively for a family as a whole, in which it can be difficult to identify potential victims of gender-based violence. It is also clear that information about countries used during proceedings may sometimes underestimate the real risks run by women victims of this type of violence in their country of origin and the impact of gender on persecution risks. It seems that lawyers and interpreters involved in proceedings are not provided with any specific awareness raising about matters of violence against women. GREVIO takes the view that the procedural guarantees already in place should be reinforced and the training of professionals involved in asylum procedures on all the forms of violence against women covered by the Istanbul Convention should be enhanced so as to facilitate the detection of and more systematic provision of care for asylum-seeking women and girls who are victims of violence.

227. GREVIO strongly encourages the Luxembourg authorities to ensure that asylum-seeking women and girls receive the best possible support during the asylum procedure so that they have the opportunity to disclose all the grounds on which they are applying for international protection. The Luxembourg authorities should in particular take steps to improve their ability to detect cases of violence against women and to assess whether countries of origin are able to provide effective protection. It is also important to provide asylum-seeking women and girls with more information on their rights and the possibility of referring to gender-related grounds during the asylum procedure.

2. Accommodation

228. Luxembourg has 55 accommodation facilities for asylum seekers and refugees, two of which are specifically reserved for families and single women, and a first reception centre for asylum seekers. The facilities are run either directly by the ONA or by licensed managers, particularly the Red Cross and Caritas. The problems with access to housing already referred to in this report¹⁹⁶ mean that refugees often have to live in refugee centres for long periods. Furthermore, when asylum-seeking women are victims of violence in an accommodation centre, they have access in principle to shelters and other specialist services, although they often have to deal with the lack of places in specialist shelters. It is possible, in an emergency, to accommodate such women in hotels.

229. Under the Law on international protection and temporary protection, “particular attention shall be paid to preventing gender-based violence and acts of aggression, including sexual violence and harassment, within accommodation facilities”.¹⁹⁷ However, there is no systematic procedure for detecting vulnerabilities and violence against women in all facilities. In this context, GREVIO notes with interest that a team of psychologists and psychiatric nurses has been set up within the first reception centre for asylum seekers with a view to detecting vulnerabilities. There is no specific contact person, however, dealing with gender-based violence against women.

¹⁹³ Article 16 of the Law of 18 December 2015 on international protection and temporary protection.

¹⁹⁴ Information provided during GREVIO’s visit.

¹⁹⁵ *Idem*.

¹⁹⁶ See comments in Chapter 4.

¹⁹⁷ Article 10(3) of the Law of 18 December 2015 on international protection and temporary protection.

230. Information drawn to GREVIO's notice¹⁹⁸ seems to indicate that differing levels of awareness raising and training on all the forms of violence against women are provided according to the accommodation facility or managers in question, with the result that not all asylum-seeking girls and women necessarily have access to the same information and the same protection where needed. The gaps relate in particular to forms of violence against women other than domestic violence such as forced marriage, female genital mutilation and violence committed in the name of so-called honour. Likewise, social and psychological support varies substantially from facility to facility.

231. In 2022, Luxembourg faced a huge influx of refugees from Ukraine (4 625 people between March and September 2022),¹⁹⁹ who were granted temporary protection. Some were accommodated in facilities set up specifically for the purpose and at least half by private individuals. GREVIO welcomes the authorities' efforts to meet the needs of persons fleeing the war in Ukraine. It notes in particular the steps taken to prevent trafficking in human beings and the abuses to which these persons may be exposed, particularly when housed by private individuals. It also welcomes the efforts made to detect potential victims of war crimes, including sexual violence. It stresses the importance of continuing measures to inform and detect vulnerable persons so as to prevent and combat the violence and abuses with which women, who form the majority of persons fleeing Ukraine, may be faced.²⁰⁰ GREVIO has been informed of a growing number of cases of abuse, in the context of accommodation by private individuals, and situations of violence, including domestic violence, in certain reception centres, and of the fact that the persons concerned often hesitate to lodge complaints.²⁰¹

232. GREVIO encourages the Luxembourg authorities to continue and step up efforts to improve care and protection against gender-based violence for women and girls applying for international protection and to introduce measures and tools for the early detection of cases of violence.

¹⁹⁸ Information provided during GREVIO's visit.

¹⁹⁹ Ministry of Foreign and European Affairs, Immigration Directorate, Statistics on international protection in the Grand Duchy of Luxembourg for September 2022.

²⁰⁰ See also the comments on Article 19.

²⁰¹ Information provided during GREVIO's visit.

VIII. Conclusions

233. GREVIO welcomes the robust measures to combat domestic violence taken by the Luxembourg authorities over the last two decades, which reflect a strong political desire to act to prevent and combat this form of violence. The adoption of the Domestic Violence Law in 2003 was a key moment, as it introduced a procedure for the eviction of perpetrators from their home and set up a mechanism for systematic support for victims and perpetrators of domestic violence. The strong network of specialist services for victims of domestic violence, involving specialised managers and attracting substantial state funding, is also evidence of this commitment to support for victims of domestic violence.

234. GREVIO recognises the desire in Luxembourg to identify and respond to all victims of violence and is aware of the encouragement offered by Article 2, paragraph 2, of the Istanbul Convention to apply its provisions to all victims of domestic violence, including men and boys. Nonetheless, GREVIO recalls the obligation of the Convention to pay particular attention to women victims of gender-based violence. For this reason, GREVIO has flagged, throughout the report, instances where, in its view, insufficient attention is being paid in policy design and legislation to the experiences of women who are exposed to violence because they are women. This is especially apparent in the overall failure to take account of the gender dimension in national policies and in the lack of any awareness-raising for many professionals on the gender dimension of violence against women.

235. The collection and analysis of data on violence against women also calls for more sustained efforts. The data categories presently in use do not seek to identify any differences between women and men in their experiences of or exposure to violence. The lack of administrative data disaggregated by sex or according to the relationship of the perpetrator with the victim collected by the various institutions concerned does not provide a full enough picture of violence against women and domestic violence to be able to evaluate public policies and laws and hence identify and remedy existing shortcomings.

236. The Luxembourg authorities have taken measures to support victims of other forms of violence covered by the Istanbul Convention, such as the establishment of a Unit for Medical-Forensic Documentation of Injuries (UMEDO) which enables victims of violence including sexual violence who do not wish to file a complaint to have forensic evidence collected and stored. A criminal law reform concerning sexual violence has been under way for several years. It has made it possible to take more account of absence of consent when defining rape. Other forms of violence against women covered by the Istanbul Convention such as female genital mutilation and forced marriage have been criminalised. The attention paid to forms of violence against women other than domestic violence is still limited, however. Luxembourg has not adopted any specific strategy or action plan to take comprehensive and co-ordinated measures in the long term to combat all the forms of violence against women covered by the Istanbul Convention, such as stalking, psychological violence, sexual violence, forced marriage, female genital mutilation and violence committed in the name of so-called honour.

237. While understanding that co-operation in Luxembourg is facilitated by the proximity of stakeholders, GREVIO considers that co-ordination and co-operation between the various bodies involved in the protection of women victims of violence could be enhanced through the adoption of specific protocols relating to all the forms of violence against women, clearly setting out these bodies' functions and responsibilities. It is also essential for law enforcement agencies to have standardised risk assessment tools that can be applied to all cases of violence against women.

238. With the present report, GREVIO wishes to support the Luxembourg authorities in their efforts to prevent and combat violence against women and invites them to keep it regularly informed of developments with regard to the implementation of the Istanbul Convention. GREVIO looks forward to continuing this fruitful co-operation.

239. With a view to facilitating the implementation of its suggestions and proposals, GREVIO requests the national authorities to translate this report into their official national languages and to ensure that it is widely disseminated, not only to the relevant state institutions at all levels (national, regional and local), in particular to the government, the ministries and the judiciary, but also to NGOs and other civil society organisations which work in the field of violence against women.

Appendix I

List of proposals and suggestions by GREVIO

I. Purposes, definitions, equality and non-discrimination, general obligations

B. Scope of application of the convention and definitions (Articles 2 and 3)

1. GREVIO strongly encourages the Luxembourg authorities to enhance the implementation of the Istanbul Convention in relation to all forms of violence against women which are currently less addressed by policies, programmes and support services, with due regard to their gendered nature. The authorities should also develop shared and harmonised definitions that provide a common and unequivocal reference terminology on violence against women in accordance with Article 3 of the Istanbul Convention. (paragraph 7)

C. Fundamental rights, equality and non-discrimination (Article 4)

2. Intersectional discrimination

2. GREVIO strongly encourages the Luxembourg authorities to adopt an approach to preventing and combating violence against women which addresses intersectional discrimination, in particular, by taking care: (paragraph 12)

- a. to include in policies specific measures to prevent and prosecute violence against women exposed to intersectional discrimination and to provide them with appropriate protection and support;
- b. to carry out studies on the incidence of gender-based violence experienced by women belonging to specific vulnerable categories, such as women with disabilities, women in prostitution or migrant/asylum-seeking women.

E. Gender-sensitive policies (Article 6)

3. GREVIO urges the Luxembourg authorities to take appropriate steps to ensure that policies and measures for the implementation of the Istanbul Convention include a gender perspective. This gender-sensitive approach should be based on an understanding of the link between violence against women, gender stereotypes and the structural inequalities between women and men, in order both to address the specific needs of women victims and to raise awareness of and counteract the negative stereotypes against women which legitimise and sustain violence against them. (paragraph 19)

II. Integrated policies and data collection

A. Comprehensive and co-ordinated policies (Article 7)

4. GREVIO strongly encourages the Luxembourg authorities to develop a comprehensive long-term strategy to prevent and combat all forms of violence against women covered by the Istanbul Convention; this strategy should be based on a victims' rights-centred approach and integrate a gender perspective on the various forms of violence against women including domestic violence. (paragraph 27)

B. Financial resources (Article 8)

5. GREVIO strongly encourages the Luxembourg authorities to provide sufficient funding to enable the development of specialised projects and services for women victims of all forms of violence covered by the Istanbul Convention. It also encourages them to ensure that funding is available for various measures to prevent and combat all forms of violence against women by expanding the network of state-accredited associations or increasing their funding levels. (paragraph 32)

C. Non-governmental organisations and civil society (Article 9)

6. GREVIO strongly encourages the Luxembourg authorities to continue their regular co-operation with civil society organisations involved in combating violence against women, including through institutionalised consultation mechanisms and, in particular, to fully acknowledge the crucial role played by independent women's rights organisations. (paragraph 35)

D. Co-ordinating body (Article 10)

7. GREVIO strongly encourages the Luxembourg authorities to strengthen the ability of the national co-ordinating body to perform its tasks under Article 10 of the Istanbul Convention, by ensuring, in particular, that it operates on the basis of clear policy guidelines that identify the objectives to be achieved and state, measure by measure, the bodies responsible for implementing them, the timeframe, the resources allocated and the performance indicators. They should also ensure that the functions of the body in charge of coordination are exercised in close consultation with the relevant civil society stakeholders. In addition, GREVIO strongly encourages the Luxembourg authorities to provide for independent monitoring and evaluation in order to ensure that policies and measures to prevent and combat all forms of violence covered by the convention are objectively assessed. Any monitoring and evaluation should be carried out on a regular basis, using comparable indicators. (paragraph 38)

E. Data collection and research (Article 11)**1. Administrative data collection****d. Conclusion**

8. Bearing in mind the need for data collection to apply to all forms of violence covered by the Istanbul Convention, GREVIO urges the Luxembourg authorities to take the necessary measures to: (paragraph 50)

- a. ensure that data collected by all relevant stakeholders (namely law enforcement agencies, judicial authorities and health and social services) are disaggregated by the sex and age of the victim and the perpetrator, their relationship, geographical location and the different forms of violence covered by the Istanbul Convention, and include information on the presence of children exposed to violence;
- b. harmonise data collection between law enforcement agencies and the judiciary to enable, inter alia, the assessment of conviction, attrition and recidivism rates and a thorough analysis and tracking of cases through the criminal justice system – from the police to the prosecution and the courts;
- c. introduce a data collection system to record asylum claims on the basis of gender-related persecution and their outcomes, as well as applications for autonomous residence permits in cases of domestic violence;
- d. introduce data collection in the healthcare sector on all forms of violence against women.

2. Population-based surveys

9. GREVIO encourages the Luxembourg authorities to carry out regular prevalence studies to assess the extent of and trends in relation to all forms of violence covered by the Istanbul Convention and to highlight and better understand the experiences of violence of women exposed to intersectional discrimination. (paragraph 52)

3. Research

10. GREVIO strongly encourages the Luxembourg authorities to support further research in areas relating to all forms of violence covered by the Istanbul Convention, including on the criminal justice response to these forms of violence and research focusing on victims' viewpoints and on violence affecting women exposed to intersectional discrimination, such as women with disabilities, elderly women, migrant and refugee women, LBTI women and those belonging to other affected groups. (paragraph 55)

III. Prevention

B. Awareness raising (Article 13)

11. GREVIO strongly encourages the Luxembourg authorities to carry out regular awareness-raising campaigns on all forms of violence covered by the Istanbul Convention, highlighting the gendered nature of such violence. For this purpose, the Luxembourg authorities should, in particular: (paragraph 64)

- a. run awareness-raising activities targeting different population groups, including professionals specifically involved in combating violence against women so as to change underlying patriarchal attitudes and promote understanding of this type of violence;
- b. raise awareness among all women and girls, including those at risk of intersectional discrimination, of the legal norms and standards on equality between women and men, the various forms of violence covered by the Istanbul Convention and the available remedies to assert their rights;
- c. engage in and strengthen partnerships with women's rights NGOs and other civil society organisations in order to assess the impact of awareness-raising activities on gender stereotypes and sexist behaviour and follow up on changes over time.

C. Education (Article 14)

12. GREVIO encourages the Luxembourg authorities to pursue their efforts to equip all pupils at all levels of schooling with knowledge and skills in relation to the issues identified in Article 14 of the Istanbul Convention. (paragraph 70)

D. Training of professionals (Article 15)

13. GREVIO strongly encourages the Luxembourg authorities to take the necessary measures to ensure that all professionals working with victims or perpetrators of violence receive systematic initial and in-service training on identifying and dealing with all forms of violence covered by the Istanbul Convention. To this end, the Luxembourg authorities should, in particular: (paragraph 77)

- a. ensure that the training provided covers issues such as gender-based stereotypes; the difference between conflict and violence; the identification of victims; the rights and needs of victims; the prevention of secondary victimisation; the impact of violence on children exposed to it; and violence against women exposed to intersectional discrimination;
- b. ensure that training programmes and initiatives, particularly those provided by NGOs and specialist support services, receive sufficient funding;
- c. evaluate the impact of training programmes for different professional groups.

E. Preventive intervention and treatment programmes (Article 16)**1. Programmes for perpetrators of domestic violence**

14. While acknowledging that programmes for perpetrators are well established in Luxembourg, GREVIO encourages the Luxembourg authorities to continue their efforts and to use all available means to achieve high participation rates in these programmes. It should also be ensured that evaluations of the existing programme are carried out in order to assess its impact on the prevention of domestic violence. (paragraph 81)

2. Programmes for sex offenders

15. GREVIO strongly encourages the Luxembourg authorities to set up programmes for sex offenders, following an approach in line with the principles of the Istanbul Convention and recognised promising practices. (paragraph 83)

F. Participation of the private sector and the media (Article 17)

16. Bearing in mind the important role of the media in promoting equality between women and men and reducing the level of social acceptance of violence against women, GREVIO invites the Luxembourg authorities to establish incentives, or promote in any other way, the development of specific standards of self-regulation concerning the balanced, non-sexist media coverage of violence against women. (paragraph 89)

17. GREVIO strongly encourages the Luxembourg authorities to step up their active efforts to encourage companies and public services to participate in combating violence against women in the workplace. To this end, the Luxembourg authorities should aim, in particular, to step up support and special assistance for victims, develop codes of conduct and policies to combat sexual harassment within companies, and improve awareness and information among the general public, trade unions and employers on violence against women at work and on the relevant legislative provisions. (paragraph 90)

IV. Protection and support**A. General obligations (Article 18)**

18. GREVIO encourages the Luxembourg authorities to foster multi-agency co-operation relating to all forms of violence against women and to ensure that co-operation is based on a gender-sensitive, rights-based approach and the safety, protection and empowerment of victims. They should also adopt standardised protocols for multi-agency co-operation to secure support and protection for all women victims of violence and their children. (paragraph 95)

B. Information (Article 19)

19. GREVIO strongly encourages the Luxembourg authorities to pursue their efforts to provide all women victims of all forms of violence covered by the Istanbul Convention with appropriate and timely information on their rights, and on available support services and legal measures in a language they understand. The information provided should be accessible to all victims, including migrant women and women with disabilities. (paragraph 98)

C. General support services (Article 20)

1. Social services

20. To empower victims and help them to recover from the violence they have suffered, GREVIO strongly encourages the Luxembourg authorities to take measures to give women victims of violence priority access to any housing available and to make them more financially independent, while promoting the inclusion of women exposed to multiple discrimination or at risk thereof. To achieve this, they should ensure that the staff of the public services concerned are made properly aware of violence against women and its effects on victims, particularly in terms of increased economic vulnerability. (paragraph 102)

2. Health services

21. GREVIO strongly encourages the Luxembourg authorities to implement standardised care paths that include the identification of victims of all forms of violence covered by the Istanbul Convention, screening, diagnosis, treatment, documentation of injuries, and referral to the appropriate specialist support services, particularly women's rights organisations. (paragraph 105)

D. Specialist support services (Article 22)

22. GREVIO strongly encourages the Luxembourg authorities to ensure that women victims of all forms of violence covered by the Istanbul Convention have access to specialist services providing long-term holistic support designed to foster their empowerment. (paragraph 109)

E. Shelters (Article 23)

23. GREVIO encourages the Luxembourg authorities to continue in their efforts to guarantee victims of all forms of violence covered by the Istanbul Convention and their children access to specialist shelters and to expand the provision of transitional accommodation including adequate assistance for women victims of violence who have been accommodated in shelters and are moving towards independent housing. (paragraph 112)

F. Telephone helplines (Article 24)

24. GREVIO urges the Luxembourg authorities to provide for a national, 24/7 specialist helpline for women victims of violence, run in close co-operation with NGOs specialising in response to violence against women and domestic violence. It should provide, on a confidential basis, free counselling and other specialised services (information on rights including social rights, advice, psychological support, guidance and co-ordination with shelters and emergency services) on all forms of gender-based violence against women covered by the Istanbul Convention. It is also important to provide multi-lingual assistance and to make arrangements to ensure that women with disabilities and migrant and refugee women have access to the service. (paragraph 115)

G. Support for victims of sexual violence (Article 25)

25. GREVIO urges the Luxembourg authorities to take measures to comply with the requirements of Article 25 of the Istanbul Convention. To achieve this, they must set up sufficient numbers of crisis centres accessible to victims of rape and/or sexual violence, meeting all their short-, medium- and long-term needs and including immediate medical care, high-quality forensic examinations regardless of the victim's desire to file a complaint, psychological and legal assistance, and referral to specialist organisations. (paragraph 118)

H. Protection and support for child witnesses (Article 26)

26. GREVIO encourages the Luxembourg authorities to continue their efforts to ensure that all children exposed to any of the forms of violence covered by the Istanbul Convention may be given age-appropriate psychological counselling and support in conditions that ensure continuity and quality. To achieve this, the Luxembourg authorities should do away with the need for consent by both parents for a child exposed to domestic violence to have access to psychological support and care, particularly where the parent who is the victim so requests. (paragraph 123)

I. Reporting by professionals (Article 28)

27. GREVIO encourages the Luxembourg authorities to take the necessary measures, including legislative measures if necessary, to ensure that professionals, including those bound by professional secrecy may report a matter when they have reasonable grounds to believe that a serious act of violence against women or girls has been committed and there is a risk of further such acts of violence. (paragraph 127)

V. Substantive law

A. Civil law

1. Civil remedies against the state: principle of due diligence (Article 29)

28. GREVIO invites the Luxembourg authorities to ensure that women victims of violence are duly informed of the existing possibilities to invoke the civil responsibility of public officials who have failed to diligently prevent, investigate and prosecute acts of violence covered by the Convention. It also invites them to regularly collect data on the number of complaints lodged by women victims of violence and the action taken on these so as to determine whether the existing remedies are used and make any necessary legislative amendments. (paragraph 132)

2. Compensation (Article 30)

29. GREVIO encourages the Luxembourg authorities to facilitate access for victims to compensation by the perpetrator of violence and by the state, as required by Article 30, paragraph 2, of the Istanbul Convention and to ensure that the possibility of claiming compensation is open to all victims of the forms of violence covered by the Convention. (paragraph 135)

3. Custody, visitation rights and safety (Article 31)

30. GREVIO urges the Luxembourg authorities to take the necessary measures, including legislative ones, to ensure that when determining custody and visitation rights and introducing measures affecting exercise of parental authority, the competent authorities are required to take into account all incidents of violence against women and domestic violence and that they limit the parental authority of perpetrators. To achieve this, they should: (paragraph 143)

- a. base policies and practices on the recognition that, in a context of domestic violence, joint parenting may be a means for the perpetrator to continue to maintain control and domination over the mother and her children;
- b. regulate co-operation between courts through legislative measures or directives so as to ensure that the authorities taking decisions on custody and visitation rights systematically take account of incidents of domestic violence;
- c. promote appropriate training and the preparation of professional guidelines alerting the relevant professionals to the harmful effects of violence on children, including child witnesses, and familiarising them with the provisions of the Istanbul Convention on custody and visitation rights;

- d. take measures to make the relevant professionals aware of the lack of scientific basis for “parental alienation syndrome” and raise public awareness about this issue;
- e. ensure that during supervised visits, safe spaces are set up as promptly as possible;
- f. collect data and analyse case law on how courts view incidents of violence and what grounds they give for their decision on custody and visitation rights so as to be able to identify any legislative shortcomings and remedy them where necessary.

B. Criminal law

1. Psychological violence (Article 33)

31. GREVIO strongly encourages the Luxembourg authorities: (paragraph 147)

- a. to take measures to investigate, prosecute and punish acts of psychological violence in an effective manner, making full use of the relevant provisions of the Criminal Code, or to consider introducing new provisions that would better meet the requirements of Article 33 of the Istanbul Convention;
- b. to take measures to properly investigate, prosecute and punish acts of psychological violence against women which take place online or involve the use of technology, if necessary by introducing new legislation.

2. Stalking (Article 34)

32. GREVIO encourages the Luxembourg authorities to collect data on proceedings and convictions under the law criminalising stalking. (paragraph 149)

3. Sexual violence, including rape (Article 36)

33. GREVIO encourages the Luxembourg authorities to analyse thoroughly how the legislation on sexual offences is implemented and bring the definition of consent more into line with that set out in Article 36, paragraph 2, of the Istanbul Convention, including through legislative measures. (paragraph 153)

4. Forced marriage (Article 37)

34. GREVIO strongly encourages the Luxembourg authorities to introduce criminal legislation that covers the intentional conduct set out in Article 37, paragraph 2, of the Istanbul Convention. (paragraph 156)

35. GREVIO also encourages the Luxembourg authorities to carry out a thorough review of the reasons for the low use made of the criminal offence of forced marriage in order to address the obstacles to bringing criminal proceedings. The authorities should also step up their efforts to raise awareness and train all relevant professionals to detect and provide support for victims of forced marriage. (paragraph 157)

5. Female genital mutilation (Article 38)

36. GREVIO encourages the Luxembourg authorities to carry out a thorough review of the reasons for the very low use made of the criminal offence of female genital mutilation in order to address the obstacles to bringing criminal proceedings. The authorities should step up their efforts to raise awareness and train all relevant professionals, particularly prosecutors, judges, lawyers and health professionals so as to improve their knowledge about female genital mutilation. (paragraph 160)

6. Forced abortion and forced sterilisation (Article 39)

37. GREVIO strongly encourages the Luxembourg authorities to make it a separate criminal offence to perform surgery which has the purpose or effect of terminating a woman's capacity to naturally reproduce without her prior and informed consent or understanding of the procedure, as provided for by Article 39 of the Istanbul Convention. (paragraph 164)

38. GREVIO encourages the Luxembourg authorities to ensure that in any procedures authorising the sterilisation of legally incapacitated women, less invasive birth control options are considered with due regard to the best interest and self-determination of the women concerned. GREVIO also encourages the Luxembourg authorities to collect data on the number of forced abortions and forced sterilisations, in order to gain knowledge of their extent, and take any necessary action to remedy them. (paragraph 165)

7. Sexual harassment (Article 40)

39. GREVIO encourages the Luxembourg authorities to remain vigilant about current forms of digital violence against women and girls and to take the necessary legislative and practical steps to counter both existing and newly emerging forms of sexual harassment perpetrated in the digital sphere. (paragraph 168)

8. Sanctions and measures (Article 45)

40. GREVIO strongly encourages the Luxembourg authorities to ensure that sentences and measures imposed for offences of domestic violence and other forms of violence against women covered by the Istanbul Convention are effective, proportionate and dissuasive. (paragraph 172)

9. Aggravating circumstances (Article 46)

41. GREVIO encourages the Luxembourg authorities to take all the necessary measures to take full account of the circumstances described in Article 46 of the Istanbul Convention. (paragraph 175)

10. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)

42. GREVIO strongly encourages the Luxembourg authorities to ensure that all professionals who may be called on to recommend or carry out conciliation procedures receive training on the gender dimension-related dynamics of violence against women, know how to identify and distinguish between domestic violence and conflict situations and are duly informed of the risks that victims may face during mediation. The Luxembourg authorities should also incorporate a risk assessment into mediation procedures conducted on a voluntary basis, together with measures to ensure that participation in such mediation processes is based on the prior and informed consent of the parties. (paragraph 177)

VI. Investigation, prosecution, procedural law and protective measures

A. General obligations, immediate response, prevention and protection (Articles 49 and 50)

1. Reporting to, immediate response and investigations by law-enforcement agencies

43. GREVIO strongly encourages the Luxembourg authorities to provide the relevant law enforcement agencies with the necessary resources and means, including standardised protocols that specify their duties, in order to respond promptly and appropriately to all forms of violence covered by the Istanbul Convention, making sure priority is given to an approach based on the victim's needs and rights. They should also continue to pay particular attention to the digital forms of

violence against women and provide the law enforcement agencies with all the resources they need to react to and investigate violence. (paragraph 183)

2. Effective investigation and prosecution; conviction rates

44. GREVIO urges the Luxembourg authorities to take measures to have full data on judicial proceedings as soon as possible, including disaggregated data on the number of complaints, the initiation of proceedings and convictions. They should also analyse relevant case law so as to be able to assess the effectiveness of the criminal justice response to all forms of violence against women at all the stages of proceedings, and to amend legislation and practice where necessary. (paragraph 187)

B. Risk assessment and risk management (Article 51)

45. GREVIO urges the Luxembourg authorities to take steps to ensure that a standardised and gender-sensitive risk assessment and safety management procedure is used systematically throughout the country in all cases of violence against women covered by the Istanbul Convention, including forced marriage, female genital mutilation, violence committed in the name of so-called honour and sexual violence. GREVIO also urges the Luxembourg authorities to remove all obstacles to the communication of essential information for the safety of victims on perpetrators of violence to the bodies in charge of risk assessment and to regulate the sharing of victims' personal data through clear protocols, with a view to securing their safety. (paragraph 196)

46. GREVIO strongly encourages the Luxembourg authorities to set up a system for the retrospective review of killings of women in the context of domestic violence and assess whether gaps in the institutional and/or judicial response contributed to the fatal outcome, with the aim of preventing them in the future and holding to account both the perpetrators and the many agencies that come into contact with the parties. (paragraph 197)

C. Emergency barring orders (Article 52)

47. GREVIO encourages the Luxembourg authorities to make continued efforts to promote the use of emergency barring orders on the basis of a full and appropriate assessment of the risks to the victim's safety, including reoffending and paying particular attention to the protection of children exposed to violence. They should also properly and systematically monitor compliance with such orders, making use in particular of electronic surveillance when it has been set up. (paragraph 202)

D. Restraining or protection orders (Article 53)

48. GREVIO strongly encourages the Luxembourg authorities to take measures to increase the use of restraining and protection orders for women victims of all forms of violence covered by the Istanbul Convention, including measures to foster increased awareness about the subject among justice professionals and to secure proper and systematic monitoring of compliance with these orders. (paragraph 206)

E. *Ex parte* and *ex officio* proceedings (Article 55)

1. Victim support in legal proceedings

49. GREVIO encourages the Luxembourg authorities to ensure that the victim support service of the prosecutor's office has the necessary human and financial resources to be able to support and advise women victims of all the forms of violence covered by the Istanbul Convention during judicial proceedings. They should also see to it that trusted persons can assist victims throughout investigations and judicial proceedings. (paragraph 210)

F. Measures of protection (Article 56)

50. GREVIO encourages the Luxembourg authorities to ensure that women victims of all forms of violence covered by the Istanbul Convention and children exposed to violence are effectively protected against the risks of retaliation, intimidation or secondary victimisation, particularly those deriving from the failure to inform victims about changes in the enforcement of the perpetrator's sentence. The Luxembourg authorities should also guarantee full implementation of all the available measures to protect the rights and interests of victims during investigations and judicial proceedings. (paragraph 213)

G. Legal aid (Article 57)

51. GREVIO encourages the Luxembourg authorities to ensure that the requirements for entitlement to legal aid do not put obstacles in the way of women victims who do not have financial means and are incapable of paying for the services of a lawyer or of accessing free legal aid. (paragraph 216)

VII. Migration and asylum

A. Residence status (Article 59)

52. GREVIO strongly encourages the Luxembourg authorities to step up their efforts to provide an escape route from abusive relationships for migrant women victims whose residence status depends on that of their spouse, by granting them access to an autonomous residence permit. To do so, it is important to apply the legislation in force in a manner which provides rapid and effective protection to migrant women who are victims of violence and to take measures to inform them more fully about the possibilities of obtaining an autonomous residence permit in the event of violence, including in cases of forced marriage. (paragraph 222)

B. Gender-based asylum claims (Article 60)

1. Gender-sensitive asylum determination procedure

53. GREVIO strongly encourages the Luxembourg authorities to ensure that asylum-seeking women and girls receive the best possible support during the asylum procedure so that they have the opportunity to disclose all the grounds on which they are applying for international protection. The Luxembourg authorities should in particular take steps to improve their ability to detect cases of violence against women and to assess whether countries of origin are able to provide effective protection. It is also important to provide asylum-seeking women and girls with more information on their rights and the possibility of referring to gender-related grounds during the asylum procedure. (paragraph 227)

2. Accommodation

54. GREVIO encourages the Luxembourg authorities to continue and step up efforts to improve care and protection against gender-based violence for women and girls applying for international protection and to introduce measures and tools for the early detection of cases of violence. (paragraph 232)

Appendix II

List of the national authorities, other public bodies, non-governmental organisations and civil society organisations with which GREVIO held consultations

National authorities :

Ministry of Foreign and European Affairs :

- o Directorate for Political Affairs
- o Directorate for Immigration
- o Directorate for Development Co-operation and Humanitarian Action
- o National Reception Office

Ministry of Equality between Women and Men :

- o Equality Observatory

Ministry of Justice :

- o Office of the Public Prosecutor of Luxembourg
- o Victim Support Service of the General Public Prosecutor Office of Luxembourg (SAV)

Ministry of Education, Children and Youth:

- o National Directorate for Children

Ministry of State

Ministry of the Civil Service

Ministry of Family, Integration and the Greater Region

Ministry of Health

Ministry of Internal Security :

- o Grand-Ducal Police

Ministry of Labour, Employment and the Social and Solidarity Economy :

- o National Institute for Statistics and Economic Studies
- o Inspectorate of Labour and Mines

Public institutions :

Children and Youth Ombudsman (Okaju)

Committee for Co-operation between professionals combating violence

Hospital emergency services

Independent Luxembourg Broadcasting Authority (ALIA)

Ombudsman of Luxembourg

Saint Antoine reception facility for migrants and asylum-seekers, Luxembourg

Unit for Medical-Forensic Documentation of Injuries (UMEDO)

Non-governmental organisations :

Association de Soutien aux Travailleurs Immigrés (ASTI)

Berufsverband vun den Laktatiounberoderinnen zu Lëtzebuerg (BLL)

Centre Cigale

Collectif Réfugiés

Confederation of Christian Trade Unions of Luxembourg (LCGB)
Consultative Committee on Human Rights
Femmes en détresse
Fondation Maison de la porte ouverte
Fondation Pro Familia Alternatives
Independent Trade Unions Confederation of Luxembourg (OGBL)
Infomann
LUkraine
Luxembourg Bar Association
Luxembourg Press Council
Mobbing asbl
National Reference Centre for the Promotion of Emotional and Sexual Health (Cesas)
National Women's Council of Luxembourg (CNLF)
Passerell
Planning familial
Red Cross of Luxembourg, *Riicht Eraus* Service
Time for Equality
Wide

GREVIO, the *Group of Experts on Action against Violence against Women and Domestic Violence*, is an independent human rights monitoring body mandated to monitor the implementation of the *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention) by the Parties.

The Istanbul Convention is the most far-reaching international treaty to tackle violence against women and domestic violence. Its comprehensive set of provisions spans far-ranging preventive and protective measures as well as a number of obligations to ensure an adequate criminal justice response to such serious violations of human rights.

This report contains an overall analysis of the implementation of the provisions of the Istanbul Convention. It highlights positive initiatives in preventing and combating all forms of violence against women at national level and provides suggestions and proposals to improve the situation of women facing such violence.

www.coe.int/conventionviolence

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.

COUNCIL OF EUROPE



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